

**CITY OF PLATTEVILLE, WISCONSIN
CHAPTER 41
OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS
DISORDERLY CONDUCT
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CHAPTER 41

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41.01 OFFENSES ENDANGERING PUBLIC SAFETY. (1) Discharge and Use of Dangerous Weapon.

- (a) Discharge. No person shall discharge or cause the discharge of any missile from any firearm, air rifle, "BB" gun, spring gun, slingshot, other dangerous apparatus, device, or weapon within the City of Platteville, except in compliance with the provisions of this section. This subsection does not apply and may not be enforced if the person's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stat. Section 939.45.
 - (b) Use. No person shall have in his or her possession within the City of Platteville, except in such person's home or place of business or as authorized by this section, any loaded air rifle, "BB" gun, activated spring gun, loaded slingshot, or any other loaded dangerous apparatus, device or weapon. This subsection shall not be construed to allow the regulation of firearms by the City under circumstances where municipal authority is limited by Wisconsin Statutes Section 66.0409, or to prohibit the carrying of a concealed weapon authorized under Wis. Stat. Section 175.60.
 - (c) Confiscation of Weapons. Any loaded air rifle, "BB" gun, activated spring gun, loaded slingshot, or any other loaded dangerous apparatus, device, or weapon found in the possession of a person in the City of Platteville in violation of the provisions of this section, or any firearm, air rifle, "BB" gun, spring gun, slingshot, or other dangerous apparatus, device or weapon discharged within the City of Platteville in violation of the provisions of this section may be seized by a Police Officer and held, subject to an order for disposition by the court. The court may direct a sale at the highest available price or may order the Police Department to hold the weapon for a period not to exceed 6 months. This subsection shall not be construed to allow the regulation of firearms by the City under circumstances where municipal authority is limited by Wisconsin Statutes Section 66.0409, or the seizure of a concealed weapon authorized under Wis. Stat. Section 175.60.
- (2) Throwing or Shooting of Arrows, Stones or Other Missiles. No person shall throw or shoot any object, arrow, stone, snowball, incendiary or explosive device or any other missile or projectile of a similar nature by hand or by any other means at any person or at or into any building or motor vehicle in the City of Platteville. No

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person shall manufacture, fabricate, carry, possess, sell, give or use any type of incendiary or explosive device or other device of similar nature within the city.

- (3) Sale and Discharge of Fireworks Restricted. (a) State Law Adopted. Section 167.10, Wisconsin Statutes, regulating the sale and use of fireworks, exclusive of any penalty imposed therein, is hereby adopted by reference and made a part of this code as though fully set forth herein except as changed or varied by paragraph (b).
- (b) Fireworks Permits. Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open areas by public authorities, fair associations, amusement parks, park boards, civic organizations and other local groups when a permit for such use has been granted by the Common Council. All applications shall be referred to the Fire Chief and Police Chief for investigation and report to the Common Council. No permit shall be granted unless the Common Council determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of lives and property, and that the display will be handled by a competent licensed operator and conducted in a safe and suitable place. An indemnity bond guaranteeing compensation for any damage covered by negligence of the licensee may also be required by the Common Council.
- (4) Firearms and Dangerous Weapons in Public Buildings. (a) Pursuant to Wis. Stats. Section 943.13(1m)(c)4., no person shall enter or remain in any part of a building owned, occupied or controlled by the City of Platteville if the City of Platteville has notified the person not to enter or remain in the building while carrying a firearm or a specific type of firearm. No person shall enter or remain in any part of a building owned, occupied or controlled by the City of Platteville while carrying any other dangerous weapon.
- (b) The City Manager shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the City of Platteville providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.
- (c) Nothing in this subsection shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building. Notwithstanding Wis. Stats. Section 939.22(22), for purposes of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden.

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- (d) Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. Section 941.23 or 941.235.
- (5) Misuse of 911 Emergency Services Number. (a) No person shall dial the telephone number "911" to report a situation or circumstance which is not, in fact an emergency situation or circumstance.
 - (b) No person shall intentionally dial the telephone number "911" to report an emergency, knowing that the fact situation when he or she reports does not exist.

41.02 OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER. (1) Disorderly Conduct Prohibited. No person shall within the city:

- (a) In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.
 - (b) Intentionally cause, provoke, or engage in any fight, brawl, riot, or noisy altercation other than bona fide athletic contests;
 - (c) Use any weapon in such a manner as to frighten any person or otherwise disturb the peace and good order of the city. Unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, no person may be in violation of, or be charged with a violation of this Section relating to disorderly conduct or other inappropriate behavior for loading, carrying, or going armed with a firearm that is a handgun as defined in Wis. Stat. Section 175.60(1)(bm), without regard to whether the firearm is loaded or is concealed or openly carried.
 - (d) Congregate with others on a public street, sidewalk, or other public place in such a manner as to interfere with or annoy others.
- (2) Loud and Unnecessary Noise Prohibited. No person shall make or cause to be made any loud sounds or noises which tend to annoy or disturb another in any public or private place.
 - (3) Obstructing Firemen and Policemen and Obedience to Officers. No person shall loiter, obstruct or otherwise interfere with members of the Platteville Fire or Police Department who are engaged in fighting a fire or traveling to or from a fire or while they are performing any other official duty or function.

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(4) Public Intoxication Prohibited.

- (a) **Statement of Purpose.** In compliance with Wisconsin Statutes, Chapter 51, and as allowed under 62.11(5), this ordinance is intended to provide for the safety, welfare and health of the public. Public intoxication makes a person vulnerable to injury, robbery, assault, and a number of other issues. This ordinance is intended to address the behavior of the individual, rather than his or her blood alcohol content level, thus encouraging responsible behavior while consuming alcohol, providing benefit to both the individual and the public.
- (b) **Definitions:**
- (1) **INCAPACITATED PERSON.** A person that, as the result of the use of alcohol, drugs, or another controlled substance, is unconscious or whose judgment is so impaired that he or she is incapable of making rational decisions, as evidenced objectively by indicators including, but not limited to, extreme physical debilitation, incoherence or physical harm or threats of harm to himself or herself or to any other person or to property.
 - (2) **INTOXICATED PERSON.** A person whose mental or physical functioning is substantially impaired as a result of the use of alcohol, drugs or another controlled substance.
 - (3) **PUBLIC NUISANCE.** Conduct by an individual that is a disturbance of the peace, including, but not limited to, endangering himself or herself or other persons or property, acting in an unruly or combative manner, creating loud noises to the disturbance of other persons, refusing to follow the instructions of a police officer, refusing to follow the instructions to leave a place of business by the owner, employee or other person in charge thereof, or otherwise disturbing the peace in any public place.
 - (4) **PUBLIC PLACE.** A place to which the public has access, and includes, but is not limited to, places owned or controlled by the city, county or state, any public street, highway, sidewalk, parking lot, alley, parks, schools, places of worship and places of business. Places of business include premises open to the public where alcohol is consumed, including a licensed alcohol establishment.
- (c) **Intoxication in Public Places Prohibited.** No person in a public place shall conduct him or herself in such a manner as to become an intoxicated or incapacitated person and to create a public nuisance.

41.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY. (1) Curfew.

(a) No person under the age of 17 years shall be away from his or her home between the hours of 10:00 p.m. and 5:00 a.m., Sunday through Thursday during the school year, vacation periods excepted, and between the hours of midnight and 5:00 a.m. on all other days unaccompanied by a parent or without equivalent adult supervision, subject to certain enumerated defenses. A parent or guardian commits an offense by knowingly permitting, or through insufficient control, allowing the minor to violate this curfew. Owners, operators, or employees of public establishments also violate the curfew by knowingly allowing a minor to remain on the premises, unless the minor has refused to leave and the owner or operator has so notified the police. This ordinance is not violated if the minor is:

1. Accompanied by the minor's parent or guardian or any other person 18 years or older authorized by a parent to be a caretaker for the minor;
2. On an errand at the direction of the minor's parent, guardian, or caretakers, without any detour or stop;
3. In a vehicle involved in interstate travel;
4. Engaged in certain employment activity, or going to or from employment, without any detour or stop;
5. Involved in an emergency;
6. On the sidewalk that abuts the minor's or the next-door neighbor's residence, if the neighbor has not complained to the police;
7. In attendance at an official school, religious, or other recreational activity sponsored by the City of Platteville, a civic organization, or another similar entity that takes responsibility for the minor, or going to or from, without any detour or stop, such an activity sponsored by adults; or
8. Exercising First Amendment rights, including free exercise of religion, freedom of speech, and the right of assembly.

If, after questioning an apparent offender to determine his or her age and reason for being in a public place, a police officer responsibly believes that an offense has occurred under the curfew law and that no defense exists, the minor will be detained by the police as provided in subsection (b).

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- (b) Detaining Juvenile. Every member of the police force, while on duty, may detain any such juvenile willfully violating the provision of paragraph (a) until the juvenile can be released as provided in Wisconsin Statute 938.20.
- (2) Urinating/Defecating in Public Prohibited. It shall be unlawful for any person to urinate or defecate on private property in view of, or where they could be viewed by, the public, or on any sidewalk, street, alley, parking lot, playground, cemetery or other public area, except in a sanitary facility designated for that purpose

41.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY. (1) Trespass. No person shall commit any trespass upon the property of another or injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to another without the other's consent.

- (2) Littering. No person shall place or deposit any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other public lands or upon any private property not owned by him or upon the surface of any body of water within the City of Platteville.
- (3) Use of Public Parks. (a) Sleeping, camping or lodging in parks overnight is prohibited except by permit.
 - (b) All parks and parkways shall be closed each day between the hours of 10:30 p.m. and 5:00 a.m. and persons may not remain or loiter therein during said hours except by permit, license or in conjunction with an approved Recreation Department activity.
 - (c) All permits for camping or specific park uses shall be issued by a duly authorized employee of the City of Platteville and shall be subject to such rules and regulations as the Park Board or Common Council shall enact.
 - (d) No person shall operate any motor vehicle or motorized conveyance in any park or parkway except on roads or roadways provided for such purposes.
 - (e) No glass beverage containers are allowed in any park.

41.05 WISCONSIN STATUTES ADOPTED. The following sections of Wisconsin Statutes are hereby adopted by reference as though fully set forth herein, except that any penalties and penalty sections are not adopted. To ensure uniformity between City of Platteville ordinances and State of Wisconsin Statutes, any future amendments, revisions or modifications of the statutes incorporated herein are hereby made a part of this chapter.

- (1) through (11) revoked
- (12) Section 118.15 Compulsory School Attendance

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- (13) Section 175.60(2g) (b) or (c) Possession and Display of Concealed Carry License
- (14) Section 175.60(11) (b) 1. Failure to Notify Department of Address Change
- (15) 343.30(6a) Suspension and Revocation by The Courts
- (16) 940.19(1) Battery
- (17) 941.01 Negligent Operation of a Vehicle
- (18) 941.03 Highway Obstruction
- (19) 941.10 Negligent Handling of Burning Material
- (20) 941.12 Interfering with Fire Fighting
- (21) 941.13 False Alarms
- (22) 941.20(1) & (3) Reckless Use of Weapons
- (23) 941.23 Carrying Concealed Weapon
- (24) 941.24 Possession of Switchblade Knife
- (25) 941.35 Emergency Telephone Calls
- (26) 943.01 Criminal Damage to Property
- (27) 943.11 Entry to Locked Vehicles
- (28) 943.13 Criminal Trespass to Land
- (29) 943.14 Criminal Trespass to Dwellings
- (30) 943.20(1), (2), and (4) Theft to Property
- (31) 943.21 Fraud on Hotel or Restaurant Keeper
- (32) 943.22 Use of Cheating Tokens
- (33) 943.24 Issue of Worthless Check
- (34) 943.41 Financial Transaction Card Crimes
- (35) 943.45 Obtaining Telecommunications Service by Fraud
- (36) 943.50 Retail Theft
- (37) 943.61 Theft of Library Materials
- (38) 944.20 Lewd and Lascivious Behavior
- (39) 944.21 Lewd, Obscene or Indecent Matter, Pictures and Performances
- (40) 944.23 Making Lewd, Obscene or Indecent Drawings
- (41) 946.40 Refusing to Aid Officer
- (42) 946.41 Resisting or Obstructing Officer
- (43) 946.42 Escape

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- (44) 946.70 Personating Peace Officers
- (45) 947.012 Unlawful Use of Telephone
- (46) 947.0125 Unlawful Use of Computerized Communication Systems
- (47) 947.013 Harassment
- (48) 947.015 Bomb Scares
- (49) 947.02 Vagrancy
- (50) 947.04 Drinking in Common Carrier
- (51) 947.06 Unlawful Assemblies and Their Suppression
- (52) 951.02 Mistreating Animals
- (53) 254.92 Purchase or Possession of Tobacco Products Prohibited
- (54) 968.075(5) Contact Prohibition
- (55) 101.123 Smoking Prohibited

41.06 PARTIES TO ORDINANCE VIOLATIONS. (1) Whoever is concerned in the commission of an ordinance violation is a principal and may be charged with and convicted of the Commission of the ordinance violation although not directly committing it even though the person who directly committed it has not been convicted or has been convicted of some other ordinance violation based on the same act.

- (2) A person is concerned in the commission of an ordinance violation if he:
 - (a) Directly commits the ordinance violation; or
 - (b) Intentionally aids and abets the commission of it; or
 - (c) Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other ordinance violation which is committed in the pursuance of the intended ordinance violation and which under the circumstances is a natural and probable consequence of the intended ordinance violation. This paragraph does not apply to a person who voluntarily changes his mind and no longer desires that the ordinance violation be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the ordinance violation so as to allow the others also to withdraw.
- (3) This section only applies to ordinance violations described in Chapter 41 of this code.

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41.07 PARADES. (1) Definitions. A parade as used herein is an assembly or procession of vehicles, person on the streets, ways or other public grounds of the City of Platteville for the purpose of assembling or proceeding thereon in such manner as to conduct a show, pageant or other display or to otherwise attract undue or unusual public attention.

(2) Permit Required. No person shall participate in or conduct any parade as herein defined unless and until a permit therefor shall have been issued by the Common Council.

(a) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(3) Application. A person seeking issuance of a parade permit shall file a written application with the City Clerk.

(a) Filing Date. A written application for a parade permit shall be filed with the City Clerk not less than 30 days prior to the date on which it is proposed to conduct the parade.

(b) Contents. The application for the parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct the parade.
2. If a parade is proposed to be conducted for, on behalf of, or by any organization, the name, address, and telephone number of the headquarters of the organization and of the authorized agent of such organization.
3. The address and telephone number of the person who will be the parade chairman and of all persons who will be in charge of and responsible for its conduct.
4. The date on which the parade is to be conducted.
5. The starting point, the route to be traveled, and the termination point.
6. The approximate number of persons, animals and vehicles which will be in the parade; the type of animals and a description of vehicles, signs, banners, and flags.
7. The hours when the parade will start and terminate.

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8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
 9. The location by streets of any assembly area for the parade.
 10. The time at which units of the parade will begin to assemble at any such assembly area or areas.
 11. The interval of space to be maintained between units of the parade.
 12. If the parade is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the City Clerk a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
 13. Any additional information which the Common Council shall find is reasonably necessary for it to make determination regarding issuance of the permit.
- (c) Fee. There shall be paid, at the time of filing the application for a parade permit, a fee as established by the Common Council and amended from time to time via resolution. The Common Council shall have the authority to waive the fee upon request of this person applying for the permit.
- (4) Standards for Issuance. The Common Council shall direct the City Clerk to issue a parade permit if:
- (a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
 - (b) The conduct of the parade will not require the diversion of so great a number of police officers of the city that other police functions are substantially interfered with;
 - (c) The concentrations of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly area;
 - (d) The conduct of such parade will not interfere with the movement of fire fighting or rescue equipment enroute to a fire or disaster;
 - (e) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create disturbances;

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- (f) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without reasonable delay;
 - (g) The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held purely for private profit;
 - (h) No other parade permit has been issued for conducting any other parade at the same time within the city.
 - (i) The applicant has, or will have in effect at the time of the parade, sufficient public liability insurance to indemnify all persons likely to be damaged by such parade.
- (5) Notice of Rejection. The Common Council shall act upon the application for a parade permit within 30 days after the filing thereof. If the Common Council denies the application, it shall direct the City Clerk to mail to the applicant within 3 days after the date upon which the application was denied a notice stating the reasons for denial of the permit.
- (6) Alternative Permit. The Common Council in denying an application for a parade permit, may authorize the conduct of the parade on a date or at a time, or over a route, different from that named by the applicant and may place other restrictions on the conduct of the parade. An applicant desiring to accept an alternate permit shall within 2 days after notice of the action of the Common Council, file a written notice of acceptance with the City Clerk. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this section.
- (7) Notice to City and Other Officials. Immediately upon the issuance of a parade permit, the City Clerk shall send a copy thereof to the following:
- (a) The Police Chief
 - (b) The Fire Chief
 - (c) The Building Inspector
 - (d) The City Manager
 - (e) The Director of Public Works
- (8) Contents of the Permit. Each parade permit shall state the following information:
- (a) Starting time;
 - (b) Minimum speed;
 - (c) Maximum speed;
 - (d) Maximum interval of space to be maintained between units of the parade;
 - (e) The portions of the streets to be traversed that may be occupied by the parade;
 - (f) The maximum length of the parade in blocks and fractions thereof;

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- (g) The route of the parade;
 - (h) Terminating time;
 - (i) The date of the parade;
 - (j) Such other information as the Common Council shall find necessary to the enforcement of this section.
- (9) Duties of Permittee. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances of the City of Platteville.
- (10) Public Conduct During Parade. (a) Interference. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in the parade, nor shall any other organization or group of persons not listed in the application for a parade permit participate in the parade.
- (b) Driving Through Parades. No driver of any vehicle shall drive between vehicles or persons comprising a parade when such vehicles or persons are in motion and are specifically designated as a parade unless directed by a police officer. However, the parade shall permit passage of authorized emergency vehicles.
- (11) Revocation of Permit. The Common Council shall have the authority to revoke any parade permit issued pursuant to this section at any time prior to commencement of the parade.

41.08 INTOXICANTS IN PUBLIC PLACES. (1) No person shall possess any open container containing any intoxicating liquor, wine or fermented malt beverage on any public street or right-of-way, sidewalk, public place or private property held open to the public or inside any vehicle which is parked on a public street, right-of-way or sidewalk, public place or private property held open to the public within the City of Platteville.

- (2) No person shall consume any intoxicating liquor, wine or fermented malt beverage on any public street, right-of-way, sidewalk, public place or private property held open to the public or inside any vehicle which is parked on a public street, right-of-way, sidewalk, public place or private property held open to the public within the City of Platteville.
- (3) Exceptions.
- (a) This section shall not apply to premises licensed for the sale and consumption of alcoholic beverages as sanctioned by the Common Council.
 - (b) This section shall not apply to premises for which an alcohol consumption permit has been issued. The head of the Recreation Department and/or

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his/her designee may approve alcohol consumption permits in conjunction with park shelter reservations, but all other alcohol consumption permits must be approved by the License Committee.

- (c) This section shall not apply to registered campers in camping sites at any time or to registered campers in shelters, grilling areas, and picnic areas in Mound View Park between the hours of 6:00 a.m. and 10:30 p.m.

41.09 PRINTED MATERIALS ON PUBLIC PROPERTY. No person shall post, affix or otherwise display any advertising, notices or printed material on any public property, or any pole or fixture within the right-of-way of any street, alley or highway without the permission of the owner of said pole or fixture, except that this section shall in no way abridge, impair or interfere with the constitutional right of freedom of speech, freedom of assemblage, freedom of petition or any other rights or freedoms granted by the United States Constitution or the Wisconsin Constitution.

41.10 FAIR AND OPEN HOUSING. Whereas, the Common Council of the City of Platteville recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein. Therefore, be it ordained that:

- (1) The Common Council of the City of Platteville hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.
- (2) The officials and employees of the City of Platteville shall assist in the orderly prevention and removal of all discrimination in housing within the City by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.
- (3) The Municipal Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the City to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

41.11 RETURN AND POSSESSION OF LIBRARY MATERIAL. (1) Definitions

- (a) "Library" shall mean the City of Platteville Public Library.
- (b) "Library Material" includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data

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processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, or loaned to or otherwise in the custody of the library.

- (c) "Due Date" shall mean the date upon which library materials issued to a person is required to be returned to the library.
- (2) **Possession of Library Material Beyond Due Date.** No person shall knowingly possess any library material issued to such person by the Library after the due date.
- (3) **Unauthorized Distribution of Library Material.** No person shall knowingly transfer possession of library materials issued to such person to any third party. Incidental transfers between family members or persons residing in the same household shall not constitute a violation of this subsection.
- (4) **Failure to Return Library Material by Due Date.** No person shall knowingly fail to return to the library any library material issued to such person by the due date.
- (5) **Proof that a person failed within 5 days after receiving notice of the overdue library material to return same to the library, shall be prima facie evidence that the person knowingly failed to return such material by the due date and knowingly possessed same beyond the due date.**

41.12 ALARM REGULATIONS. This section of the municipal code has been created to establish fees, assess charges, regulate responsibilities and define prohibitive acts relating to alarm systems.

(A) Definitions.

1. **ALARM SYSTEMS:** An alarm system is an electronic or electromechanical system designed to provide a signal upon detection of smoke, fire, unlawful intrusion, medical or other unusual condition; or to be activated by a person to report a crime, medical problem or other unusual circumstance, unless the device installed is required by code for the detection of smoke or fire and the detection device is defined as a local alarm.
2. **DIALER:** A dialer is a device connected to a telephone line which provides for the transmission of preprogrammed signals of alarm to another location by calling a telephone number.
3. **DIRECT ALARM:** A direct alarm provides a signal to the police communications center.

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4. FALSE ALARM SIGNAL: A false alarm signal is a signal brought to the attention of the police department which results in a response by any emergency service where there is no direct or indirect evidence of a crime being committed, or attempted, or fire, smoke or medical need.
5. LOCAL ALARM: A local alarm provides a signal on the premises in which the alarm is installed.
6. PERSON: A person is any individual, partnership, corporation or other entity.
7. REMOTE ALARM: A remote alarm provides a signal to a location other than the direct alarm location.
8. SUBSCRIBER: A subscriber is any person who purchases, leases, contracts for, or otherwise obtains an alarm system for or as part of a premises under such person's control.
9. EMERGENCY SERVICE RESPONSE: A response of police, fire or ambulance equipment or personnel to the location of a direct or remote alarm system.

(B) Prohibited Acts.

1. No person shall install, cause to be installed, or have on such person's premises an operable direct or remote alarm system signal which terminates directly or indirectly at the police department, without written notification given in advance to Platteville Police Department. Notification is not required to install a local alarm system which terminates on such premises. This section becomes effective one hundred twenty (120) days after the effective date of this ordinance.
 - (a) Notification: Required information to the police department shall include the following:
 - (1) Location of the alarmed premises;
 - (2) Specific areas on premises from which a signal may originate;
 - (3) Names, addresses and phone numbers of at least (3) three persons responsible for the premises who may be contacted in case of emergency or non-emergency purposes, in order of importance.

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- (4) The name, address and phone number of the person or persons responsible for fees and charges;
 - (5) Name and address of person providing the alarm equipment and installation thereof.
 - (6) It is the subscriber's duty to update the above information with the City as needed.
2. No person shall install or have on such person's premises an alarm system which has an automatic dialing device programmed to call a police department or fire department or ambulance department phone number, unless a phone line has been designated for the sole purpose of monitoring alarm systems at a receiver located at the police department.
3. No person shall install or have on such person's premises an alarm system which has been installed after the effective date of this ordinance which has an audible signal unless the system includes a timing device to stop the audible signal within fifteen (15) minutes.
4. No person shall deliberately cause a remote or direct false alarm signal to be initiated without first receiving permission from the police department communications center to conduct a test.
5. No person, within the corporate limits of this City, shall refuse admittance to any member of the police, fire or ambulance into any place which they may lawfully enter for the purposes of determining the cause of the alarm or ascertaining whether a nuisance or false alarm originated from such location.

(C) Duties of the Chief of Police.

1. The chief of police shall maintain a file on all subscribers with the information provided through the notification procedure.
2. The chief of police shall cause written notice to be sent to the alarm subscriber for each false alarm signal resulting in an emergency service response.
3. The chief of police shall cause requests for technical assistance or advice relating to the monitoring system to be referred to the owner of the monitoring system.
4. Nothing in this chapter shall be interpreted as requiring any specific response on the part of any department delivering emergency response services.

(D) False Alarm Charges.

1. Any false alarm from a business, building or residential remote or direct alarm system, in excess of two (2) in a twelve (12) month period shall be subject to a forfeiture of not less than \$25.00 nor more than \$200.00. Upon a failure or refusal to pay the forfeiture within 30 days of notification of such charges, the City may issue a citation to the subscriber, as provided in Chapter 1.10 of these ordinances.

(a) This section applies to direct and remote alarm systems:

- (1) There shall be no service charges for emergency service response to the first two (2) false alarm responses in any twelve month period of time.
- (2) There shall be no service charge when there has been no emergency service response to the alarm.
- (3) There shall be a service charge of \$25.00 for an emergency service response to the third, \$50.00 for an emergency service response to the fourth, \$100.00 for an emergency service response to the fifth and each subsequent false alarm providing that the false alarm responses have accumulated within the most recent twelve month period of time.
- (4) The emergency service charge may be waived by the chief of the responding department in the case of the development of alarm conditions not reasonable attributed to the subscriber or the subscriber's equipment, such as power interruptions. The City will not intervene in the case of disputes arising between the subscriber and any other person regarding the delivery of service, the quality of the alarm system equipment, or the maintenance thereof.
- (5) False alarm signals received during the first (2) two weeks after the notification has been given to the police communications center of a new installation will not be counted for the purpose of emergency service charge(s). Nothing herein authorizes any person to deliberately cause an alarm signal to be initiated without advance permission from the police communications system.
- (6) There shall be an annual service charge of fifty dollars (\$50.00) for monitoring of direct alarm systems originating outside of each respective emergency service district,

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depending on the expected response. This fee will be collected at the time the subscriber agreement is entered into and paid over to the police department prior to monitoring any direct system.

- (7) There shall be no service charge for monitoring or emergency service response to any alarm system owned, operated or under direct or indirect control of the City of Platteville.
- (8) Nothing in this chapter shall be interpreted as requiring or assuring any specific response by police, fire or ambulance.

41.13 AGGRESSIVE PANHANDLING PROHIBITED. 1. General Statement of Purpose. The purpose of this section is to regulate certain acts done with the act of panhandling, rather than the status of the person. This section is not intended to prohibit communicative activity protected by the constitutions of the United States of America or the State of Wisconsin.

Nothing in this section shall abrogate, or abridge provisions of City code, Chapter 31, "Licenses", or the laws of the State and Federal government, or those laws regulating non-profit, religious, educational, civic or benevolent organizations.

- 2. Definitions. For the purpose of this section, certain terms shall have the meanings ascribed to them in this paragraph, unless the context clearly indicates that a different meaning is intended:
 - (a) "Disorderly conduct" means conduct as defined in Chapter 41.02(1) of the ordinances of the City of Platteville.
 - (b) "Aggressively beg" means to beg with the intent to intimidate another person into giving money or goods.
 - (c) "Beg" means to ask for money or goods as a charity or gift, whether by words, bodily gesture, signs, or other means.
 - (d) "Donation" means any item of value, monetary or otherwise.
 - (e) "Exempt organizations" mean any non-profit, religious, civic or benevolent organization described in Section 501(c) of the Internal Revenue Code of the United States.
 - (f) "Intimidate" means to engage intentionally in conduct which would make a reasonable person fearful or feel compelled.

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- (g) “Obstruct pedestrian or vehicular traffic” means when a person without legal privilege, intentionally, knowingly or recklessly walks, stands, sits, lies or places an object in such a manner as to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one’s constitutional right to picket, or to legally protest, and acts authorized by a license or permit issued by the Common Council shall not constitute an obstruction of pedestrian or vehicular traffic.
 - (h) “Panhandling” is the solicitation of any item of value, monetary or otherwise, made by a person, other than an exempt organization, acting on his or her own behalf, requesting an immediate donation of money or exchange of any services; or any person, acting on his or her own behalf, attempting to sell an item for an amount far exceeding its value, or an item which is already offered free-of-charge to the general public, under circumstances where a reasonable person would understand that the purchase is in substance a donation.
 - (i) “Public place” includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public.
3. Panhandling on Private Property. No person may panhandle on private property, unless the panhandler has permission from the owner, occupant or person in charge of the private property.
4. Manner of Panhandling. Any person in a public place who panhandles in any of the following ways or manner is guilty of a violation:
- (a) By using profane or abusive language, either during the solicitation or following a refusal;
 - (b) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat;
 - (c) By disorderly conduct or aggressively begging;
 - (d) By obstructing pedestrian or vehicular traffic;
 - (e) By intimidating any person.
5. False or Misleading Solicitation. Any person who knowingly makes any false or misleading representation in the course of soliciting a donation is guilty of a violation. False or misleading representations include, but are not limited to, the following:

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- (a) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet the need and does not disclose that fact;
 - (b) Stating that the donation is needed to meet a need which does not exist;
 - (c) Stating that the solicitor is from out of town and stranded, when this is not true;
 - (d) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
 - (e) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;
 - (f) Uses any makeup or device to simulate any deformity;
 - (g) Stating that the solicitor is homeless, when he or she is not;
 - (h) To offer to sell newspapers, magazines, periodicals, or pamphlets for a price, which are offered free-of-charge to the general public;
 - (i) Soliciting a donation stating that the funds are needed for a specific purpose and then spending the funds received for a different purpose.
6. Penalty and Enforcement. The penalty for a violation of any provision of this section shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment. The penalty for violation of any provision of this section shall be as set forth in the forfeiture schedule adopted by Section 1.10 of this code, with a maximum forfeiture of \$500.00.

41.14 CLEAN INDOOR AIR. (repealed by 10-11)

41.15 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS. (1) The provisions of Wisconsin Statutes Section 134.66, except subparagraph 5, are hereby adopted and by this reference are incorporated herein as if set out in full.

41.16 TRUANCY, HABITUAL TRUANCY AND DROP-OUTS. (1) DEFINITIONS. As used in this section, the following definitions shall apply:

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- (a) "Truant" means a pupil who is absent from school without an acceptable excuse under ss.118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.
- (b) "Habitual Truant" means a pupil who is absent from school without an acceptable excuse under ss.118.16(4) and ss.118.15 for part or all of five or more days on which school is held during a school semester.
- (c) "Drop-Out" has the meaning given in ss.118.153(a)(b).

(2) TRUANCY PROHIBITED.

- (a) No person within the City limits of the City of Platteville who is under 18 years of age may be truant from school.
- (b) The following dispositions shall be available to the Court upon a finding of a violation of sub-section (a):
 - 1. An order for the person to attend school.
 - 2. A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within twelve months of a previous violation, subject to S.93837 and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (c) A person who is under 17 years of age on the date of disposition is subject to s.938.342.

(3) HABITUAL TRUANCY PROHIBITED.

- (a) No person within the City limits of the City of Platteville who is under 18 years of age may be habitually truant from school.
- (b) The following dispositions shall be available to the Court upon a finding of a violation of sub-section (a):
 - 1. Suspension of the person's operating privilege for not less than thirty days nor more than one year. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

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2. An order for the person to participate in counseling or a supervised work program or other community service work as described in s.938.34(5g). The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person or both.
 3. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
 4. An order for the person to attend an educational program as described in s.938.34(7d).
 5. An order for the Department of Work Force Development to revoke, under s.103.72, a permit under s.103.70 authorizing the employment of the person.
 6. An order for the person to be placed in a teen Court program as described in s.938.342(lg)(f).
 7. An order for the person to attend school.
 8. A forfeiture of not more than \$500.00 plus costs, subject to s.938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
 9. Any other reasonable conditions consistent with this sub-section, including a curfew, restrictions as to going to or remaining on specific premises and restrictions on associating with other children or adults.
 10. An order placing the person under formal or informal supervision, as described in s.938.34(2), for up to one year.
 11. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or attend school with the person, or both.
- (c) A person who is under 17 years of age on the date of disposition is subject to s.938.342.
- (4) DROP-OUTS PROHIBITED.
- (a) No person within the City limits of the City of Platteville under 18 years of age may drop out of school.

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- (b) The following dispositions shall be available to the Court upon a finding of a violation of sub-section (a):
 - 1. Except as provided in sub-section 2 below, the Court may suspend the operating privilege of a person who is at least 16 years of age but less than 18 years of age until the person reaches the age of 18. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.
 - 2. The Court may enter an order making any of the dispositions specified under s.938.342(lg) if the Court finds that suspension of the person's operating privilege, as defined in s.340.01(40) until the person reaches the age of 18 would cause undue hardship to the person or the person's family.
- (c) A person who is under 17 years of age on the date of disposition is subject to S.938.342.

41.17 DAMAGE OR REMOVAL OF TRAFFIC SIGNS. (1) Injury, damage or removal of signs prohibited.

- (a) No person may injure, deface or remove any sign, guide board, mile post, signal or marker located within the city limits, whether erected by the State or by the City, for the warning, instruction or information of the public. The following warning shall be affixed to the front of each such sign, guide board, mile post, signal or marker: "WARNING: \$25.00 - \$100.00 FINE OR IMPRISONMENT FOR REMOVING OR TAMPERING WITH THIS SIGN".
 - (b) No person may possess any sign, guide board, mile post, signal or marker of the type erected by the State or by the City for the warning, instruction or information of the public, unless the person can demonstrate that he or she obtained it in a legal manner. Possession of such a sign, guide board, mile post, signal or marker creates a rebuttable presumption of illegal possession. In this sub-section, "possession" means the presence of such a sign, guide board, mile post, signal or marker on premises owned or controlled by the person, including but not limited to a rented apartment, rented room or dormitory room. Persons who voluntarily notify a law enforcement agency of the presence on their premises of such a sign, guide board, mile post, signal or marker shall be exempt from prosecution under this sub-section.
- (2) Penalty. Any person who violates this section shall forfeit \$25.00 for the first violation and \$100.00 for a subsequent violation, together with the costs of

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prosecution. The Court may, in addition, order any such person either to restore or replace any such damaged sign, mile post, signal or marker, or to pay the cost thereof.

- (3) Reward. On conviction of any person of a violation of this section, the person or persons who informed against and aided in the prosecution of such offense to conviction shall be paid by the Court one-half of the amount of the forfeiture paid to the Court.

41.18 POSSESSION OF 25 GRAMS OR LESS OF MARIJUANA OR OTHER SPECIFIED CONTROLLED SUBSTANCES; POSSESSION, MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA. (1) Possession of 25 grams or less of marijuana prohibited. No person shall possess 25 grams or less of marijuana, as defined in Wisconsin Statutes Section 961.04(14), subject to the exceptions in Wisconsin Statutes Section 961.41(3g) (intro); except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in this State shall not be prosecuted under this paragraph.

- (2) Possession of other specified controlled substances prohibited. No person shall possess a controlled substance specified in Wisconsin Statutes Section 961.14(4) (tb) to (ty); except that any person who is charged with possession of a controlled substance specified in Section 961.14(4) (tb) to (ty) following a conviction for possession of a controlled substance in this State shall not be prosecuted under this paragraph.
- (3) Possession, manufacture or delivery of drug paraphernalia prohibited. No person may possess drug paraphernalia in violation of Wisconsin Statutes Section 961.573(1) or (2), manufacture or deliver drug paraphernalia in violation of Wisconsin Statutes Section 961.574(1) or (2) or deliver drug paraphernalia to a minor in violation of Wisconsin Statutes 961.575(1) or (2).

41.50 PENALTY AND ENFORCEMENT. (1) Forfeiture Penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment imposed by Wisconsin Statutes.

- (2) Forfeiture Schedule. The penalty for violation of any provision of this chapter shall be as set forth on the forfeiture schedule adopted by Section 1.10 of this code, with a maximum forfeiture of \$500.00.
- (3) Suspension of License. See Section 1.10 for these ordinances.