

CHAPTER 9 – ORDERLY CONDUCT

9.01 (OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE)

The following statutes following the prefix "9" 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, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Sec. 25.04 of this Code.

9.346.935	Drinking in Motor Vehicles Prohibited
9.940.19	Battery, Aggravated Battery
9.940.20	Battery
9.940.34	Duty to Aid Endangered Crime Victim
9.941.01	Negligent Operation of Vehicle
9.941.03	Highway Obstruction
9.941.10	Negligent Handling of Burning Materials
9.941.12	Interfering With or Failing to Assist in Fire Fighting
9.941.13	False Alarms and Interference With Fire Fighting
9.941.20	Reckless Use of Weapon
9.941.21	Disarming a Police Officer Prohibited
9.941.23	Carrying Concealed Weapon
9.941.24	Possession of Switch Blade Knife
9.941.37	Obstruction of Emergency Vehicles Prohibited
9.943.01(1)	Criminal Damage to Property (less than \$200)
9.943.06	Molotov Cocktails
9.943.13	Criminal Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.15	Entry Onto a Construction Site
9.943.20	Theft (Less than \$100)
9.943.24	Issue of Worthless Checks

In addition to the penalty imposed under Section 25.04 of the Municipal Code of the City of Prairie du Chien, Crawford County, Wisconsin, any person, corporation, or entity that issues any worthless check or other worthless order for the payment of Real Estate Taxes, Personal Property Taxes, Special Assessments, Sewer and Water charges, or any other charge levied by the City of Prairie du Chien that by statute or ordinance can be placed on the tax roll, shall pay interest at the rate of 1% per month on the obligation owed for any month or part of a month that the check or order issued to pay said obligation(s) remains uncollected after the date of presentment of the worthless check or worthless order, plus the sum of \$25.00 for each worthless check or ordered issued. **(HISTORY: Amended by Ordinance 2004-13, approved on August 3rd 2004.)**

9.943.50	Shoplifting
9.944.20	Lewd and Lascivious Behavior
9.944.23	Making Lewd, Obscene or Indecent Drawings
9.944.30	Prostitution
9.944.31	Patronizing Prostitutes
9.944.33	Pandering
9.944.34	Keeping Place of Prostitution
9.945.02	Gambling
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.42	Escape
9.946.44	Assisting Or Permitting Escape
9.946.65	Obstructing Justice

- 9.946.70 Impersonating Peace Officer
- 9.946.72 Tampering With Public Records and Notices
- 9.947.01 Disorderly Conduct
- 9.947.013 Harassment Prohibited
- 9.947.015 Bomb Scares
- 9.947.06 Unlawful Assemblies
- 9.951.00 - 951.165 Crimes Against Animals
- 9.961.571 Definition of Drug Paraphernalia
- 9.961.573 Possession of Drug Paraphernalia

(HISTORY: Repealed and Recreated by Ordinance 90-9, approved on July 3rd 1990; repealed and recreated by Ordinance 91-27, , approved November 5th 1991; repealed and recreated by Ordinance 97-12, approved on July 1st 1997; amended by Ordinance 2004-13, approved on August 6th 2004.)

9.02 (POSSESSION AND USE OF FIREARMS AND OTHER DANGEROUS WEAPONS)

(1) DEFINITIONS. For the purpose of this section, the following definitions shall apply:

- (a) Firearm. Any weapon from which a shot may be fired by the force of an explosive or propellant, including, but not limited to, rifles, pistols, shotguns, air guns and BB guns.
- (b) Other Dangerous Weapon. Includes bow and arrow, crossbow, sling shot, blow gun and other similar weapons.
- (c) Public Building. Any building, including the grounds thereof, owned by the State or Federal governments, the City, Crawford County, or the Prairie du Chien School District.
- (d) Public Land. Any land owned by the State or Federal governments, the City, Crawford County, or the Prairie du Chien School District.
- (e) Public Place. Any privately owned building which is open to the public.

(2) POSSESSION OF FIREARMS PROHIBITED. In addition to the provisions of sub. (3) below, no person except duly authorized city, village, county, state or Federal law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while in any public building or on public land within the City. No person shall possess a firearm while in any public place within the City unless written consent to so possess a firearm has been given by the owner or lessee of such public place, and such possession is not contrary to 440.26, Wis. Stats.

(3) USE OF FIREARMS.

- (a) Regulated. No person except an authorized police officer shall discharge any firearm within the City or have any firearm in his possession within the City unless it is unloaded and enclosed in a carrying case or other suitable container, except as provided in par. (b) below.
- (b) Exceptions.
 - (1) Pest control permits issued by the Chief of Police.
 - (2) Special permits issued by the Council upon request.

(4) USE OF OTHER DANGEROUS WEAPONS.

- (a) Regulated. No person shall shoot or discharge any other dangerous weapon anywhere in the City except as provided in par. (b) below.
- (b) Exceptions.
 - 1. Supervised areas designated as shooting ranges by the Council or the Prairie du Chien School Board.
 - 2. Uses granted under a conditional use permit pursuant to Ch. 17 of this Code.

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

No person shall throw or shoot any object, by any other means, at any person or at, in or into any

building, street, sidewalk, alley, highway, park, playground or other public place within the City without the expressed written permission of the Chief of Police.

9.04 (MARIJUANA, POSSESSION AND USE PROHIBITED)

(1) DEFINITION. "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

(2) POSSESSION, DELIVERY AND USE PROHIBITED. It shall be unlawful for any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana derivative in any amount and include those persons who are charged under this section for a first offense.

(3) EXCEPTION. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.

(4) PENALTY. Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

9.05 (SALE AND USE OF FIREWORKS REGULATED)

(1) DEFINITION. The definition of "fireworks" stated in 167.10(1), Wis. Stats., is hereby adopted by reference.

(2) SALE REGULATED. Except as provided in 167.10(2) and (4) Wis. Stats., no person shall sell, or possess with the intent to sell, fireworks.

(3) USE REGULATED. Except as provided in 167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit issued pursuant to sub. (4) below.

(4) USER'S PERMIT. As provided in 167.10(3), Wis. Stats., fireworks user's permits may be issued by the Mayor, or other City official designated by the Mayor. The official issuing the permit shall require a certificate of liability insurance, or similar proof of coverage, in an amount he deems necessary. A copy of the permit and proof of insurance shall be filed with the Clerk-Treasurer and copies of the permit shall be given to the Fire Chief and the Chief of Police at least 2 days before the authorized use.

(5) USE OF CERTAIN DEVICES REGULATED. No person may use fireworks or devices listed in 167.10(1)(e) to (g) and (i) to (n), Wis. Stats., including, but not limited to, caps, toy snakes, model rocket engines, sparklers or cone fountains at a fireworks display for which a permit has been issued if the display is open to the general public.

9.06 (LOUD AND UNNECESSARY NOISE PROHIBITED)

(1) GENERALLY. 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) PUBLIC ADDRESS SYSTEMS AND AMPLIFIERS. No person shall use or operate any P.A. system, amplifier or device which increases the volume of voice, music or other sounds so loud as to disturb the public peace. **(HISTORY: Amended by Ordinance 97-12-B, approved on September 2nd 1997.)**

(3) CONSTRUCTION AND MACHINERY NOISE. Except for City Employees, between the hours of 10:00 P.M. and 6:00 A.M. no person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature.

(4) EXEMPTION FROM ORDINANCE PROVISIONS. Upon application to the Common Council for the City of Prairie du Chien and for good cause shown, the provisions of this Ordinance may be waived for any period of time that the Common Council determines to be appropriate.

(HISTORY: Amended by Ordinance 2004-09, approved on May 4th 2004.)

9.07 (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 the safety of 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 sidewalks, streets, street crossing and bridges or other public places by person s passing along and over the same.

(4) **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.

(5) **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 the owner or person in charge or 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.

(6) **LOITERING IN OR ON SCHOOL PROPERTY.** No person not in official attendance or on official school business shall enter into, congregate, loiter, wander or stand in or on any school property within the City between 7:00 A.M. and 5:00 P.M. on official school days.

9.08 (CONSUMPTION OF FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR ON PUBLIC PROPERTY AND PARKING LOTS PROHIBITED)

(1) **DEFINITIONS.**

(a) **Public Property.** Any property including buildings or structures thereon, which is owned, leased or operated by the City or public, private or parochial schools; public sidewalks; roadways and streets; playgrounds; parks; and alleys.

(b) **Public Parking Lot.** Any area held out to the public for the parking of motor vehicles, whether such area is publicly or privately owned.

(c) **Licensed Premises.** The area within a building or structure which is licensed pursuant to Ch. 12 of this Code, but not including parking lots, sidewalks, roadways or land which is adjacent to the buildings or structure and within the property boundary lines.

(2) **CONDUCT PROHIBITED.** No person shall consume any fermented malt beverage or intoxicating liquor in or upon any public property or public parking lot.

(3) **CONDUCT PROHIBITED OUTSIDE LICENSED PREMISES.** No person who has purchased

fermented malt beverages or intoxicating liquor from any licensed premises shall consume said beverages or liquor outside of, but within the property boundary lines of, such premises.

(4) EXCEPTIONS.

(a) The prohibitions in subs. (2) and (3) above shall not apply to those events or activities which are otherwise permitted or licensed pursuant to Chapters 12 and 19 of this Code.

(b) The prohibition in sub. (2) above shall not apply to a school-sponsored activity when specifically permitted in writing by the school administrator.

(c) The prohibitions in subs. (2) and (3) above shall not apply to those persons who transport unopened fermented malt beverages or intoxicating liquor from a point of purchase to their destination unless it is in violation of 346.93. Wis. Stats.

(d) The prohibitions in sub. (2) above shall not apply to fermented malt beverages consumed at picnics in City parks. However, malt beverages in glass bottles are not permitted in City parks.

9.09 (ANIMALS AND POULTRY NOT TO RUN AT LARGE)

No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the City.

9.10 (KEEPING OF LIVESTOCK AND POULTRY REGULATED)

No person shall keep or maintain any poultry or fowl, or any livestock such as horses, cattle, sheep or goats in any zoning district except agricultural districts. Notwithstanding the above, in R-1 Zoning Districts only, on parcels where the principal use is a single-family dwelling, the keeping of up to four (4) chickens shall be permitted. No person shall keep any roosters on said premises and no person shall slaughter any chickens on said premises. The chickens shall be kept in a covered enclosure at all times and shall not be permitted to run free outside the enclosure. The keeping of chickens is permitted in rear yards only, and enclosure shall be located no closer than thirty (30) feet to any residential structure on any adjacent lot and no closer than three (3) feet to any lot line. **(HISTORY: Created by Ordinance 2004-15, approved on October 5th 2004.)**

9.11 (LITTERING)

(1) PROHIBITED. No person shall deposit any mud, glass, refuse or waste, filth or other property of the City or upon any private property or into or upon any body of water or stream within the City.

(2) PENALTY. Any person found guilty of violating this section shall be subject to a forfeiture, as provided in sec. 25.04 of this Code, plus the cost of cleanup. Each day a violation continues shall constitute a separate violation.

9.12 (PROHIBITION AGAINST THE SALE OR GIVING AWAY OF LIVE ANIMALS)

(1) No person, except as set forth below, shall on any street or alley within the corporate limits of the City of Prairie du Chien, Crawford County, Wisconsin, sell, offer to sell, offer to give away, or give away any live animal.

(2) This prohibition shall not apply to any person who lives at any residence located within the corporate boundaries of the City of Prairie du Chien, Crawford County, Wisconsin, nor shall this prohibition apply to any business within the corporate boundaries of the City of Prairie du Chien, Crawford County, Wisconsin.

(3) Violation of this ordinance shall subject the violator to a fine of \$250.00. **(HISTORY: Created by Ordinance 2009-07, approved on October 6th 2009.)**

9.13 (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 openings. All such places shall be

filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

9.14 (ABANDONED OR UNATTENDED ICEBOXES, ETC., PROHIBITED)

No person shall leave or permit to remain outside of 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 icebox, refrigerator 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, or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.15 (CURFEW)

(1) CHILDREN IN STREET AT NIGHT.

(a) Regulated. No person under the age of 16 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 unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.

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

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, alleys, public places or in a 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.

(2) RESPONSIBILITY OF PARENTS. No parent, guardian or other person having legal custody of a child under the age of 16 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 unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.

(3) DETAINING A CHILD. A child believed to be violating the provision of this section shall be taken to the Municipal Building for proper identification. Every law enforcement officer, while on duty, may detain any child violating sub. (1) above until such time as the parent, guardian or other adult person having legal custody of the child shall be immediately notified and the person so notified shall, as soon as reasonably possible thereafter, report to the Municipal Building for the purpose of taking the child into custody and shall sign a release for him.

(4) WARNING. The first time a child is detained by law enforcement officers, as provided in sub. (3) above, 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 said child or any other child under his or her care or custody shall result in a penalty being imposed as provided in sub. (5) below.

(5) GENERAL PENALTY.

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

(b) Any child who violates this section after being detained and released under sub. (3) above shall be dealt with under Ch. 48, Wis. Stats.

9.16 (DESTRUCTION OF PROPERTY PROHIBITED)

No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the City or its departments or to any private person without the consent of the owner or proper authority.

9.17 (ACCIDENTAL SPILLS OR HAZARDOUS OR DETRIMENTAL SUBSTANCES)

(1) HAZARDOUS SUBSTANCE SPILLS.

(a) DNR Notification Required. Any person who possesses or controls a "hazardous substance," as defined in 144.01(4m), Wis. Stats., which has been discharged or spilled, or who causes the discharge or spilling of such hazardous substance, shall immediately notify the Wisconsin Department of Natural Resources of any such spill or discharge as required in 144.76, Wis. Stats.

(b) City Notification. In addition to the notification required in par. (a) above, the owner or the person causing the discharge of a hazardous substance shall immediately notify the Fire Chief of such spill or discharge.

(2) DETRIMENTAL SUBSTANCE SPILL; NOTIFICATION. Any person who possesses or controls a discharged or spilled material, or causes a discharge or spill, which, although not a "hazardous substance" may be detrimental to the general health, safety and welfare of City residents shall immediately notify the Fire Chief. Such detrimental substances may include, without limitation, food products and nitrates.

(3) CLEANUP REQUIRED. Any person responsible for the discharge or spill of any hazardous or detrimental substance shall be responsible for cleanup within a time reasonable under the circumstances. In the event such cleanup is not completed within a reasonable time, the City shall clean up and bill the person responsible.

(4) PENALTY. Any person responsible for a spill or discharge who does not provide the notification required under subs. (1)(b) and (2) above shall be subject to a forfeiture as provided in sec. 25.04 of this Code.

9.18 (USE OF METAL DETECTORS)

(1) REGULATED. No device used for the detection of metal shall be operated by any person on lands owned by the City west of the Marais de St. Feriole and east of the Mississippi River.

(2) EXCEPTIONS. The following shall not be subject to the above restrictions.

(a) Licensed land surveyors or their assistants within the conduct of their trade or profession.

(b) Utility company employees within the course of their employment.

(c) Persons conducting an archaeological survey approved by the Council.

(d) Authorized City personnel.

9.19 (USE OF PUBLIC AREAS REGULATED)

(1) PRESENCE IN PUBLIC AREAS RESTRICTED.

(a) Municipal Swimming Pool. No person, except an authorized City employee, shall be in or upon the municipal swimming pool premises, including the bathhouse and fence, between the hours of 10:00 P.M. and 8:00 A.M. or any time the pool is not open for the public.

(b) City Parks.

1. Presence Regulated. No person, except an authorized City employee or an individual participating in an event sanctioned by the Council, shall be in or upon any City park or any City shelter house between the hours of 10:00 P.M. and 6:00 A.M.

2. Exception. Persons shall be allowed to fish at any time at or from any City park; however, any person so engaged shall not have in his possession any fermented malt beverages or intoxicating liquors between the hours of 10:00 P.M. and 6:00 A.M.

(c) Municipal Athletic Field. No person, except an authorized employee or an individual

participating in an event sanctioned by the Council, shall be in or upon the municipal athletic field premises between 12:00 midnight and 8:00 A.M.

(d) Cemeteries. No person, except authorized personnel, shall be in or upon any cemetery within the City between the hours of 10:00 P.M. and 6:00 A.M.

(2) GLASS CONTAINERS REGULATED. No person shall have in his possession any glass container used for the purpose of holding intoxicating liquors or fermented malt beverages in any City park of City shelter house or the municipal athletic field.

(3) SWIMMING PROHIBITED. No person shall swim, wade, dive or jump from any City owned land or structure except in areas designated for such purposes. Notwithstanding any provision hereof, wading in the water at any City owned boat landing for the purpose of loading or unloading a watercraft as that term is defined in sec. 30.01(7), Wis. Stat., from a trailer or entry to or exit from a water craft shall not be a violation of this Ordinance. **(HISTORY: Created by Ordinance 2010-16, approved on August 17th 2010.)**

(4) FISHING PROHIBITED FROM THE WASHINGTON STREET BRIDGE AND THE BLACKHAWK STREET BRIDGE. No person shall fish as that term is defined by Sec. 29.001(27) of the Wisconsin Statutes, from the Washington Street Bridge nor the Blackhawk Street Bridge. **(HISTORY: Created by Ordinance 2010-17, approved on August 17th 2010.)**

9.20 (UNIFORM CITATION METHOD ADOPTED)

(1) CREATION. Pursuant to 66.119, Wis. Stats., the City hereby elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exists.

(2) CITATION. The citation shall contain the following:

(a) The name and address of the alleged violator.

(b) Factual allegations describing the alleged violation.

(c) The time and place of the offense.

(d) The section of the Ordinance or Municipal Code violated.

(e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.

(f) The time at which the alleged violator may appear in court.

(g) A statement which, in essence, informs the alleged violator, as follows:

1. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.

2. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.

3. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by 165.87, Wis. Stats., not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons shall be issued demanding him to appear in court to answer the complaint.

4. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the penalty assessment imposed by 165.87, Wis. Stats.

(h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par.(g) above has been read. Such statement shall be sent or brought with the cash deposit.

(i) Such other information as the Council deems necessary.

(3) DEPOSITS.

(a) Each citation issued under this section, except those to which par. (d) below applies, shall specify a cash deposit as set forth in sec. 25.04 of this Code, which consists of the appropriate forfeiture, a penalty assessment of 15% and court costs.

(b) Deposits shall be made in cash, money order or check to the Crawford County Clerk of Courts, who shall provide a receipt therefore.

(c) The penalty assessment imposed by 165.87, Wis. Stats., shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which State law controls or for ordinances involving nonmoving traffic violations. Said assessments shall be in an amount determined after deducting the court costs.

(d) The deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed the maximum penalties provided in Ch. 48., Wis. Stats., except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.

(4) DEPOSIT SCHEDULE. Every police officer issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the City of Prairie du Chien Bond Schedule which is hereby adopted by reference.

(5) ISSUANCE OF CITATION.

(a) Law Enforcement Officers. Any law enforcement officer may issue citations authorized under this section.

(b) City Officials.

1. The Building Inspector, the Director of Public Works, the City Forester, the Fire Chief, the Fire Inspector, the City Health Officer, and the Weed Commissioner may issue citations with respect to those sections of this Code which are directly related to their responsibilities.

2. Such City officials may delegate their authority to issue citations to their subordinates.

(6) PROCEDURE. Section 66.119(3), Wis. Stats., relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(7) NONEXCLUSIVITY.

(a) Other Ordinances. Adoption of this section does not preclude the Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(b) Other Remedies. The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinances, regulation or order.

9.21 (PENALTY)

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 9.943.01(1) of this chapter, 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 of any unemancipated minor child who violates 9.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with 895.35, Wis. Stats.

9.22 (BATTERY)

(1) State Statutes Adopted. The provisions of Sections 939.22(4), 939.22(14) and 940.19 and any amendments thereto, except any provisions therein relating to the penalty to be imposed or the punishment for violation of said Statutes, are hereby adopted and made a part of this Section by reference. **(HISTORY: Amended by Ordinance 810, approved on April 11, 1989.)**

9.23 (TRUANCY AND HABITUAL TRUANCY PROHIBITED)

(1) DEFINITIONS.

- (a) “Truancy” has the meaning given in Chapter 118, Wisc. Stats., now in effect or hereafter amended.
- (b) “Habitual Truancy” has the meaning given in Chapter 118, Wis. Stats., now in effect or hereafter amended.
- (c) “Operating Privilege” has the meaning given in Chapter 340, Wis. Stats., now in effect or hereafter amended.

(2) **TRUANCY PROHIBITED.** No person under age 18 who is required to attend school shall be truant from school.

(3) **TRUANCY PENALTIES.** Any one or more of the following dispositions are available to the court for a truant person:

- (a) An order for the person to attend school.
- (b) A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for an 2nd or subsequent violation committed within 12 months of a previous violation, subject to Sec. 938.37, Wis. Stats., now in effect or hereafter amended, and subject to a maximum cumulative forfeiture amount of not more than \$500 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.

(4) **HABITUAL TRUANCY PROHIBITED.** No person under age 18 who is required to attend school shall be habitually truant from school.

(5) **HABITUAL TRUANCY PENALTIES.** Any one or more of the following dispositions are available to the court for a habitually truant person:

- (a) Suspension of the person’s operating privileges for not less than 30 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 the duration of the suspension.
- (b) An order for the person to participate in counseling or a supervised work program or other community service work as described in Sec. 938.34(5g), Wis. Stats., now in effect or hereafter amended. The costs 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.
- (c) 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.
- (d) An order for the person to attend an educational program as described in Sec. 938.34(7d), Wisc. Stats., now in effect or hereafter amended.
- (e) An order for the Department of Industry, Labor and Human Relations to revoke under Sec. 103.72, Wis. Stats., now in effect or hereafter amended, a permit under Sec. 103.70, Wis. Stats., now in effect or hereafter amended, authorizing the employment of the person.
- (f) An order for the person to be placed in a teen court program as described in Sec. 938.342(1)(f), Wis. Stats., now in effect or hereafter amended.
- (g) An order for the person to attend school.
- (h) A forfeiture of not more than \$500 plus costs, subject to Sec. 938.37, Wis. Stats., now in effect or hereafter amended. All or part of the forfeiture plus costs may be assessed against the person, the parents, or guardian of the person, or both.
- (i) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises, and restrictions on associating with other children or adults.
- (j) An order placing the person under formal or informal supervision, as described in Sec. 938.34(2), Wis., Stats., now in effect or hereafter amended, for up to one year.

(k) 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 to attend school with the person, or both. **(HISTORY: Amended by Ordinance 98-18, approved on October 6th 1998.)**

9.24 (CONTRIBUTING TO TRUANCY)

(1) Except as provided in sub. (2), any person 17 years of age or older who, by any act of omission, knowingly encourages or contributes to the truancy, as defined under Sec. 118.16 (1)(c), Wis. Stats., now in effect or hereafter amended, of a person 17 years of age or under is guilty of a violation of this section.

(2) Subsection (1) does not apply to a person who has under his or her control a child who has been sanctioned under Sec. 49.50 (7)(h), Wis. Stats., now in effect or hereafter amended.

(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.

(4) A person adjudicated to have violated this ordinance shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00. **(HISTORY: Amended by Ordinance 91-1, approved on February 5th 1991; amended by Ordinance 98-19, approved on October 6th 1998.)**

9.25 (RULES AND REGULATIONS FOR LARIVIERE PARK)

The purpose of these regulations is to govern the conduct of visitors to LaRiviere Park and to provide for the protection of the natural resources therein while encouraging park usage by individuals and groups.

A. Definitions:

Authorized vehicle. Is any vehicle owned by the City of Prairie du Chien or operated by a LaRiviere Park Committee Member, any gas company or other utility vehicle, or any other vehicle allowed entrance by the LaRiviere Park Committee.

Bicycle. Means every device propelled by the feet acting upon pedals and having one or more wheels.

Camp or Camping. Means the use of a shelter such as a tent, bedroll, or sleeping bag for temporary residence or sleeping purposes.

Campsite. Means a segment of LaRiviere Park which is designated for primitive camping.

Horse Camping. Is any camping by a self-contained unit or tent where a horse is a part of the camping experience.

Special Event. Is any event that would, because of its nature, infringe upon other uses of the park and/or an event that because of its time, activity, or conduct is contrary to any park regulation.

Vehicle. Means any motor vehicle, trailer, mobile home or any device in, upon or by which any person or property is or may be transported. For the purposes of these regulations, a snowmobile, motorized bike; and ATV is considered to be a vehicle.

B. General Rules:

1. No person may destroy, molest, deface, remove or attempt to remove any natural growth or natural or archaeological feature, or any property; except for the picking of edible fruits, nuts, and wild asparagus; or vegetation of unprotected plants for school and nature study projects.

2. The LaRiviere Park Committee or the Mayor of the City of Prairie du Chien, may close, by posted notice, any land or structure of LaRiviere Park. No person may enter or be in any building, installation or area that may be locked or closed to public use, or contrary to posted notice without a written permit from the park committee.

3. No person may enter or be within the boundaries of LaRiviere Park between the hours of 11:00 P.M. and the following 5:00 A.M. except registered campers in or enroute to designated campsites.

4. No person may engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct, or conduct which tends to cause or provoke a disturbance or create a breach of the peace.
5. The Prairie du Chien Police or any police officer, upon request of the Prairie du Chien Police, may expel any person or persons from LaRiviere Park for a violation of any state law or regulations. In addition, these same police officers may take action upon discovery of any violation for which they have the authority to enforce.
6. No person may dispose of any waste material in any manner except by placing in receptacles provided for such purpose. No person may dispose of any waste material in any waste disposal receptacle if such waste is generated from a residence or a business. All refuse shall be packed out from those areas where waste disposal receptacles are not provided.
7. No person may operate any device that produces excessive, loud or unusual noises without first obtaining permission from the LaRiviere Park Committee.
8. No person may destroy, molest, attempt to remove or remove the property of others.
9. No person may hike or snowshoe on designated cross-country ski trails when the trails are snow covered.
10. No person may operate any vehicle on lands of LaRiviere Park except on designated roadways and parking lots. Vehicles may be operated on the park by permit, in posted parking areas, or if the vehicle is an authorized vehicle.
11. No person may park or leave standing any vehicle so as to block, obstruct or limit the use of any road or trail or contrary to posted notice. Any vehicle in violation may be towed off the property and stored at the owner's expense.
12. No recreational vehicle may be operated on lands of LaRiviere Park unless its use is specifically authorized by permit.
13. No person may snowmobile on any lands of LaRiviere Park.
14. Bicycles may be operated on LaRiviere Park on designated trails.
15. No person may allow a dog, cat or other pet in any building or on any picnic area, or playground of the park. Dogs, cats, and other pets shall be kept on a leash not more than 8 feet long and/or under voice control at all times in all other areas. No person may allow his or her pet to interfere in any manner with the enjoyment of the area by others. The training of dogs is allowed in any area which is so designated. Dog training is not allowed in the park between April 15 and June 15 for the protection of nesting birds and wildlife. The use of seeing eye dogs by the blind is allowed. No person may allow their dog, cat or other animal on any cross-country ski trail when such trail is being used for cross-country skiing.
16. No person may ride, lead or cause a horse to be in any area of LaRiviere Park except on specifically designated and posted areas or bridle paths. No person may ride a horse in a careless, negligent or reckless manner so as to endanger the life or property of others on any land of the park.
17. No person may start, tend or maintain any fire on the ground except in fireplaces, grills, or fire rings. No person may leave any fire unattended, carelessly throw away any smoking material or any embers without first extinguishing them, or start, tend or use in any manner any fire contrary to posted notice.
18. No person may take, catch, kill, hunt, trap or pursue any wild animal or bird, or discharge any firearm, or have in possession or under control any firearm or air gun unless it is unloaded and enclosed in a carrying case, or any bow, slingshot or spring-loaded device designed for shooting a projectile unless the same is unstrung or enclosed in a carrying case while in the park. The use of firearms, while using blanks, is allowed in the dog training area set aside for that firearm use only.
19. No person may construct, occupy or use any elevated scaffold or other elevated device except that portable tree stands may be used provided they are completely removed each day.

No person may cause damage to trees by the placement or erection of portable tree stands or by any other manner while climbing a tree.

20. Camping is prohibited except in designated camping areas. All campers must be registered prior to setting up camp. The registration period will expire at 3:00 P.M. on the final day of camping. No long term camping exceeding one week will be allowed without written permission of the park committee. Only primitive tent camping is allowed. A violation of any state law or any rules of the park by a member of a camping party is cause for expulsion from the park. The City of Prairie du Chien reserves the right to limit camping when necessary to protect either campers or the natural resources.

21. Horse camping will be allowed only in an area so designated.

22. Native prairie, scientific, and natural areas are designated in the park. No person may take, catch, kill or remove any wild animal, or pick, collect or remove any plant or part thereof, or destroy, molest, deface, or remove any natural or archaeological feature, without written permission of the LaRiviere Park Committee. No person may hike in any scientific area other than on a trail specifically designed and signed for that purpose unless authorized to do so by the LaRiviere Park Committee.

23. Special use permits are required for all special events to be held at the park. Application for any special event shall be made in writing, to the LaRiviere Park Committee, Prairie du Chien City Hall, in person or by mail at least 60 days prior to the event. Each application shall include nature of event, date, time, responsible party, type of activity, precautions to be taken to protect the park, clean up procedure, and any other information pertinent to the event planned.

24. The barn shall be kept open at all times except when reserved for an event. If a group or person wishes to use the barn, they must make a reservation at the Prairie du Chien Police Department. On the day prior to the reserved event they should secure the key to the barn from the police department and lock the barn thus reserving the barn for their use. After use, the barn shall be cleaned, left open, and the key returned to the police department.

(HISTORY: Created by Ordinance 91-8, approved on April 16th 1991.)

9.26 (PROHIBITION AGAINST THE BLOWING OF TRAIN OR LOCOMOTIVE WHISTLES)

(1) No person, firm, entity or corporation shall blow or cause to be blown a train or locomotive whistle from 10:00 o'clock p.m. to 6:00 o'clock a.m. within the corporate limits of the City of Prairie du Chien.

(2) Notwithstanding the above any person, firm, entity or corporation may blow a train or locomotive whistle at any time within the corporate limits of the City of Prairie du Chien in case of an emergency and further may ring the engine bell where gates are not installed.

PENALTIES. Any person, firm, entity or corporation violating this Ordinance or any part hereof shall be subject to penalties as set forth in Chapter 25 of the Municipal Code of the City of Prairie du Chien.

(HISTORY: Created by Ordinance 91-26, approved on November 5th 1991.)

9.27 (REGULATION OF BICYCLES, SKATE BOARDS, ROLLER SKATES, ROLLER BLADES AND ROLLER SKIS)

(1) It shall be unlawful for any person to operate or ride a bicycle, skate board, roller skates, roller blades or roller skis in any of the following places:

(a) On sidewalks on Blackhawk Avenue from Marquette Road to Main Street and in a one block area North and South of Blackhawk Avenue from Marquette Road to Main Street.

(b) On any public property where signs are posted prohibiting same.

(2) All persons operating or riding a bicycle, skate board, roller skates, roller blades or roller skis, other than in the area defined in Section (1)(a) & (b) above, shall at all times yield the right of way to pedestrians using city sidewalks and other public property and shall not endanger nor interfere with pedestrian traffic on those sidewalks and other public property.

(HISTORY: Created by Ordinance 95-02, approved on February 7th 1995.)

9.28 (PROHIBITION AGAINST PUBLIC URINATION)

No person shall urinate in any public or private place within the corporate boundaries of the City of Prairie du Chien except within the confines of a permanent or temporary structure or facility designed for receipt, disposal, and/or holding for later removal and disposal of human urine and/or excrement.

(HISTORY: Created by Ordinance 99-01, approved on June 1st 1999.)

9.29 (PROHIBITION AGAINST THE USE OF JACOB ENGINE BRAKES)

No person shall within the corporate limits of the City of Prairie du Chien, Crawford County, Wisconsin, make any unnecessary noise with a motor vehicle by the use of motor vehicles brakes which are in anyway activated or operated by the compression of the engine (i.e. Jacobs Engine Brakes (TM) or similar hydraulically operated device that converts a power-producing diesel engine into a power-absorbing retarding mechanism). Provided, however, that said prohibition above set forth shall not apply to any emergency situation created by a person, act, or event outside of the control of the operation of any motor vehicle above referred to. **(HISTORY: Created by Ordinance 00-10, approved on August 1st 2000; amended by Ordinance 2002-09, approved on August 6th 2002.)**

9.30 (UNLAWFUL USE OF THE “911” EMERGENCY PHONE SYSTEM)

- (1) Any person within the corporate boundaries of the City of Prairie du Chien, Crawford County, Wisconsin, who intentionally dials the telephone number “911” to report an emergency, knowing that the fact situation which he or she is reporting does not exist, shall be subject to fine as set forth below.
- (2) Any person within the corporate boundaries of the City of Prairie du Chien, Crawford County, Wisconsin, who defaces, injures, or removes any sign placed in connection with the City of Prairie du Chien’s “911” Emergency Phone System shall be subject to a fine as set forth below.
- (3) Any person within the corporate boundaries of the City of Prairie du Chien, Crawford County, Wisconsin, who intentionally dials the number of “911” for no legitimate purpose, shall be subject to a fine as set forth below.
- (4) Any person who violates any of the provisions shall be fined not less than \$50.00, nor more than \$300.00 for each offense. **(HISTORY: Created by Ordinance 2001-02, approved on January 9th 2001.)**

9.31 (RETENTION OF PAST DUE LIBRARY MATERIALS)

- (1) Any person who borrows materials from the City of Prairie du Chien Public Library and who fails to return same within ten (10) days after date of written notice to return said materials sent to him/her at his/her last known address as shown on the records of the Prairie du Chien Public Library, shall be subject to penalties as set forth below.
- (2) Any person who sponsors a child under the age of seventeen (17) years to enable said minor child to obtain a library card from the City of Prairie du Chien Public Library shall be subject to penalties as set forth below for materials borrowed by the minor child and not returned to the Prairie du Public Library within ten (10) days of written notice to return said materials sent to the minor child and the sponsoring adult at each parties last known address as shown on the records of the Prairie du Chien Public Library.
- (3) PENALTIES. Any person who violates either subsection (1) or subsection (2) of this Ordinance shall in addition to the replacement cost of the borrowed materials, if same are not returned or are returned in a damaged condition, the fines and late fees charged by the Prairie du Chien Public Library, shall forfeit not less than Ten and 00/100 (\$10.00) Dollars nor more than Five Hundred and 00/100 (\$500.00) Dollars, together with the costs of prosecution and in default of payment of such forfeiture, costs and charges owed to the City of Prairie du Chien Public Library as above set forth, shall be

imprisoned in the County Jail until said forfeiture, costs, and charges are paid but not to exceed ninety (90) days. **(HISTORY: Created by Ordinance 2010-6, approved on March 2nd 2010.)**

9.32 (REGULATION OF VICIOUS ANIMALS)

(1) DEFINITIONS. For this Section, the following definitions shall apply:

(a) Owner. Any person, firm, corporation, organization, or department possessing, harboring, or having the care, custody, or control of an animal as that word is defined in section 9.31(1)(b) below.

(b) Animal. "Animal" includes every living warm and cold blooded creature, except a human being.

(c) Vicious Animal. Any animal that constitutes a physical threat to a human being or other animal.

(d) Bitten. Means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced. Further, "bitten" shall also include contact of saliva with any break or abrasion of the skin.

(2) STATE LAW ADOPTED. The provisions of Chapter 951, Crimes Against Animals, of the Wisconsin Statutes, with the exception of any penalty provisions therein set forth, are adopted by reference and made a part hereof.

(3) ANIMAL BITES.

(a) The owner of any animal which has bitten any person shall immediately, upon demand of the City of Prairie du Chien Police Department or Health Department, produce and surrender up such animal to such department to be held in quarantine for a minimum of ten (10) days. During quarantine, the animal shall be securely confined at the expense of the owner and kept from contact with any other animal.

(b) The owner of any animal which has contracted rabies or which has been subjected to same, or which is suspected of having rabies, shall immediately notify the City of Prairie du Chien Police Department or Health Department. Further, the owner shall produce and surrender up such animal to said department, to be held in quarantine at a veterinary hospital for a period needed by the veterinary to determine if it is rabid or not. The owner shall assume the charge for boarding such animal during the quarantine period. Failure to so surrender shall be deemed a violation under this Ordinance.

(c) Any animal which does not have a current anti-rabies vaccination must be quarantined at the veterinary hospital for a period of ten (10) days. Charges for boarding of such animal during the quarantine period shall be assumed by the owner of such animal.

(d) Any animal which has a current anti-rabies vaccination may, at the discretion of the City of Prairie du Chien Police Department or Health Department, be held in quarantine on the premises of the owner for a period of ten (10) days. Failure on the part of the owner to obey all conditions and directions of the City of Prairie du Chien Police Department or Health Department pertaining to the quarantine period shall result in the immediate impoundment of the animal in a veterinary hospital for the remainder of the quarantine period. Charges for boarding such animal shall be paid by the owner prior to release.

(e) Any animal which bites a person on two (2) separate occasions shall by its action(s) be deemed as being a vicious animal. Further, any animal which bites a person on one (1) occasion shall by its action be deemed as being a vicious animal if in the opinion of the Chief of Police and the veterinary clinic which the City contracts with determines the bite is of such a severity that the animal is vicious. If an animal is determined vicious under the terms of this subsection, the City shall have the right to apply to the Circuit Court for Crawford County, Wisconsin, to have the animal permanently removed from the City of Prairie du Chien or destroyed.

(f) No person shall fail to produce and surrender up any animal pursuant to this section.

(g) No person, firm, corporation, organization, or department if determined to have possessed a vicious animal in the corporate boundaries of the City of Prairie du Chien shall thereafter be permitted to possess, harbor, own, or have the care, custody, or control of any animal within the corporate boundaries of the City of Prairie du Chien.

(h) It shall be unlawful for any person to own or have in his possession in the City of Prairie du Chien any animal of a vicious disposition.

(4) ANIMAL FIGHTING. No person, firm, corporation, organization, or department shall possess, harbor or maintain, care for, or have custody of any animal for the purpose of animal fighting or train, torment, badger, bait, or use any animal for the purpose of causing or encouraging the animal to attack human beings or other animals.

(5) PENALTIES. Whoever violates any provision of this Ordinance shall be subject to a fine of not less than Ten and 00/100 (\$10.00) Dollars and not more than Five Hundred and 00/100 (\$500.00) Dollars for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

(6) 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. **(HISTORY: Created by Ordinance 2010-13, approved on September 7th 2010.)**