

CHAPTER 9 PUBLIC PEACE AND GOOD ORDER

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PUBLIC PEACE AND GOOD ORDER 9.01

9.01 OFFENSES AGAINST STATE LAW SUBJECT TO FORFEITURE. The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City of Sparta, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under section 25.04 of the Code of City Ordinances. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this section in order to secure a uniform statewide definition and description of the offenses described. (Amended # 842, 09/20/11)

23.33	All-Terrain Vehicles
101.123	Smoking Prohibited
134.71	Pawn Brokers and Secondhand Article and Jewelry Dealers
939.22	Words and Phrases Defined
940.19(1)	Battery
941.10	Negligent Handling of Burning Materials
941.12(2) & (3)	Interfering With Fire Fighting
941.13	False Alarms
941.23	Carrying Concealed Weapon
941.24	Possession of Switchblade Knife
943.01(1)	Criminal Damage to Property
943.13	Criminal Trespass to Land
943.14	Criminal Trespass to Dwellings
943.20	Theft (Value Under \$500)
943.21	Fraud on Hotel or Restaurant Keeper (Value Under \$500)
943.34	Receiving Stolen Property
943.45	Theft of Telecommunication Service
943.455	Theft of Commercial Mobile Service
943.46	Theft of Video Service
943.47	Theft of Satellite Cable Programming
943.50	Shoplifting (Value Under \$500)
943.61	Theft of or Damage to Library Materials
944.20	Lewd and Lascivious Behavior
946.40	Refusing to Aid Officer
946.41	Resisting or Obstructing Officer
946.72(2)	Tampering With Public Records and Notices
947.01	Disorderly Conduct
947.011	Disrupting a Funeral or Memorial Service
947.012	Unlawful Use of Telephone (Am. 542, 2000)
947.0125(3)	Unlawful Use of Computerized Communication Systems
947.013	Harassment
947.06	Unlawful Assemblies
9.51.01-951.16	Crimes Against Animals

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9.015 JUVENILE JUSTICE CODE PROVISIONS ADOPTED. The following provisions of the Juvenile Justice Code, Chapter 938 of the Wisconsin Statutes, are hereby adopted by reference and any amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this section in order to secure the uniform application of the laws therein. (Created # 822, 10/19/10)

938.01	Title, legislative intent and purposes.
938.02	Definitions.
938.09	Representation of the interests of the public.
938.17(2)	Jurisdiction over traffic, boating, snowmobile and all-terrain vehicle violations and over civil law and ordinance violations.
938.237	Civil law and ordinance proceedings initiated by citation.
938.27	Notice; summons.
938.273	Service of summons or notice; expense.
938.275	Parents' contribution to cost of court and legal services.
938.28	Failure to obey summons; capias.
938.299	Procedures at hearings.
938.30	Plea hearing.
938.31	Fact-finding hearing.
938.315	Delays, continuance and extensions.
938.343	Disposition of juvenile adjudged to have violated a civil law or an ordinance.
938.344	Disposition; certain intoxicating liquor, beer and drug violations.
938.346	Notice to victims of juveniles' acts.
938.361	Payment for alcohol or other drug abuse services.
938.37	Costs.
938.396	Records.
938.78	Confidentiality of records.

9.02 FIREARMS AND WEAPONS, USE OF. (Rep. & Recreated #806, 3/16/2010)

(1) GENERAL.

(a) Prohibited. No person shall discharge any firearm or hunt with a firearm within the City.

(b) Exceptions. Firearms may be discharged or carried within the City as follows:

1. By an authorized police or peace officer.
2. By any person in lawful defense of person or property.

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3. Under permit granted by the Chief of Police. Such permits granted hereunder may be revoked by either the Chief of Police or the City Council. The Chief of Police may grant permits to the following organizations and individuals under regulations imposed by him to insure protection of person and property:
 - a. Organized rifle or sporting clubs.
 - b. Shooting galleries and ranges constructed and maintained as required by the Building Inspector.
 - c. Adults, to destroy birds and animals causing damage to crops or property.

(2) FIRE ARMS PROHIBITED IN GOVERNMENT BUILDINGS. (Amended #843, 09/20/2011)

(a) Definitions.

1. Government Building. Any structure, including exterior platform or steps providing means of ingress and egress owned by the City of Sparta and open to the public.
2. Firearm. Any weapon designed or redesigned, or made or remade, and intended to be fired via the energy of an explosive, gas or air to expel a projectile through a smooth or rifled bore.

(b) Prohibited. No person shall wear, carry or go armed with a firearm in any government building in the City, except those authorized or licensed to do so in accordance with State law. (Amended #843, 09/20/2011)

(c) Penalty. Any person violating this ordinance shall be subject to a forfeiture of not more than \$200 for each offense, together with the costs of prosecution.

9.03 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.

- (1) No person shall, with intent to cause injury to person or damage to property, project missiles by any means at any person, or property, located in a building or on a street, sidewalk, alley, highway, park, playground or other public place within the City.

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(2) No person shall shoot a bow and arrow in a public place, or into or in a building, within the City, except as follows:

- (a) In archery class conducted on school district property under the supervision of a qualified instructor; or
- (b) At any designated archery range located in the City of Sparta; or
- (c) At any bona fide business location where the manufacture or sale of archery equipment takes place; or
- (d) In undeveloped areas (defined as agricultural, wooden or open fields away from public buildings), at least 300 feet from any building or public street, when hunting with a valid archer's license; or
- (e) Allow bow fishing for rough fish. (Amended 587, 2001)

9.04 SALE AND DISCHARGE OF FIREWORKS RESTRICTED. Section 167.10, Wis. Stats., regulating the sale and use of fireworks exclusive of any penalty imposed thereby is adopted by reference and made a part of this section as though set forth in full.

9.05 LOITERING PROHIBITED.

(1) **LOITERING OR PROWLING.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for safety or persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) **OBSTRUCTION OF HIGHWAY BY LOITERING.** No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

(3) **OBSTRUCTION OF TRAFFIC BY LOITERING.** No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the City in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, sidewalks,

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street crossings and bridges or other public places by persons passing along and over the same.

(4) **SCHOOLS AND PUBLIC BUILDINGS.** No person shall loiter in or about any public or private school or public building. For purposes of this subsection, "loiter" means to delay, linger, idle or present oneself within a school or upon school grounds or a public building without a lawful purpose for being present and shall further include being present without permission of school or public authorities or being present for a purpose not directly related to the normal conduct of education or business within or around a school or public building.

(5) **LOITERING AFTER BEING REQUESTED TO MOVE.** No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move by any police officer or by any person in authority at such places.

(6) **LOITERING IN PUBLIC PLACES.** No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

9.06 **OBSTRUCTION OF AISLES AND EXITS PROHIBITED.** No person shall obstruct the aisle or entrance or exit of a place of public assemblage when such place is being used for a public assembly.

9.07 **UNLAWFUL ASSEMBLIES PROHIBITED.**

(1) No person shall fail or refuse to withdraw from an unlawful assembly which he knows has been ordered to disperse.

(2) **DEFINITIONS.**

(a) "Unlawful assembly" is an assembly of 3 or more persons which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.

(b) "Unlawful assembly" includes an assembly of persons who block or obstruct the lawful use by any other person of any private or public thoroughfare, property or any position of access or exit to or from any private or public building, or dwelling place, or any portion thereof.

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9.08 INTOXICATING LIQUOR ON PUBLIC PROPERTY PROHIBITED. No person shall possess, consume, sell or convey any fermented malt beverage or intoxicating liquor in or upon any public street, alley, sidewalk or public way or property, building or other structure which is owned by or under the control of the City or the School District School Board, except in such places as may be designated by the City or the School Board.

9.085 POSSESSION OF TOBACCO BY CHILDREN. (Cr. #353, Apr. 1992)

(1) In this section:

(a) "Cigarette" has the meaning given in Section 139.30(1), Wis. Stats.

(b) "Law Enforcement Officer" has the meaning given in Section 30.50.(4s), Wis. Stats.

(c) "Tobacco Products" has the meaning given in Section 139.75(12), Wis. Stats.

(d) "Child" means a person who is less than eighteen years of age.

(2) Except as provided in Subsection (3), no child may do any of the following:

(a) buy or attempt to buy any cigarette or tobacco product.

(b) falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.

(c) possess any cigarette or tobacco product.

(3) A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.65(1), Wis. Stats.

(4) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Subsection (2) committed in his or her presence.

9.086 TOBACCO USE PROHIBITED ON SCHOOL DISTRICT PREMISES
(Cr. #365, 1992)

(1) No person shall use any tobacco products of premises owned or rented by, or under the control of, the Sparta School District pursuant to section 120.12(20), Wis. Stats.

(2) Violation of this section shall result in penalties as provided in section 25.04 of the Code of Ordinances of the City of Sparta.

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9.087 SALE OR GIFT OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18
(Cr. #463, 1996)

(1) No retailer, manufacturer or distributor may sell or give cigarettes or tobacco products to any person under the age of 18 in violation of sec. 134.66, Wis. Stats.

(2) Violation of this section shall result in penalties as provided in sec. 134.66(4), Wis. Stats.

9.088 PURCHASING CIGARETTES ON BEHALF OF, OR PROVIDING TO, ANY PERSON UNDER AGE 18. (Created # , 11/15/2005)

(1) No person may purchase cigarettes on behalf of, or provide to, any person who is under 18 years of age, pursuant to Section 256.92(2m) Wis. Stats.

(2) Violation of this section shall result in penalties as provided in Section 254.92(2m) Wis. Stats.

9.089 HOSTING EVENTS OR GATHERINGS OF UNDERAGE PERSONS WITH ALCOHOL PRESENT PROHIBITED. (Created #872, 9/17/13)

(1) DEFINITIONS. The following definitions shall apply:

(a) Alcohol. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

(b) Alcoholic Beverage and Product. "Alcoholic beverage or product" means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage or consumption purposes either alone or when diluted, mixed or combined with other substances.

(c) Event or Gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

(d) Host or Allow. "Host" or "allow" means to aid, conduct, entertain, organize, supervise, control or permit a gathering or event.

(e) Parent. "Parent" means any person having legal custody of an underage person:

1. As a natural, adoptive parent or step-parent;

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2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the Court

(f) Residence, Premises or Public or Private Property. "Residence," "premises," or "public or private property" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit; shed, trailer, or garage; or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

(g) Underage Person. "Underage person" is any individual who has not attained the legal drinking age as determined in §125.02(8m), Wis.Stats."

(h) In Control. The power to direct, manage, oversee and/or restrict the affairs, business, or assets of a person or entity.

(2) PROHIBITED ACTS. It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises or on any other private or public property where alcohol or alcoholic beverages or product are present when the person knows that an underage person may, or does, consume any alcohol or alcoholic beverage or product; or possess any alcohol or alcoholic beverage or product with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(a) In addition, a person violates this Ordinance if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit any prohibited act.

(b) A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible.

(3) EXCEPTIONS.

(a) This chapter does not apply to conduct solely between an underage person and his/her parents while the parent is present and in control of the underage person.

(b) This chapter does not apply to legally protected religious observances.

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(c) This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(4) PENALTIES. A person who violates any provision of this Ordinance is subject to a forfeiture of not less than \$500 nor more than \$5,000, together with the costs of prosecution.

(5) SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this Ordinance.

9.09 CURFEW. (Cr. 520, 1999)

(1) CHILDREN IN STREET AT NIGHT.

(a) No child under the age of 17 years shall loiter, idle or remain upon any street, alley, or other public place in the City between 11:00 p.m. and 5:00 a.m. the next day, Sunday through Friday, or between 12:00 midnight and 5:00 a.m. on Saturdays and Sundays, unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child. (Amended #692, 12/20/2005)

(b) Exceptions. This section shall not apply to a child:

1. Performing an errand as directed by parents, guardian or person having lawful custody.
2. Who is on his or her own premises or the areas immediately adjacent thereto.
3. Whose employment makes it necessary to be upon the streets, alley, public places or any motor vehicle after such hour.
4. Returning home from a supervised school, church or civic function.

These exceptions, however, shall not permit a child to unnecessarily loiter about the streets, alleys, or public places or be in a parked motor vehicle on the public street.

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(2) PARENTAL VIOLATION.

(a) No parent, guardian, or other person having legal custody of a child under the age of 17 years, shall permit or suffer such child to loiter, idle, or remain upon any street, alley, or other public place in the City between 11:00 p.m. and 5:00 a.m. the next day, Sunday through Friday, or between 12:00 midnight and 5:00 a.m. on Saturdays and Sundays, unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child. (Amended #692, 12/20/2005)

(b) OTHER PARTY VIOLATION. No person age 17 or over shall aid, abet, assist, enable or conspire to permit or suffer such child to loiter, idle, or remain upon any street, alley, or other public place in the City between 10:00 p.m. and 5:00 a.m. the next day, unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.

(3) RESPONSIBILITY OF OPERATORS OF PLACES OF AMUSEMENT. No person operating a place of amusement or entertainment within the City, or any agent, servant or employee of such person, shall permit a child under the age of 17 years to enter or loiter in such place of amusement or entertainment between 10:00 p.m. and 5:00 a.m. the next day, Sunday thru Thursday and between 12:00 midnight and 5:00 a.m. the next day, Friday and Saturday unless such child is accompanied by his or her parent, guardian or other adult person having legal custody of such child.

(4) RESPONSIBILITY OF HOTELS, MOTELS AND ROOMING HOUSES. No person operating a hotel, motel, lodging or rooming house within the City or any agent, servant or employee of such person, shall permit any child under the age of 17 years to visit, idle, wander or stroll in any portion of such hotel, motel, lodging or rooming house between 10:00 p.m. and 5:00 a.m. the next day, unless such child is accompanied by his or her parent, guardian or other adult person having legal custody of such child.

(5) LOITERING IN SCHOOL AND PLAYGROUND AREAS. No person, not in official attendance or on official school business, shall enter into, congregate, loiter, wander, stroll, stand or play in any school building or in or about any playground area adjacent thereto within the City between 8:00 a.m. and 4:00 p.m. on official school days.

(6) DETAINING A CHILD. A child believed to be violating the provisions of this section shall be taken to the Police Department or the Sheriff's Department for Monroe County, Wisconsin for proper identification. Every law enforcement officer while on duty may detain any child violating subs. (1), (3), (4) and (5) until such time as the parent, guardian, or other adult person having legal custody of the child shall be immediately notified. The person so notified shall, as soon as reasonably

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possible thereafter, report to the Police Department or the Sheriff's office to take the child into custody and shall sign a release for him.

(7) **WARNING.** The first time a child is detained by law enforcement officers as provided in sub. (6), a parent, guardian, or person having legal custody shall be advised as to the provisions of this section and any violation of this section occurring thereafter by this child or any other child under his or her care or custody, shall result in a penalty being imposed as herein provided.

(8) **GENERAL PENALTY.**

(a) Any parent, guardian or person having legal custody of a child described in subs. (1), (3), (4) and (5), who has been warned in the manner provided in sub. (7), and who thereafter violated any of the provisions of this section shall be subject to a penalty as provided in Sec.25.04 of this Municipal Code.

(b) Any child who violates this section after being detained and released under sub. (6) shall be dealt with under Ch. 48, Wis. Stats.

9.095 (1) **TRUANCY PROHIBITED.** (Rep. & Recreated #716 6/20/2006)

(a) A person under 18 years of age is prohibited from being a truant as defined in Section 118.163(d) Wis. Stats.

(b) Penalties available to the Court for violation of this ordinance are:

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 Sec. 938.37 Wis. Stats. and subject to a maximum accumulative 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.

(2) **HABITUAL TRUANCY PROHIBITED.**

(a) A person under 18 years of age is prohibited from being an habitual truant as defined in Section 118.163(b) Wis. Stats.

(b) The penalty available to the court for violation of the Habitual Truancy Ordinance is:

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1. Suspension of the person's operating privilege for not less than 30 days nor more than 1 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.

9.096 CONTRIBUTING TO TRUANCY. (Created #730 3/20/2007)

- (1) Except as provided in subsection (2), any person 17 years of age or older is prohibited, by any act or omission, from knowingly encouraging or contributing to the truancy, as defined under Section 118.16(1)(c) Wis. Stats., of a person 17 years of age or under.
- (2) Subsection (1) does not apply to a person who has under his or her control a child who has been sanctioned under Section 49.26(1)(h) Wis. Stats.
- (3) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

9.10 LOUD AND UNNECESSARY NOISE PROHIBITED.

- (1) No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.
- (2) OPERATION OF MOTOR VEHICLES. No person shall operate a motor vehicle so as to cause the tires thereof to squeal, the horn to blow excessively or the motor to race excessively.

9.11 LITTERING PROHIBITED. No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the City or upon any private property or upon the surface of any body of water within the City.

9.12 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous opening. All such places shall be filled, securely covered or fastened, to prevent injury to any person. Any cover shall be of a design, size and weight that the same cannot be removed by small children.

9.13 ABANDONED OR UNATTENDED ICE BOXES, ETC., PROHIBITED. No person shall leave or permit to remain outside any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator

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or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing such door or lid, snap lock or other locking device from such ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.14 HOSPITAL QUIET ZONE.

(1) No person while within the St. Mary's hospital quiet zone shall make any unnecessary or unusual noise reasonably likely to disturb the occupants of such hospital.

(2) QUIET ZONE. The hospital quiet zone shall consist of all areas within 1/2 block of the hospital building.

9.15 CRUELTY TO ANIMALS. No person shall abuse or injure any animal within the City unless such animal is likely to endanger the life or limb of any person.

9.155 ABUSE OR INTERFERENCE WITH POLICE DEPARTMENT DOGS. (Cr. #74, 1981) No person shall willfully or maliciously torture, harass, tease, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Police Department of the City in the performance of the functions of such Department, or to interfere with or meddle with any such dog while being used by the Department or any officer or member thereof in the performance of any of the functions or duties of the Department, or of such member or officer. Violations of this section are punishable as provided in Sec.9.20 and 25.04 of this Code.

9.16 RADIO AND TELEVISION INTERFERENCE PROHIBITED. No person shall operate any machine or equipment which causes interference with radio or television reception, when such interference can be prevented by repairs, adjustments, the installation of corrective appliances or other practicable alterations, at a reasonable expense.

9.17 DAMAGE TO LIBRARY MATERIALS. (Cr. #370, 1992)

(1) No person shall mar, deface or in any other way damage or mutilate any book, periodical, pamphlet, picture, or other article or property belonging to or in charge of the Sparta Free Library.

(2) The penalty for violation of this subsection is a forfeiture of not less than \$20.00 and not more than \$500.00. Each book, periodical, picture or other article or property damaged constitutes a separate offense.

9.18 POSSESSION OF DRUG PARAPHERNALIA. (Rep. & Recreated 6/20/2006)

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(1) No person may use, or possess with primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of Chapter 161, Wis. Stats. Any person who violates this ordinance shall be subject to a forfeiture of not more than \$500.

(2) Any person who violates subparagraph (1) who is under 17 years of age is subject to the following disposition:

(a) The court shall suspend the juvenile's operating privilege, as defined in Section 340.01(40) Wis. Stats., for not less than 6 months nor more than 5 years and, in addition, shall order one of the following penalties:

1. For a first violation, a forfeiture of not more than \$50 or the juvenile's participation in a supervised work program or other community service work under Section 938.34(5)(g) Wis. Stats., or both.
2. For a violation committed within 12 months of a previous violation, a forfeiture of not more than \$100 or the juvenile's participation in a supervised work program or other community service work under Section 938.34(5)(g) Wis. Stats., or both.
3. For a violation committed within 12 months of two or more previous violations, a forfeiture of not more than \$500 or the juvenile's participation in a supervised work program or other community service work under Section 938.34(5)(g) Wis. Stats., or both.

(b) Whenever a court suspends a juvenile's operating privilege under this subsection, the court shall immediately take possession of any suspended license and forward it to the Department of Transportation, together with the notice of suspension clearly stating that the suspension is for violation under Section 961.573(2) Wis. Stats., or a local ordinance that strictly conforms to that statute.

(c) If the juvenile's license or operating privilege is currently suspended or revoked or the juvenile does not currently possess a valid operator's license issued under Chapter 343, the suspension under this subsection is effective on the date on which the juvenile is first eligible and applies for issuance or reinstatement of an operator's license under Chapter 343.

9.19 POSSESSION OF MARIJUANA. (Cr. #423, 1994) It is unlawful for any person to possess one ounce or less of tetrahydrocannabinols, marijuana, hashish or marijuana

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derivative listed at sec. 161.14(4)(t), Wis. Stats. Any person who violates this ordinance may be subject to a forfeiture of not more than \$500.

9.195 SYNTHETIC CANNABINOID PROHIBITED. (Cr. # 820, 10/19/10)

(1) Possession use and sale are illegal. It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give, or barter any one or more of the following chemicals whether under the common street or trade names of "Spice," "K2," "Genie," "Yucatan Fire," "fake" or "new" marijuana, or by any other name, label, or description:

- (a) Salviadinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
- (b) (6aR,10aR)-9-(hydroxymethyl)-6, 6dimethyl-3 (2methyloctan-2-yl)-6a, 7, 10, 10a- tetrahydrobenzo [c] chromen-1-ol some trade or other names: HU-210;
- (c) 1-Pentyl-3-(1-naphthoyl) indole- some trade or other names: JWH-018\spice;
- (d) 1-Butyl-3-(1naphthoyl) indole- some trade or other names: JWH-073;
- (e) 1-(3{trifluoromethylphenyl}) piperazine- some trade or other names:TFMPP; or
- (f) Any similar structural analogs.

(2) Medical or dental use allowed. Acts otherwise prohibited under s. 7.01(C)(1) shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

9.20 PENALTIES. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Sec.25.04 of this Code. In addition to any penalty imposed for violation of Sec.9.943.01(1), any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any un-emancipated minor child who violates Sec.9.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with Sec.895.035, Wis. Stats.

9.21 FAIR AND OPEN HOUSING (Repealed & Recreated #848, 01/17/2012)

- (1) The Common Council of the City of Sparta hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments hereto.
- (2) The officials and employees of the City of Sparta shall assist in the orderly prevention and removal of all discrimination in housing within the City of Sparta, 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 of Sparta to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

9.22 REGULATION OF ALARM SYSTEMS (Created #699, 1/17/06)

- (1) Definitions. Within this Section, the following terms, phrases and words and their derivations have the meanings given herein.
 - (a) Alarm Business. Any business in which the owners or employee engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
 - (b) Alarm System. An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Section, the term “alarm system” shall include the terms “automatic holdup alarm systems,” “burglar alarm systems,” “holdup alarm systems” and “manual holdup alarm systems” as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Section are alarm systems used to alert or signal persons within the premises which the alarm system are located of an attempted, unauthorized intrusion or holdup attempt or fire.
 - (c) Annunciator. The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.

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(d) Answering Service. A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.

(e) Automatic Dialing Device. An alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

(f) Automatic Holdup Alarm System. An alarm system in which the signal transmission is initiated by the action of the robber.

(g) Manual Holdup Alarm System. An alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.

(h) Burglar Alarm System. An alarm system which signals an entry or attempted entry into the area protected by the system.

(i) Direct Connect. An alarm system which has the capability of transmitting system signals to the Police or Fire Department.

(j) False Alarm. The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violation climatic conditions.

(k) Interconnect. To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

(l) Central Station. An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.

(m) Primary Trunk Line. A telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence thereafter.

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- (n) Subscriber. A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.
- (2) Administrative Rules. The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Section. Such rules shall require the approval of the Common Council and shall be open to inspection by the public.
- (3) Automatic Dialing Devices. No person shall interconnect any automatic dialing device to a Police or Fire Department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this Section, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Police or Fire Department shall only be done person to person on the telephone line.
- (4) Direct Connections to the Police Department. Direct connections to the Police or Fire Department are prohibited.
- (5) Testing.
- (a) No alarm business or alarm system designed to transmit emergency messages to the Police Department shall be tested or demonstrated without prior notification and approval of the Monroe County Central Dispatch Center.
- (b) No alarm system relayed through intermediate services to the Monroe County Central Dispatch Center will be tested to determine the Police Department's response without first notifying the appropriate authority. However, the Police Department may inspect or test on-site alarm systems authorized under this Section.
- (c) Alarm systems shall be in compliance with all pertinent response policies of the Police Department.
- (6) Penalties for Answering False Alarms.
- (a) Generally. Each false alarm requires response of public safety personnel, involves unnecessary expense to the City, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the City. Such false alarms constitute a public nuisance and must be abated.
- (b) Intentional False Alarms; Penalty. No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity,

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fire or other emergency exists. The penalty for violation of this subparagraph shall be as set forth in Section 25.04 of the Code of City Ordinances.

(c) Other False Alarms; Penalty. Each false alarm as described in Section 9.22(a)10 above in excess of two (2) in a calendar year shall be a violation and the owner or lessee of an alarm system shall be subject to forfeiture at the following schedule:

1. Responded to by Police Department:
 - a) First two (2) false alarms for a location No Charge
 - b) Third (3rd) false alarm per location \$50.00
 - c) Fourth (4th) false alarm per location \$100.00
 - d) Fifth (5th) and subsequent false alarm per location \$200.00
2. All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a police response:
 - a) First two (2) false alarms for a location No Charge
 - b) Third (3rd) and subsequent false alarm per location \$100.00
 - c) Fourth (4th) and subsequent false alarm per location \$200.00

(d) Exception. None of the provisions of this Section shall apply to any official governmental body or subdivision thereof which owns, operates and maintains its own alarm equipment.

(7) City Liability. The City of Sparta shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this Section, including, but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms.

9.23.33 to 9.951.16 (Repealed # 822, 10/19/10)

9.938.01 to 9.938.78 (Repealed, # 822, 10/19/10).