

## 11 Offenses and Nuisances

Chapter 1	State Statutes Adopted
Chapter 2	Offenses Against Public Safety and Peace
Chapter 3	Offenses Against Property
Chapter 4	Offenses Involving Alcoholic Beverages
Chapter 5	Offenses by Juveniles
Chapter 6	Public Nuisances
Chapter 7	Public Parking Structures

### 11.1 State Statutes Adopted

11.1.1	Offenses Against State Laws Subject to Forfeiture
11.1.2	Penalties

#### 11.1.1 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

(a) **State Statutes Adopted.** 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 provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. [See Title 1, Chapter 1, Section 7 (1.1.7).] In addition, the court may enter any order pertaining to restitution, community service, or imposing any other remedy as specified by the statute incorporated herein by reference, provided such order does not impose a criminal penalty and is cognizable within the civil jurisdiction of the municipal court. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

(1)	29.288	Throwing Refuse in Waters
(2)	50.58	Careless Smoking
(3)	167.10	Fireworks Regulated
(4)	175.25	Illegal Storage of Junked Vehicles
(5)	939.05(2)(b)	Aiding and Abetting
(6)	939.22	Words and Phrases Defined
(7)	940.19(1)	Battery
(8)	940.291	Failure of a Police Officer to Render Aid
(9)	941.10	Negligent Handling of Burning Materials
(10)	941.12(2),(3)	Interfering With or Failing to Assist in Firefighting
(11)	941.13	False Alarms and Interference with Firefighting
(12)	941.20(1)	Reckless Use of a Weapon
(13)	941.22	Possession of a Pistol by a Minor

(14)	941.235	Carrying a Firearm in a Public Building
(15)	941.24	Possession of Switchblade Knife
(16)	941.35	Emergency Telephone Calls
(17)	941.36	Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
(18)	941.37(1),(2)	Obstructing Emergency or Rescue Personnel
(19)	942.02	Strip Search by School Employee
(20)	942.05	Opening Letters
(21)	943.01(1)	Criminal Damage to Property
(22)	943.11	Entry Into Locked Vehicle
(23)	943.12	Possession of Burglarious Tools
(24)	943.125	Entry Into Locked Coin Box
(25)	943.13	Trespass to Land
(26)	943.14	Trespass to Dwellings
(27)	943.145	Criminal Trespass to a Medical Facility
(28)	943.15	Entry Into Locked Site
(29)	943.20	Theft of Property
(30)	943.21	Fraud on Hotel or Restaurant Keeper, Recreational Attraction, Taxi Cab Operator, or Gas Station
(31)	943.22	Cheating Tokens
(32)	943.23(2)	Operating Vehicle Without Owner's Consent
(33)	943.24(1)	Worthless Checks
(34)	943.34(1)	Receiving Stolen Property
(35)	943.35	Receiving Property From a Child
(36)	943.37	Alteration of Property Identification Marks
(37)	943.38(3)	Forgery
(38)	943.41	Credit Card Crimes
(39)	943.50(4)(a)	Retail Theft
(40)	943.55	Removal of a Shopping Cart
(41)	943.225	Refusal to Pay For Motor Bus Ride
(42)	944.17	Sexual Gratification
(43)	944.20	Lewd and Lascivious Behavior
(44)	944.21	Lewd, Obscene or Indecent Matter, Pictures and Performances
(45)	944.23	Making Lewd, Obscene or Indecent Drawings
(46)	944.30	Prostitution
(47)	944.31	Patronizing Prostitutes
(48)	944.33	Pandering
(49)	944.36	Solicitation of Drinks Prohibited
(50)	945.01	Definitions Relating to Gambling
(51)	945.02	Gambling
(52)	945.04	Permitting Premises to be Used for Commercial Gambling
(53)	946.40	Refusing to Aid Officer
(54)	946.41	Resisting or Obstructing Officer
(55)	946.42(2)	Escape

(56)	946.46	Encouraging Violation of Probation or Parole
(57)	946.69	Falsely Assuming to Act as Public Officer or Employee
(58)	946.70	Impersonating Peace Officer
(59)	946.72(2)	Tampering with Public Records and Notices
(60)	947.012	Unlawful Use of Telephone
(61)	947.013	Harassment
(62)	947.047	Littering Shores
(63)	947.06	Unlawful Assemblies
(64)	947.08	Crime Comics
(65)	951.01	Definitions
(66)	951.015	Construction and Application
(67)	951.02	Mistreating Animals
(68)	951.03	Dognapping or Catnapping
(69)	951.05	Transportation of Animals
(70)	951.08	Instigating Fights Between Animals
(71)	951.095	Harassment of Police and Fire Animals

(b) **Attempt.**

- (1) It shall be unlawful to attempt to violate any of the provisions of Subsection (a) above. Any person violating this Subsection shall be subject to a forfeiture not to exceed one-half (1/2) of the maximum forfeiture for the completed violation of the ordinance involved.
- (2) An "attempt" to commit an ordinance violation requires that the actor have an intent to perform acts to attain a result which, if accomplished, would constitute an ordinance violation and said person performs acts toward the commission of the violation which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

(c) **Parties to Offense.**

- (1) Whoever is concerned in the commission of a violation of this Chapter is a principal, and may be charged with and convicted of the commission of the offense, although he did not directly commit it, and although the person who directly committed it has not been convicted, or has been convicted of some other degree of the offense, or some other offense based on the same act.
- (2) A person is concerned in the commission of an offense if he:
  - a. Directly commits the offense; or
  - b. Intentionally aids and abets the commission of it; or advises, hires, counsels, or otherwise procures another to commit it. Such a party is also concerned in the commission of any other offense which is committed in pursuance of the intended offense, and which under the circumstances, is a natural and probable consequence of the intended offense. This Section does not apply to a person who voluntarily changes his mind and no longer desires that the offense be committed, and notifies the other parties concerned of his

withdrawal, within a reasonable period of time before the commission of the offense, so as to allow the others also to withdraw.

### **11.1.2 PENALTIES.**

Any person violating any provision of Section 11-1-1 shall, upon conviction of such violation, be subject to the penalties as prescribed by Section 1.1.7 of this Code.

## **11.2 Offenses Against Public Safety and Peace**

<b>11.2.1</b>	REGULATION OF FIREARMS AND EXPLOSIVES
<b>11.2.2</b>	CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED
<b>11.2.3</b>	SAFE USE AND TRANSPORTATION OF FIREARMS AND BOWS
<b>11.2.4</b>	THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED
<b>11.2.5</b>	HARASSING OR OBSCENE TELEPHONE CALLS
<b>11.2.6</b>	SALE AND DISCHARGE OF FIREWORKS RESTRICTED
<b>11.2.7</b>	OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED
<b>11.2.8</b>	LOITERING PROHIBITED
<b>11.2.9</b>	LOUD AND UNNECESSARY NOISE PROHIBITED
<b>11.2.10</b>	DISORDERLY CONDUCT
<b>11.2.11</b>	POSSESSION OF CONTROLLED SUBSTANCES
<b>11.2.12</b>	UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED
<b>11.2.13</b>	FAILURE TO OBEY LAWFUL ORDER
<b>11.2.14</b>	HOTEL REGISTRATION AND SECURITY
<b>11.2.15</b>	CONTRIBUTING TO TRUANCY
<b>11.2.16</b>	REGULATION OF SMOKING
<b>11.2.17</b>	MISUSE OF THE "911" EMERGENCY TELEPHONE NUMBER PROHIBITED
<b>11.2.18</b>	INHALATION OF HARMFUL SUBSTANCES PROHIBITED
<b>11.2.19</b>	PROHIBITION OF THE POSSESSION OF "PEPPER SPRAY" ON SCHOOL GROUNDS
<b>11.2.20</b>	PENALTIES

### **11.2.1 REGULATION OF FIREARMS AND EXPLOSIVES.**

- (a) **Discharge and Possession of Firearms Regulated.** No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, or bow and arrow, within the City or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun or bow and arrow, in his

- possession or under his control unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to State law
- (b) **Shooting Into City Limits.** No person shall in the territory adjacent to the City discharge any firearm in such manner that the discharge shall enter or fall within the City.
  - (c) **Shooting Ranges.** This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Common Council after an advisory recommendation from the Chief of Police, where proper safety precautions are taken.
  - (d) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the City without first obtaining a permit to do so from the Chief of Police.
  - (e) **Hunting Prohibited.** Hunting is prohibited within the corporate limits of the City of Glendale.
  - (f) **Making, Possession, Transfer or Use of Fire Bombs and Other Similar Devices.** No person shall make, carry, possess, sell, give, transfer to another or use any type of fire or explosion creating device which is defined to mean a flammable liquid-filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.
  - (g) **Definitions.** For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

## 11.2.2 CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED.

- (a) **Concealed Weapons Prohibited.**
  - (1) **Prohibition.** No person shall within the City wear or in any manner carry under his clothes or conceal upon or about his person any deadly or dangerous weapon, provided this Subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.
  - (2) **Dangerous Weapon Defined.** "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
- (b) **Concealed Weapons in Public Establishments.** No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This Subsection shall not apply to peace officers or others duly

authorized by law acting within the scope of their duties. This Subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.

- (c) **Specific Concealed Weapons Prohibited.** No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the City.

- (d) **Possession, Sale and Manufacture of Certain Weapons Prohibited.**

(1) No person shall sell, manufacture, purchase, possess or carry metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, a "numchuk" (also called a "nunchaku") or any similar weapon, a "cestus" or similar material weighted with metal or other substance and worn on the hand, a "churkin" (also called a "suriken") or any similar object intended to injure a person when thrown, a "sucbai" or similar weapon, a "manrikigusari" or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person within the City of Glendale.

(2) For the purpose of this Subsection, the following definitions shall apply:

- a. "Numchuk" or "Nunchaku." An instrument consisting of two (2) or more sticks, clubs or rods connected by a rope, cord, wire or chain.
- b. "Churkin." A round throwing knife consisting of several sharp points protruding from a rounded disc.
- c. "Sucbai." A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.

(3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

- (e) **Reckless Use of Weapons.**

(1) **Acts Prohibited.**

- a. No person shall endanger another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow.
- b. No person shall operate or go armed with a firearm, air gun, knife or bow and arrow while he is under the influence of an intoxicant.
- c. No person shall intentionally point a firearm, air gun, knife or bow and arrow at or toward another person.

(2) **Reckless Conduct Defined.** "Reckless conduct" consists of an act, which creates a situation of unreasonable risk and high probability of death or

great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take chances of perpetrating an injury.

### 11.2.3                   **SAFE USE AND TRANSPORTATION OF FIREARMS AND BOWS.**

- (a) Definitions. In this Section:
- (1) **Aircraft** has the meaning given under Sec. 114.002(3), Wis. Stats.
  - (2) **Encased** means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
  - (3) **Firearm** means a weapon that acts by force of gunpowder.
  - (4) **Highway** has the meaning given under Sec. 340.01(22), Wis. Stats.
  - (5) **Motorboat** has the meaning given under Sec. 30.50(6), Wis. Stats.
  - (6) **Roadway** has the meaning given under Sec. 340.01(54), Wis. Stats.
  - (7) **Unloaded** means any of the following:
    - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
    - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
    - c. In the case of a flintlock muzzle-loading firearm, having the flashpan cleaned of powder.
  - (8) **Vehicle** has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.
- (b) **Prohibitions; Motorboats and Vehicles; Highways and Roadways.**
- (1) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
  - (2) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
  - (3) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
  - (4) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet from the center of a road.
  - (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture of not more than One Hundred Dollars (\$100.00).
- (c) **Exceptions.**
- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from

a vehicle, motorboat or aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:

- a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
  - b. A member of the U.S. armed forces.
  - c. A member of the National Guard.
- (2) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
  - (3) Subsections (b)(2) and (3) do not apply to the holder of a permit under Sec. 29.09, Wis. Stats., who is hunting from a standing automobile in accordance with that Subsection.

#### **11.2.4 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.**

It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, arrow, stone, snowball or other missile within the City of Glendale, provided, however, upon written application to the Chief of Police and Common Council, a person may be granted permission by the Common Council to construct and maintain a supervised non-commercial archery range if, in the opinion of the Common Council, the construction or maintenance of such ranges will not endanger the public health and safety.

#### **11.2.5 HARASSING OR OBSCENE TELEPHONE CALLS.**

Whoever commits any of the following acts shall be subject to the general penalty as provided in this Municipal Code:

- (a) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- (b) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
- (c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- (d) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- (e) Knowingly permits any telephone under his control to be used for any purpose prohibited by this Section;
- (f) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

### 11.2.6 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

- (a) No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks within the limits of the City unless he/she shall be authorized by a fireworks user's permit as provided in Section 7-8-1 of this Code of Ordinances, or except as provided in Subsection (b) below. The term "fireworks" as used in this Section shall be defined as provided in Section 7-8-1 of this Code of Ordinances, and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.
- (b) Notwithstanding Subsection (a) above, no person may sell, expose or offer for sale, or possess with intent to sell, fireworks, except:
  - (1) To a person holding a user's permit under Subsection 7.8.1(c)(3);
  - (2) To a municipality; or
  - (3) For a purpose specified under Subsections 7.8.1(c)(2)b through f.

### 11.2.7 OBSTRUCTING STREETS AND SIDEWALK PROHIBITED.

- (a) **Obstructing Streets.** No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the City in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.
- (b) **Blocking Sidewalk Prohibited.** No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (c) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.
- (d) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
  - (1) **Block,** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
  - (2) **Sidewalk.** Any sidewalk owned or maintained by the City. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

### 11.2.8 LOITERING PROHIBITED.

Whoever does any of the following within the limits of the City of Glendale may be subject to a forfeiture pursuant to Section 1.1.7 or, upon default of payment thereof, shall be imprisoned in the house of correction of Milwaukee County for not more than ninety (90) days:

- (a) **Loitering.** Loiters or prowls 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 actor takes flight upon appearance of a sworn police officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the actor or other circumstances makes it impracticable, a sworn police officer shall, prior to any arrest for an offense under this Section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting the actor to identify himself/herself and explain his/her presence and conduct.
- (b) **Dwelling Areas.** Hides, waits or otherwise loiters in the vicinity of any private dwelling house, apartment building, planned unit development, condominium project, hotel or motel or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.
- (c) **Public Rest Rooms.** Loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious conduct or any unlawful act.
- (d) **Schools.** Loiters in or about any school or public place at or near which children or students attend or normally congregate. As used in this Subsection, "loiter" means to delay, to linger or to idle in or about any said school or public place without a lawful purpose for being present.
- (e) **Public Building.** Lodges in any building structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.
- (f) **Restaurants, Tavern.** Loiters in or about the restaurant, tavern or other public building. As used in this Subsection, "loiter" means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.
- (g) **Soliciting.**
  - (1) For purposes of this Subsection, "soliciting" means to loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting any one or more of the following purposes:
    - a. **Prostitution.** To induce, entice, solicit or procure another to commit an act of prostitution.
    - b. **Gambling.** To engage in acts of illegal gambling.
    - c. **Fortune Telling.** To engage in fortune telling with intent to defraud or deceive.

- d. **Panhandling.** To beg or solicit funds or goods, except as an agent or employee of a recognized and legitimate benevolent, religious or charitable organization, acting in the course of agency or employment.
- (2) The following circumstances may be considered in determining whether such purposes are manifest:
    - a. That such person is a known prostitute or panderer.
    - b. That such person repeatedly beckons to stop or attempts to stop, or engage passersby in conversation.
    - c. That such person repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms, or any other bodily gesture.
  - (3) No arrest shall be made for a violation of this Subsection unless the sworn police officer first affords the suspected violator an opportunity to explain such conduct, and no person shall be convicted of violating this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.
  - (4) Definitions. As used in this Subsection:
    - a. "Place Open to the Public" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.
    - b. "Known Prostitute or Panderer" means a person who, within five (5) years previous to the date of arrest for violation of this Section, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

## 11.2.9

### LOUD AND UNNECESSARY NOISE PROHIBITED.

- (a) Loud and Unnecessary Noise Prohibited. It shall be unlawful for any person to make, continue or cause to be made or continued, or for a person having control of property, to allow any loud and unnecessary noise.
- (b) Types of Loud and Unnecessary Noises. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
  - (1) **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the City for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one

operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

- (2) **Radios, phonographs, similar devices.** Notwithstanding the provisions of Subsection (c) herein, the using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (3) **Loudspeakers, amplifiers for advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (4) **Animals, birds.** The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- (5) **Steam whistles.** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper City authorities.
- (6) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.
- (7) **Construction or repair of buildings.** The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Building Inspector shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
- (8) **Schools, courts, churches, hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.

(9) **Commercial Paging and Communication Systems.** Commercial paging systems allowing communication between or paging of employees or customers are deemed to be a loud and unnecessary noise. Commercial paging operations, such as those employed by car dealerships, garages, and landscape companies, are expressly prohibited to the extent silent paging systems are available as a reasonable alternative. In no event shall paging systems emanate noise audible beyond the confines of the subject property in excess of the stationary noise limits imposed by subsection (c) below.

(10) **Exceptions.** The provisions of this Section shall not apply to:

- a. Any vehicle of the City while engaged in necessary public business.
- b. Excavations or repairs of streets or other public construction by or on behalf of the City, County, or State at night when public welfare and convenience renders it impossible to perform such work during the day, as determined by the City Administrator or his/her designee.
- c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(c) **Stationary Noise Limits.**

(1) **Maximum Permissible Sound Levels.**

- a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.

<b>Zone</b>	<b>Noise Rating- Daytime</b>	<b>Noise Rating - Nighttime</b>
Residential	75 dB(A)	65 dB(A)
Commercial	85 dB(A)	75 dB(A)
All Other Zones	75 dB(A)	75 dB(A)

- b. Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor and the subject noise shall exceed the ambient noise by 5 dB in any octave band to be designated excessive.
- c. Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection a. above, if the subject noise consists primarily of a pure tone or if it is impulsive in character.

(2) **Construction Noise.** Construction equipment in any zone may be operated between the hours of 7:00 a.m. and 7:00 p.m. provided that said equipment does not exceed a maximum sound level of 80 dB(A) measured at the property line of the location at which said equipment is in use.

- (3) **Noise in Residential Districts.** In Residential Zones, the person in violation of this Section shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officer.
  - (4) **Operation of Certain Equipment.** Lawnmowers, chainsaws, powered garden equipment, electric insect killing/repelling devices, and other non-construction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.
  - (5) **Exemptions.** Operations of emergency equipment shall be exempt from this Chapter. Snowblowers not operated on a commercial basis shall be exempt from this Chapter when used to gain access to a City street. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the City.
  - (6) **Methods of Measuring Noise.**
    - a. Equipment. Noise measurement shall be made with a sound level meter.
    - b. Location of Noise Meter. Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three (3) feet above the ground and at least three (3) feet away from walls, barriers, obstructions, and all other sound reflective surfaces.
  - (7) **Appeals.** The Common Council may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this Chapter for existing industries.
- (d) **Permits for Amplifying Devices.**
- (1) **Permit Required.** The use of loudspeakers or amplifying devices on the streets or in the parks of the City of Glendale is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.
  - (2) **Grounds or Reasons for Denial or Allowance.** The Chief of said Police Department shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.
  - (3) **Time Restrictions.** The Chief of the Police Department shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 10:00 p.m. No permit shall be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

### 11.2.10 DISORDERLY CONDUCT.

- (a) **Disorderly Conduct Prohibited.** No person within the City of Glendale shall:
  - (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.
  - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (b) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the City, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.
- (c) **Disorderly Conduct with Motor Vehicle.** No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noise. Any juvenile ages twelve (12) through fifteen (15), who violates any statutory provision in Chapters 340 to 348 of the Wisconsin Statutes as amended from time to time, which describe and define regulations pertaining to vehicles and traffic, and which are incorporated herein by reference, shall be deemed guilty of an offense under this Section.

### 11.2.11 POSSESSION OF CONTROLLED SUBSTANCES.

- (a) No person shall possess twenty-five (25) grams or less of marijuana, as defined in Sec. 161.01(14), Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 161, Wis. Stats.
- (b) For purposes of this Section, "practitioner" means:
  - (1) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
  - (2) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
- (c) This Section does not apply to any person who is charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

State Law Reference: Sec. 66.051(4), Wis. Stats.

### **11.2.12 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.**

- (a) It shall be unlawful for any person, except as provided in Subsection (b) hereof, to be present in, loiter or enter into any public school building, school parking lot or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof.
- (b) This Section shall not apply to:
  - (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof to leave the school building or school grounds;
  - (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;
  - (3) Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- (c) The exceptions set forth in Subsection (b) shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
- (d) All entrances to the school buildings shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited." All school grounds shall be posted with a notice stating "Entry Upon School Grounds by Unauthorized Persons Prohibited."

### **11.2.13 FAILURE TO OBEY LAWFUL ORDER.**

It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

### **11.2.14 HOTEL REGISTRATION AND SECURITY**

- (a)
  - (1) Every owner, keeper or proprietor of any lodging house, rooming house, motel or hotel shall keep a register wherein all guests, roomers or lodgers shall inscribe their names upon their procuring lodging, a room or accommodations. Said owner, keeper or proprietor shall verify the credit card signature of each guest, roomer or lodger making payment by way of credit card, with the signature inscribed upon the hotel register. If the signature as inscribed on the register does not appear to reasonably

match the signature on the credit card, further identification shall be requested of the type requested of persons paying in cash. Said owner, keeper or proprietor shall require identification of any guest, roomer or lodger paying in cash, at the time of registration, and in a valid and current format showing the person's name and date of birth, and may be, but is not limited to, a driver's license, state issued picture identification card, or such other form as will reasonably assure that the registrant is, in fact, the person under whose name such lodging, room or accommodation is, in fact, being procured, and shall maintain a photocopy of such identification or transpose the identifying information in the registration ledger. For any guest, roomer or lodger taking occupancy through a prearranged reservation in the name of a corporation, business, association or any other entity, the owner, keeper or proprietor shall request identification of the specific guest, roomer or lodger at the time of registration as will reasonably assure such person to be the person for whom the lodging, room or accommodations have been procured.

- (2) Before furnishing any lodging for hire to any person in any lodging house, or before furnishing any accommodations to any guest of any motel or hotel, the proprietor, manager or owner thereof shall require the person to whom such lodgings are furnished, or room is rented or accommodations furnished, to inscribe his or her name in such register, kept for that purpose as hereto before provided, and shall set opposite said name the time that said name was so inscribed and the room occupied by such lodger, roomer or guest.
- (b) Every owner, keeper or proprietor of any lodging house, rooming house, motel or hotel shall, at all times, during which the premises accommodate guests, roomers or lodgers maintain on duty a responsible management person. Such management representative shall be an individual capable of assisting and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety, and shall be conversant in the English language.
- (c) All information required to be procured and kept pursuant to Subsection (a) of this Section shall be provided to any federal, state, or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists, that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy than the officer shall otherwise possess as a matter of common law, probable cause, statutory right, or warrant.
- (d) Every owner, keeper, or proprietor of any lodging house, rooming house, motel or hotel shall keep and maintain in each and every rental unit, a telephone equipped for outgoing calls, and which telephone will allow any person therein to place a direct call to 911, the Glendale Police Department or the Glendale Fire Department. The existence of a minor dialing requirement, such as dialing 9 to obtain an outside line, shall not be deemed a violation of this Section. However, under no circumstances shall prepayment, prior authorization or any other

- procedure of any nature which in any way impedes effective, immediate, and direct placement of such emergency phone call be required.
- (e) No person shall procure or provide lodging in any lodging house, rooming house, motel or hotel, or any services therefrom, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging or service. A violation of this Section shall be punishable under Section 1-1-7 of the City of Glendale Code of Ordinances.
  - (f) No owner, keeper, or proprietor of any lodging house, rooming house, motel or hotel shall rent or provide a room for any number of persons greater than the sleeping accommodations provided within the particular rental unit. A violation of this Section shall be punishable under Section 1-1-7 of the City of Glendale Code of Ordinances.
  - (g) No owner, keeper, or proprietor, guest or resident of any lodging house, rooming house, motel or hotel shall allow to congregate within any room or single rental unit a number of persons which is greater than three (3) times the number of persons for whom sleeping accommodations are provided within the single room or rental unit. A violation of this Section shall be punishable under Section 1-1-7 of the City of Glendale Code of Ordinances. (h) In addition to any forfeiture under Section 1-1-7 for violation of this Chapter, the City may institute an action or proceeding to enjoin a violation, and such violation shall constitute the basis for revocation of any and all licenses and permits wherein the City is the issuing authority.

### 11.2.15 CONTRIBUTING TO TRUANCY

- (a) **Authority.** The authority for adoption of this Section of the City of Glendale Code of Ordinances is Sec. 118.163, Wis. Stats.
- (b) **Definitions.** For purposes of this Section:
  - (1) **Dropout.** A person who ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school, is not enrolled in a program leading to high school graduation or a high school equivalency diploma, and does not have an acceptable excuse for being absent from school.
  - (2) **Habitual Truant.** A pupil who is absent from school without an acceptable excuse under Secs. 118.15 and 118.16(4), Wis. Stats., for part or all of five (5) or more days on which school is held during a semester.
  - (3) **Acceptable Excuse.** Has the meaning as defined in Secs. 118.15 and 118.16(4), Wis. Stats.
  - (4) **School Attendance Officer.** Any employee designated by the school board to deal with matters relating to school attendance and truancy.
  - (5) **Operating Privilege.** Has the meaning given in Sec. 340.01(40), Wis. Stats.

- (6) **Truancy.** Any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of this Section or Sec. 118.15, Wis. Stats.
- (7) **Truant.** A pupil who is absent from school without an acceptable excuse under Sees. 118.15 and 118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.
- (c) **Prohibitions.**
- (1) ***Prohibition of Truancy.*** A person under eighteen (18) years of age is prohibited from being a truant.
  - (2) ***Prohibition of Habitual Truancy.*** A person under eighteen (18) years of age is prohibited from being a habitual truant.
  - (3) ***Prohibition of Dropouts.*** A person under eighteen (18) years of age is prohibited from being a dropout.
- (d) **Issuance of Citations and Precondition to Issuance for Habitual Truancy.** The City of Glendale Police Department is authorized to issue a municipal citation to any such person found within its jurisdiction who is in violation of this Section, provided, however, that with respect to a habitual truant only, the school attendance officer has first provided evidence to the Police Department that appropriate school personnel in the school or school district in which the person is enrolled have, unless an exception in Sec. 118.16(5m), Wis. Stats., applies, done all of the following within the school year during which the truancy occurred:
- (1) Met with the person's parent or guardian to discuss the person's truancy or attempted to meet with the person's parent or guardian and received no response or were refused.
  - (2) Provided an opportunity for educational counseling to the person to determine whether a change in the person's curriculum would resolve the person's truancy and have considered curriculum modifications under Sec. 118.15(1)(d), Wis. Stat.
  - (3) Evaluated the person to determine whether learning problems may be the cause of the person's truancy and, if so, have taken steps to overcome the learning problems, except that the person need not be evaluated if tests administered to the person within the previous year indicate that the person is performing at his or her grade level.
  - (4) Conducted an evaluation to determine whether social problems may be the cause of the person's truancy and, if so, have taken appropriate action or made appropriate referrals.
- (e) **Form of Citation.** Any citation issued shall be returnable in the Municipal Court of the City of Glendale in the same manner as all ordinance citations are returnable. The citation shall state on its face that this is a "Must Appear" citation and any forfeiture amount is to be written on the face of the citation.
- (f) **Findings and Dispositions.**

- (1) **Truancy Dispositions.** Upon finding a person to be truant, the court shall impose one or more of the following dispositions:
  - a. An order for the person to attend school.
  - b. A forfeiture of not more than Fifty Dollars (\$50.00) plus costs for a first violation, or a forfeiture of not more than One Hundred Dollars (\$100.00) plus costs for any second or subsequent violation committed within twelve (12) months of a previous violation, subject to Sec. 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture of not more than Five Hundred Dollars (\$500.00) plus costs for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the truant, the parents or guardian of the truant, or both.
- (2) **Habitual Truancy Dispositions,** Upon finding a person to be a habitual truant, the court shall impose one or more of the following dispositions:
  - a. Suspend the person's operating privileges for not less than thirty (30) days or more than one (1) year. The court shall immediately take possession of any suspended license and forward it to the Wisconsin Department of Transportation, together with a notice setting forth the reason for and duration of the suspension.
  - b. Order the person to participate in counseling, community service or a supervised work program under Sec. 938.34(5g), Wis. Stats. The costs of any such counseling, supervised work program or other community service may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or non-profit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of Twenty-five Thousand Dollars (\$25,000.00) for any act or omission by or impacting on that person.
  - c. Order 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. Order the person to attend an education program under Sec. 938.34(7d), Wis. Stats.
  - e. Order the Department of Workforce Development to revoke under Sec. 103.72, Wis. Stats., a permit under Sec. 103.70, Wis. Stats., authorizing the employment of the person.
  - f. Order the person to attend school.
  - g. Impose a forfeiture of not more than Five Hundred Dollars (\$500.00) plus costs, subject to Sec. 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

- h. Order the person to comply with any other reasonable conditions consistent with this Section, including a curfew, restrictions as to going or remaining on specified premises and restrictions on associating with other juveniles or adults.
  - i. An order placing the person under formal or informal supervision as described in Sec. 938.34(2), Wis. Stats., for up to one year.
  - j. Order 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.
- (3) Dropout Dispositions, Upon finding a person who is at least sixteen (16) years of age, but less than eighteen (18) years of age, to be a dropout, the court shall impose one or more of the following dispositions:
- a. Except as provided in Subsection (b), the court shall suspend the person's operating privilege until the person reaches the age of eighteen (18) years. The court shall immediately take possession of any suspended license authorized for habitual truants and forward it to the Wisconsin Department of Transportation, together with a notice stating the reason for and the duration of the suspension.
  - b. If the court finds that suspension of the person's operating privilege until age eighteen (18) would cause an undue hardship to the person or his or her family, the court may instead enter any of the specific dispositions authorized for habitual truants.
- (g) **Contributing to Truancy.**
- (1) **Prohibition.** Except as provided in Subsection (g)(2) below, any person eighteen (18) years of age or older, who, by any act or omission, knowingly encourages or contributes to a person's truancy, as defined within this Section, is guilty of a violation of this Section.
  - (2) **Exemption.** Subsection (g)(1) does not apply to a person who has under his or her control a person who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats.
  - (3) **Contribution Test.** An act or omission contributes to the truancy of a person whether or not the person is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would cause the person to be truant.
  - (4) **Statutory Authority.** This Subsection is adopted pursuant to the authority granted by Sec. 66.051(2), Wis. Stats.
  - (5) **Forfeiture.** A person adjudged to have violated this Section shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00)
- (h) **References To Statutes.** References to specific statutory sections whenever used in this Section shall mean the Wisconsin Statutes of 1997-98 as from time to time are amended, modified, repealed or otherwise altered by the state legislature.

**11.2.16 REGULATION OF SMOKING.**

- (a) **Definitions.** For purposes of this chapter, the following terms have the meaning indicated.
- (1) "Adult day care facility" has the meaning set forth sec. 49.45(47)(a), Wis. Stats.
  - (2) "Bed and breakfast establishment" has the meaning set forth in sec. 254.61(1), Wis. Stats.
  - (3) "Child care facility" shall mean any licensed or certified child care facility, including, but not limited to licenses family day care or licensed group day care centers, licensed day camps, certified school-age programs, and Head Start programs.
  - (4) "Cigarette" has the meaning set forth in sec. 139.30(1), Wis. Stats.
  - (5) "Enclosed area" shall mean all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways) which extend from the floor to the ceiling.
  - (6) "Entrance" shall mean a doorway and adjacent area which gives direct access to a building from a contiguous street, plaza, sidewalk, or parking lot.
  - (7) "Health care facility" has the meaning set forth in sec. 155.01(6), Wis. Stats.
  - (8) "Hotel and motel" have the meaning set forth in sec. 254.61(3), Wis. Stats.
  - (9) "Mall" shall mean an enclosed indoor area containing common areas and discrete businesses and stores primarily devoted to the retail sale of goods and services.
  - (10) "Medical services" has the meaning set forth in sec. 647.01(6), Wis. Stats.
  - (11) "Non-smoking" shall mean smoking is prohibited.
  - (12) "Place of employment" shall mean an enclosed area controlled by the employer which employees normally frequent during the course of employment, including, but not limited to common work areas, private offices, employee lounges, restrooms, conference and meeting rooms, classrooms, healthcare facilities, cafeterias, stairways, hallways, vehicles, and all other enclosed facilities. A private residence is not a "place of employment" within the meaning of this ordinance.
  - (13) "Private club" shall mean an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but no for pecuniary gain and which only sells alcohol beverages incidental to its operation. The affairs and management of the private club are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The private club has established bylaws and/or a constitution to govern the club's activities. The private club has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C.A. section 501.

- (14) "Private residence" shall mean a premise owned, rented, or leased for temporary or permanent habitation.
  - (15) "Public place" shall mean any enclosed area to which the public is invited or in which the public is permitted. A private residence is not a public place unless it is used as a child care facility, adult day care facility, or health care facility.
  - (16) "Smoking" shall mean to inhale, exhale, carry, possess, or control any lighted cigarette or any lighted tobacco product in any form or in any manner.
  - (17) "Tobacco product" has the meaning set forth in sec. 139.75(12), Wis. Stats.
- (b) **Smoking prohibited in public places.** Except as provided as a specific exception hereinafter, smoking in any public place shall be unlawful, including, but not limited to the following:
- (1) Theatres, libraries, museums, auditoriums, and convention halls which are used by or open to the public.
  - (2) Child care facilities.
  - (3) Adult day care facilities.
  - (4) Retail stores.
  - (5) Health care facilities.
  - (6) Waiting rooms, hallways, or rooms of health care laboratories.
  - (7) Waiting rooms, hallways, and rooms in offices of any physician, dentist, psychologist, chiropractor, optometrist, optician, or other medical service provider.
  - (8) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, and other multiple-unit residential facilities.
  - (9) Restrooms, lobbies, reception areas, hallways, and other common areas which are used by or open to the public.
  - (10) Meeting and conference rooms in which people gather for educational, business, professional, union, governmental, recreational, political, or social purposes.
  - (11) Polling places.
  - (12) Self-service laundry facilities.
  - (13) Restaurants.
  - (14) Bars, taverns, nightclubs, and cocktail lounges.
  - (15) Common areas of malls, meaning those areas within a mall customarily accessible to patrons.
  - (16) City facilities, meaning all city-owned and operated buildings and those portions of buildings leased and operated by the city.
  - (17) City transit buses and public bus shelters of the city, whether or not such bus shelter is an enclosed area.
  - (18) Educational facilities, meaning any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

- (19) Sports arenas, meaning sports pavilions, stadiums, gymnasiums, health spas, swimming pools, roller and indoor ice rinks, bowling centers, and other similar places where the public assembles to engage in physical exercise, participate in athletic event competition, or witness a sporting or other event.
  - (20) Common areas in bed and breakfast establishments, hotels and motels, and rooms thereof that are rented to guests and designated as non-smoking rooms including lobbies, community rooms, hallways, laundry rooms, stairwells, elevators, enclosed parking facilities, pool areas, and restrooms within said facilities.
- (c) **Smoking prohibited in places of employment.**
- (1) Except as provided as a specific exception hereinafter, smoking in any place of employment shall be unlawful.
  - (2) This prohibition on smoking shall be communicated to all existing employees prior to the effective date of this ordinance and to all prospective employees upon their application for employment.
- (d) **Smoking prohibited in specified outdoor areas.** Smoking shall be unlawful in the following areas:
- (1) Within a reasonable distance of all outside entrances to, operable windows of, or ventilation systems of public places or places of employment where smoking is prohibited pursuant to ss. (c) so as to prevent smoke from entering said enclosed areas in which smoking is prohibited.
  - (2) In the seating areas of all outdoor arenas, stadiums, and amphitheaters, as well as in the bleachers and grandstands used by spectators at sporting and other public events, including, without limitation, football and baseball stadiums.
  - (3) Those portions of city parks temporarily posted as no smoking areas by the parks and recreation department at the request of a park permit holder or park facility lessee or when necessary for the public health or safety.
  - (4) Those areas outside of city facilities that are posted as no smoking by the city manager or his or her designee.
- (e) **Exceptions.** The following shall not be subject to and are exempt from the smoking prohibitions of this chapter:
- (1) Use of tobacco by an enrolled member of an Indian tribe, as those terms are defined in sec. 139.30(4) and (5), Wis. Stats., as part of a traditional spiritual or cultural ceremony.
  - (2) Bed and breakfast establishments and hotel and motel rooms that are rented to guests and are designed as smoking rooms, provided that not more than twenty-five percent (25%) of the rooms rented to guests are designated as smoking rooms. This exception does not include common areas as defined in s. (b)(20).
  - (3) Private residences, except when used as a child care facility, adult day care facility, or health care facility.

- (4) Private clubs, except when used for a function to which the public is invited or permitted to enter. This exception shall not apply to any organization established to avoid compliance with the ordinance.

(f) **Signs required.**

- (1) Signs prohibiting smoking shall be posted conspicuously at every entrance by the proprietor or other person in charge of each building or structure regulated by ss. (b) and (c). Signs in specified outdoor areas designated as non-smoking pursuant to s. (d) shall be placed so that the general public has reasonable notice of the prohibition. Signs shall contain a reference that regulation is by ordinance, such as "No Smoking-City Ordinance Section 11.2.16", or equivalent. A sign, provided by or approved by the health department, shall not be smaller than 8 1/2" x 5 1/2", except that signs in specified outdoor areas may be reduced in size and displayed on table top tents or menus.
- (2) It shall be unlawful for any person to remove, deface, or destroy any legally required "No Smoking" sign.

(g) **Enforcement.**

- (1) The proprietor or other person in charge of premises regulated hereunder shall make reasonable efforts to prevent smoking in prohibited areas by:
- a. Approaching persons who fail to voluntarily comply with this chapter and requesting that they extinguish their smoking material and refrain from smoking upon witnessing the same or upon request from any person.
  - b. Any other means which may be deemed appropriate by said proprietor, including refusal of service to anyone smoking in a prohibited area.
- (2) No proprietor or other person in charge of premises regulated by this chapter shall place, provide, or make available any ashtray or similar device used to facilitate smoking in an area where smoking is prohibited.
- (3) Any person who is smoking shall be refused admittance to a city transit bus.
- (4) Any person smoking on a city transit bus shall be required to leave such bus as ordered by the person in charge of the bus in the time or his agent, without reimbursement for any fee or charge which may have been paid for admittance to said bus.
- (5) Any person who desires to register a complaint under this chapter may contact the city-county health department.
- (6) No person shall discharge, refuse to hire, refuse to serve, or in any other manner retaliated against any employee, applicant for employment, customer, service user, business patron, or any other person because that person exercises any rights afforded by this chapter.
- (7) The city-county health department, building inspections division, fire department, police department, or parks & recreation department shall have the power, whenever it may deem necessary, to enter a building, structure, or property regulated under this chapter to ascertain whether the premises are in compliance with this chapters. The above-listed

departments may issue compliance orders and citations pursuant to the provisions of this code.

- (h) **Additional private prohibitions.** Nothing in this ordinance shall prevent a proprietor or other person in charge of any place from prohibiting smoking in any indoor or outdoor area under their control.
- (i) **Other applicable laws or regulations.** This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by any other law or regulation.
- (j) **Liberal construction.** This ordinance shall be liberally construed to achieve the purposes set forth in this chapter.
- (k) **Penalty.** Any person who violates any provision shall be subject to penalty under s. 1.1.7 of the Glendale Code. Each day of violation shall constitute a separate offense.
- (l) **Severability.** The provisions of this chapter are severable. If any provision of this chapter is held to be invalid or unconstitutional, or if the application of any provision of this chapter to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications. It is hereby declared to be the intent of the city council that this chapter would have been adopted had any invalid or unconstitutional provisions or applications not been included herein.

#### **11.2.17 MISUSE OF THE "911" EMERGENCY TELEPHONE NUMBER PROHIBITED.**

- (a) **Prohibitions.** Any person who dials the "911" Emergency Telephone Number and does any of the following is guilty of a violation of this Section:
  - (1) Knowing that the fact situation he/she reports does not exist.
  - (2) For a non-emergency reason.
  - (3) Fails to report an emergency and fails to hang up, causing an open line.
  - (4) Hangs up without first reporting an emergency or without a valid reason for dialing "911". For purposes of this Section, it is presumed that the caller does not have a valid reason if a prior hang-up, false alarm, non-emergency or open line call has been made from the same telephone number within the last twelve (12) month period.
- (b) **Penalty.** Any person who violates this Section shall be fined not less than Twenty-Five Dollars (\$25.00) or more than Five Hundred Dollars (\$500.00) for a first violation, and not less than Fifty Dollars (\$50.00) or more than One Thousand Dollars (\$1,000.00) for a second or subsequent violation.

#### **11.2.18 INHALATION OF HARMFUL SUBSTANCES PROHIBITED.**

- (a) **Definitions.** For purposes of this Section, the following terms shall be defined as specified herein.

- (1) **Harmful Substances.** Toxic glue, or any other substance having the property of releasing toxic vapors or which vaporizes to produce a vapor, gas or fume which when inhaled produces intoxication, stupefaction, irrational behavior, paralysis, or which changes, distorts or disturbs eyesight, the thinking process, judgment, balance or muscular coordination.
  - (2) **Toxic Glue.** Any glue, adhesive cement, mucilage, plastic cement, or any similar substance containing one or more of the following volatile substances: acetone, benzene, butylalcohol, cyclohexanone, ethyl acetate, isopropyl alcohol, methyl alcohol, methyl cellosolve, acetate, methyl ethyl ketone, methyl isobutyl ketone, pentachlorophenol, petroleum ether, trichlorethylene, tricresyl phosphate, toluene, toluol, or any other chemical capable of producing intoxication when inhaled.
- (b) **Smelling or Inhalation Prohibited.** No person shall smell gases, inhale the fumes or vapors or otherwise introduce into his/her respiratory tract any harmful substance with the intent of becoming intoxicated, elated, excited, stupified, irrational, paralyzed, or with the intent to change, distort or disturb his/her eyesight, thinking process, judgment, balance or muscular coordination.
- (c) **Sale or Transfer Prohibited.** No person shall, for the purpose of violating or aiding another to violate this Section possess, buy, sell, transfer possession or receive possession of any harmful substance. No person shall sell or transfer possession of any aerosol spray paint containing a harmful substance having the property of releasing toxic vapors to any person under eighteen (18) years of age. No person shall sell or transfer possession of any toxic glue to any person under eighteen (18) years of age, provided, however, that one tube or container of toxic glue may be sold or transferred to a child under eighteen (18) years of age immediately in conjunction with the sale or transfer of a model kit, if the kit requires approximately such quantity of the glue for assembly of the model, and provided further, that nothing herein contained shall be applicable to the transfer of a tube or other container of such glue from a parent to his/her child or from a legal guardian to his/her ward.

#### **11.2.19 PROHIBITION OF THE POSSESSION OF "PEPPER SPRAY" ON SCHOOL GROUNDS.**

It shall be unlawful for any person to possess any device or container that contains a combination of oleoresin of capsicum, commonly referred to as "pepper spray", and inert ingredients but does not contain any other gas or substance that will cause bodily discomfort, on school grounds.

#### **11.2.20 PENALTIES.**

Any person violating any provision of Sections 11.2.1 through 11.2.19 shall, upon conviction of such violation, be subject to the penalties as prescribed by Section 1.1.7 of this Code.

## 11.3 Offenses Against Property

11.3.1	DESTRUCTION OF PROPERTY PROHIBITED
11.3.2	LITTERING PROHIBITED
11.3.3	ABANDONED REFRIGERATORS PROHIBITED
11.3.4	(RESERVED FOR FUTURE USE)
11.3.5	STORAGE OF JUNK, ETC., REGULATED
11.3.6	(RESERVED FOR FUTURE USE)
11.3.7	THEFT OF LIBRARY MATERIAL
11.3.8	DAMAGING OR TAMPERING WITH COIN MACHINES
11.3.9	DAMAGE TO PUBLIC PROPERTY
11.3.10	DISTURBING CEMETERY PROPERTY
11.3.11	OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED
11.3.12	REFUSAL TO PAY TAXI FARE PROHIBITED
11.3.13	PENALTIES

### 11.3.1 DESTRUCTION OF PROPERTY PROHIBITED.

- (a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the City and belonging to the City or its departments, public School Districts or to any private person, without the consent of the owner or proper authority.
- (b) **Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
- (c) **Unlawful Removal of Property.** It shall be unlawful for any person to take and carry away the property of another without the owner's consent with the intention to do so.

### 11.3.2 LITTERING PROHIBITED.

- (a) **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 property within the City owned by public School Districts or any private person, or upon the surface of any body of water within the City.
- (b) **Litter From Conduct of Commercial Enterprise.**
  - (1) Scope. The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
  - (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any

street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

- (3) Litter picked up at litterer's expense. If any person, firm, corporation or association falls to pick up any litter as required by Subsection (b)(1) within the time specified, the City shall arrange to have the same picked up by City crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the City Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.
- (c) **Dumping of Refuse and Grass in Gutters.** No person shall deposit any refuse, leaves or grass clippings in any gutter along any public street, road, alley or highway.
- (d) **Handbills.**
- (1) Scattering Prohibited. It shall be unlawful to deliver any handbills or advertising material to any premises in the City except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- (2) Papers in Public Places Prohibited. It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

### 11.3.3 ABANDONED REFRIGERATORS 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 ice box, 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 said door or lid, snap lock or other locking device from said 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.

### 11.3.4 (RESERVED FOR FUTURE USE.)

### 11.3.5 STORAGE OF JUNK, ETC., REGULATED.

No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood except or upon permit issued by the Common Council. The Chief of Police or Building Inspector may require by written order any premises violating this Section to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

Cross Reference: Title 10, Chapter 5.

### 11.3.6 (RESERVED FOR FUTURE USE)

### 11.3.7 THEFT OF LIBRARY MATERIAL.

- (a) **Definitions.** For the purposes of this Section, certain words and terms are defined as follows:
- (1) Archives. A place in which public or institutional records are systematically preserved.
  - (2) Library. Means any public library, library of an educational or historical organization or society or museum, and specifically the public libraries of the City of Glendale.
  - (3) Library Material. Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audio-visual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.
- (b) **Possession Without Consent Prohibited.** Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.
- (c) **Concealment.** The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been

borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

- (d) **Detention Based on Probable Cause.** An official or adult employee or agent of a library who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this Section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (e) **Damaging Material Prohibited.** No person shall mar, deface or in any other way damage or mutilate any library material.
- (f) **Return Demanded.** No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the library.

State Law Reference: Section 943.61, Wis. Stats.

### 11.3.8 DAMAGING OR TAMPERING WITH COIN MACHINES.

- (a) No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the City. No person shall deposit a slug in a coin-operated machine.
- (b) In this Section, coin machine means any device or receptacle designed to receive money or anything of value. The term includes a depository box, parking meter, vending machine, pay telephone, money-changing machine, coin-operated phonograph and amusement machine if they are designed to receive money or other thing of value.

### 11.3.9 DAMAGE TO PUBLIC PROPERTY.

- (a) **Damaging Public Property.** No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower,

flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the City.

- (b) **Breaking of Street Lamps or Windows.** No person shall break glass in any street lamps or windows of any building owned or occupied by the City.

#### **11.3.10 DISTURBING CEMETERY PROPERTY.**

No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants or vines from any cemetery lot or property; nor shall any person deface, injure or mark upon any cemetery markers, headstones, monuments, fences or structures; nor shall any person other than the owner injure, carry away or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot.

#### **11.3.11 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 fenced 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.

#### **11.3.12 REFUSAL TO PAY TAXI FARE PROHIBITED.**

No person who has been transported by a taxicab shall refuse to pay the fare for such transportation as such fare is shown on the taximeter or zone meter.

#### **11.3.13 PENALTIES.**

Any person violating any provision of Sections 11.3.1 through 11.3.12 shall, upon conviction of such violation, be subject to the penalties as prescribed by Section 1.1.7 of this Code. In addition to the general penalty of this Code in Section 1.1.7 or any other penalty imposed for violation of any Section of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

## 11.4 Offenses Involving Alcoholic Beverages

- 11.4.1 DEFINITIONS
- 11.4.2 OUTSIDE CONSUMPTION
- 11.4.3 SALE TO UNDERAGE PERSONS RESTRICTED AND PROHIBITION OF ADULT PERMITTING OR ENCOURAGING AN UNDERAGE VIOLATION; SALE TO INTOXICATED PERSONS RESTRICTED
- 11.4.4 UNDERAGE PERSONS' PRESENCE IN PLACES OF SALE; PENALTY
- 11.4.5 UNDERAGE PERSONS; PROHIBITIONS; PENALTIES
- 11.4.6 DEFENSE OF SELLERS
- 11.4.7 FALSE OR ALTERED IDENTIFICATION CARDS
- 11.4.8 POSSESSION OF ALCOHOL BEVERAGES ON SCHOOL GROUNDS
- 11.4.9 SOLICITATION OF DRINKS PROHIBITED

### 11.4.1 DEFINITIONS.

As used in this Chapter, these terms are defined as follows:

- (a) **Alcohol Beverage(s).** Fermented malt beverages and intoxicating liquor.
- (b) **Fermented Malt Beverage(s).** Any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing one-half percent (0.5%) or more of alcohol by volume.
- (c) **Intoxicating Liquor.** All ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing one-half percent (0.5%) or more of alcohol by volume, which are beverages, but does not include "fermented malt beverages".
- (d) **Official Identification Card.** A valid operator's license issued under Chapter 343, Wis. Stats., that contains the photograph of the holder, an identification card issued under Sec. 343.50, Wis. Stats., or an identification card issued under Sec. 125.08, Wis. Stats.
- (e) **Public Area.** Any location within the City which is open to access to persons not requiring specific permission of the owner to be at such location, including all parking lots serving commercial establishments.
- (f) **Underage Person.** Any person who has not attained the legal drinking age as defined by Ch. 125, Wis. Stats.

### 11.4.2 OUTSIDE CONSUMPTION.

- (a) **Alcohol Beverages in Public Areas.** It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcohol beverage

upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives, or other public area within the City. or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his or her possession any open container containing an alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the City except at licensed premises.

- (b) **Parks.** It shall be unlawful for any person to consume or have in their possession any alcohol beverage in any public park between the hours of 12:00 p.m. and 6:00 a.m. except as licensed premises.
- (c) **Leaving Licensed Premises With Open Container.**
  - (1) It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.
  - (2) It shall be unlawful for any patron to leave a licensed premises with an open container containing any alcohol beverage.
  - (3) It shall be unlawful for any patron to remove an original unopened package, container or bottle containing any alcohol beverage from a Class "A" licensed premises between the hours of 9:00 p.m. and 6:00 a.m.
- (d) **Exceptions.**
  - (1) The provisions of this Section may be waived by two-thirds (2/3) vote of the Common Council for duly authorized events.
  - (2) Any organization which has been issued a special Class "B" fermented malt beverage picnic license pursuant to this Code of Ordinances, provided that the provisions of this Chapter and Title 7, Chapter 2, are fully complied with.

Cross-Reference: Section 7-2-16

#### **11.4.3 SALE TO UNDERAGE PERSONS RESTRICTED AND PROHIBITION OF ADULT PERMITTING OR ENCOURAGING AN UNDERAGE VIOLATION; SALE TO INTOXICATED PERSONS RESTRICTED.**

- (a) **Sale of Alcohol Beverages to Underage Persons and Prohibition of Adult Permitting or Encouraging an Underage Violation.**
  - (1) No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
  - (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
  - (3) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.

- (4) No adult may intentionally encourage or contribute to a violation of Subsections (1) or (2) above.
- (b) **Penalties.** A person who commits a violation of Subsection (a) above is subject to the penalties enumerated in Sec. 125.07(1)(b), Wis. Stats. In addition, the Common Council shall suspend any license issued under Title 7 of this Code to a person violating Subsection (a), pursuant to Sec. 125.07(1)(b)3, Wis. Stats., and shall promptly notify the City Clerk and necessary department which has issued a license to the person.
- (c) **Sale of Alcohol Beverages to Intoxicated Persons.**
  - (1) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
  - (2) No licensee or permittee may sell, deal or traffic in alcohol beverages to or with a person who is intoxicated.
- (d) **Penalties.** Any person who violates Subsection above shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

State Law Reference: Sec. 125.07(1) and (2), Wis. Stats.

#### 11.4.4 UNDERAGE PERSONS' PRESENCE IN PLACE OF SALE; PENALTY.

- (a) **Restrictions.** An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverage has been issued for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities, which normally constitute activities of a customer of the premises. This Subsection does not apply to any persons, entities or premises enumerated in Sec. 125.07(3)(a)1. Through 12., Wis. Stats.
- (b) **Penalties.** A licensee or permittee who directly or indirectly permits an under-age person to enter or be on a licensed premises in violation of Subsection (a) is subject to a forfeiture of not more than Five Hundred Dollars (\$500.00).

State Law Reference: Sec. 125.07(3), Wis. Stats.

#### 11.4.5 UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.

- (a) Any underage person who does any of the following is guilty of a violation:
  - (1) Procures or attempts to procure alcohol beverages from a licensee or permittee.

- (2) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
  - (3) Enters, knowingly attempts to enter or is on licensed premises in violation of Section 11.4.4(a) of this Code of Ordinances.
  - (4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.
- (b) Except as provided in Subsection (e), any underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.
  - (c) Any person violating Subsection (a) is subject to the penalties enumerated in Sec. 125.07(4)(bs), Wis. Stats., however, any child twelve (12) through seventeen (17) years of age on the date of disposition who violates Subsection (a) is subject to the penalties enumerated in Sections 48.344(2b), (2g) and (2m), Wis. Stats.
  - (d) Any person violating Subsection (b) is subject to the penalties enumerated in Secs. 125.07(4)(c), (cd), (cg), (cm) and (e), Wis. Stats., however, any child twelve (12) through seventeen (17) years of age on the date of disposition who violates Subsection (b) above is subject to the penalties enumerated in Subsections 48.344(2), (2g) and (2m), Wis. Stats.
  - (e) An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:
    - (1) A brewer.
    - (2) A fermented malt beverages wholesaler.
    - (3) A permittee other than a Class "B" or "Class B" permittee.
    - (4) A facility for the production of alcohol fuel.
    - (5) A retail licensee or permittee under the conditions specified in Secs. 125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
    - (6) A campus, as defined in Sec. 36.05(3), Wis. Stats., if the underage person is at least eighteen (18) years of age and is under the immediate supervision of a person who has attained the legal drinking age.

State Law Reference: Secs. 125.10 and 125.07(4), Wis. Stats.

#### 11.4.6 DEFENSE OF SELLERS.

- (a) **Defenses.** Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of Sections 11-4-3 and 11-4-4 of this Code of Ordinances:
  - (1) That the purchaser falsely represented in writing and supported with other documentary proof that he or she had attained the legal drinking age.
  - (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.

- (3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.
  - (4) That the underage person supported the representation under Subsection (a) above with documentation that he or she had attained the legal drinking age.
- (b) **Book Kept by Licensees and Permittees.**
- (1) Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purpose of this Subsection. The licensee or permittee or his or her employee shall require any of the following persons to sign the book:
    - a. A person who has shown documentary proof that he or she has attained the legal drinking age if the person's age is in question.
    - b. A person who alleges that he or she is the underage person's parent, guardian or spouse who has attained the legal drinking age, if the licensee or permittee or his or her employer suspects that the person is not the underage person's parent, guardian or spouse who has attained the legal drinking age.
  - (2) The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse who has attained the legal drinking age, the address of the purchaser and the purchaser's signature.

State Law Reference: Section 125.07(6) and (7), Wis. Stats.

#### 11.4.7 FALSE OR ALTERED IDENTIFICATION CARDS.

- (a) **Persons Who Have Attained the Legal Drinking Age.**
  - (1) Any person who has attained the legal drinking age who makes, alters or duplicates an official identification card, who provides an official identification card to an underage person or who knowingly provides other documentation to an underage person purporting to show that the underage person has attained the legal drinking age shall forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). This Section does not apply to a person who is authorized to make an official identification card under Chapter 343, Wis. Stats.
  - (2) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer shall forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).
- (b) **Underage Persons.** Any underage person who does any of the following is subject to the penalties enumerated in Sec. 125.085(3)(bd), Wis. Stats., however, any child twelve (12) through seventeen (17) years of age on the date

of disposition who violates this Subsection is subject to the penalties enumerated in Secs. 48.344(2d) and (2), Wis. Stats.:

- (1) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information.
  - (2) Makes, alters or duplicates an official identification card purporting to show that he or she has attained the legal drinking age.
  - (3) Presents false information to an issuing officer in applying for an official identification card.
  - (4) Intentionally carries an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.
- (c) **Confiscation of Card.** A law enforcement officer investigating an alleged violation of Subsection (b) shall confiscate any official identification card or other documentation that constitutes evidence of the violation.

#### **11.4.8 POSSESSION OF ALCOHOL BEVERAGES ON SCHOOL GROUNDS PROHIBITED.**

- (a) The following definitions shall be applicable in this Section:
- (1) Motor vehicle. A motor vehicle owned, rented or consigned to a school.
  - (2) School. A public, parochial or private school which provides an educational program for one (1) or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
  - (3) School administrator. The person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
  - (4) School premises. Premises owned, rented or under the control of a school.
- (b) Except as provided by Subsection (c), no person may possess or consume alcohol beverages:
- (1) On school premises;
  - (2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
  - (3) While participating in a school-sponsored activity.
- (c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.
- (d) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00), except that Secs. 48.344(2) and (3), Wis. Stats. provide for the disposition of an underage person who is less than eighteen (18) years of age, and Section 11-4-5 of this Code of Ordinances provides for the disposition of an underage person who is eighteen (18) years of age or older.

State Law Reference: Section 125.09(2), Wis. Stats.

#### **11.4.9 SOLICITATION OF DRINKS PROHIBITED.**

Any licensee, permittee or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the City who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in Section 125.02(1) of the Wisconsin Statutes, or any other drink from a customer on the premises, or any entertainer or employee who solicits such drinks from any customer is deemed in violation of this Section.

## 11.5 Offenses by Juveniles

11.5.1	CURFEW
11.5.2	POSSESSION, MANUFACTURE AND DELIVERY OF DRUG PARAPHERNALIA BY A MINOR PROHIBITED
11.5.3	ALCOHOL-RELATED LOITERING BY UNDERAGE PERSONS
11.5.4	RECEIVING STOLEN GOODS
11.5.5	PURCHASE OR POSSESSION OF TOBACCO PRODUCTS PROHIBITED
11.5.6	PROHIBITION OF POSSESSION OF SPRAY PAINT AND WIDE-TIPPED MARKERS BY MINORS
11.5.7	POSSESSION OF WEAPONS BY MINORS
11.5.8	CITY JURISDICTION OVER PERSONS 12 THROUGH 16 YEARS OF AGE
11.5.9	ENFORCEMENT AND PENALTIES
11.5.10	MUNICIPAL COURT AUTHORITY TO IMPOSE ALTERNATIVE JUVENILE DISPOSITIONS AND SANCTIONS

### 11.5.1 CURFEW

- (a) **Curfew.** It shall be unlawful for any person under sixteen (16) years of age to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place in the City of Glendale between the hours of 11:00 p.m. and 5:00 a.m., unless accompanied by his or her parent or legal guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said child, unaccompanied by parent, legal guardian or other person having legal custody is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor.
- (b) **Exceptions.**
- (1) This Section shall not apply to a child:
    - a. Who is performing an errand as directed by his/her parent, legal guardian or person having lawful custody.
    - b. Who is on his/her own premises or in the areas immediately adjacent thereto.
    - c. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
    - d. Who is returning home from a supervised school, church or civic function.
  - (2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

- (c) **Parental Responsibility.** It shall be unlawful for any parent, legal guardian or other person having the lawful care, custody and control of any person under sixteen (16) years of age to allow or permit such person to violate the provisions of (a) or (b) above. The fact that prior to the present offense a parent, legal guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, legal guardian or custodian allowed or permitted the present violation. Any parent, legal guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any person under sixteen (16) years of age to violate this Section.
- (d) **Places of entertainment.** It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under sixteen (16) years of age to loiter, loaf or idle in such place during the hours prohibited by this Section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this Section shall find persons under sixteen (16) years of age loitering, loafing or idling in such place of business, he shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the Police Department and inform them of the violation.
- (e) **Detention of Violators.** Every law enforcement officer is hereby authorized to detain any minor violating the provisions of above until such time as the parent, legal guardian or person having legal custody of the minor shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the minor and shall sign a release for him or her. If no response is received, the Police shall take whatever action is deemed necessary in the best interest of the minor.
- (f) **First Offense.** The first time a minor, parent, legal guardian or person having legal custody of a minor is detained by a law enforcement officer of the City, as provided in Subsection (e), such minor, parent, legal guardian or person having such legal custody shall be advised, personally, if known or by registered mail, as to the provisions of this Section, and further advised that any violation of this Section occurring thereafter by this minor or any other minor under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
- (g) **Penalty.**
- (1) Any parent, legal guardian or person having legal custody of a child described in Subsections (a) through (e) who has been warned in the manner provided in Subsection (f) and who thereafter violates any of the provisions of this Section shall be subject to a penalty as provided in Sec. 1-1-7 of this Code of Ordinances. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this Section because of the disobedience of the child, the action shall be dismissed and the child shall

be referred to the court assigned to exercise jurisdiction under Chapter 48, Wis. Stats.

- (2) Any minor person under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00), together with such costs, assessments, and surcharges as provided in Section 1-1-7 of this Code.

#### **11.5.2                    POSSESSION, MANUFACTURE AND DELIVERY OF DRUG PARAPHERNALIA.**

- (a) Definition. In this Section, "drug paraphernalia" means all equipment products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance, as defined in Ch. 961, Wis. Stats., in violation of this Section. It includes but is not limited to:
  - (1) Kits used, intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
  - (2) Kits used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, convening, producing, processing, or preparing controlled substances.
  - (3) Isomerization devices used, intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance.
  - (4) Testing equipment used, intended for use, or designed for use, in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
  - (5) Scales and balances used, intended for use, or designed for use, in weighing or measuring controlled substances.
  - (6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannire, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
  - (7) Separation gins and sifters used, intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
  - (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use, in compounding controlled substances.
  - (9) Capsules, balloons, envelopes or other containers used, intended for use, or designed for use, in packaging small quantities of controlled substances.
  - (10) Containers and other objects used, intended for use, or designed for use, in storing or concealing controlled substances.

- (11) Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting controlled substances into the human body.
  - (12) Objects used, intended for use, or designed for use, in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil, into the human body, including but not limited to:
    - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
    - b. Water pipes;
    - c. Carburetion tubes and devices;
    - d. Smoking and carburetion masks;
    - e. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
    - f. Miniature cocaine spoons and cocaine vials;
    - g. Chamber pipes;
    - h. Carburetor pipes;
    - i. Electric pipes;
    - j. Air-driven pipes;
    - k. Chillurns;
    - l. Bonges;
    - m. Ice pipes or chillers.
- (b) **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of such other considerations a court may deem relevant;
- (1) Statements by an owner or by anyone in control of the object concerning its use.
  - (2) Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.
  - (3) The proximity of the object in time and space to a direct violation of this Section.
  - (4) The proximity of the object to controlled substances.
  - (5) The existence of any residue of controlled substance on the object.
  - (6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
  - (7) Oral or written instructions provided with the object concerning its use.
  - (8) Descriptive materials accompanying the object which explain or depict its use.
  - (9) National and local advertising concerns its use.
  - (10) The manner in which the object is displayed for sale.

- (11) Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise.
  - (12) The existence and scope of legitimate uses for the object in the community.
  - (13) Expert testimony concerning its use.
- (c) **Prohibited Activities.**
- (1) **Possession of Drug Paraphernalia.** No person may use, or possess with the sole 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 this Subsection.
  - (2) **Manufacture or Delivery of Drug Paraphernalia.** No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be solely used 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 this Subsection.
  - (3) **Delivery of Drug Paraphernalia By a Minor to a Minor.** Any person who violates Subsection (c)(2) by delivering drug paraphernalia to a person under seventeen (17) years of age who is at least three (3) years younger than the violator, is guilty of a special offense.
  - (4) **Exemption.** This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961 Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 961, Wis. Stats.
- (d) **Penalties.** Any person who violates Subsections (c)(1), (2) or (3), shall, upon conviction, be subject to disposition under Section 1-1-7 of the Glendale Code.

### 11.5.3 ALCOHOL-RELATED LOITERING BY UNDERAGE PERSONS.

- (a) **Loitering by Underage Persons Where Alcohol Beverage is Illegally Dispensed.**
- (1) **Prohibition.** No underage person shall enter, remain or loiter in any public or private place with the knowledge that any fermented malt beverage or other alcohol beverage is being sold, dispensed, given away or made available to underage persons.
  - (2) **Exceptions.** This Subsection shall not apply to underage persons who are accompanied by a spouse who has attained the legal drinking age, or a parent or guardian.

- (b) **Permitting Underage Persons to Loiter Where Alcohol Beverage is Illegally Dispensed.** No person of legal drinking age shall knowingly suffer or permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt or other alcohol beverages are served, sold, dispensed, given away or made available to underage persons, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.

#### 11.5.4 RECEIVING STOLEN GOODS.

It shall be unlawful for a person under the age of eighteen (18) to intentionally receive or conceal property he knows to be stolen.

#### 11.5.5 PURCHASE OR POSSESSION OF TOBACCO PRODUCTS PROHIBITED.

- (a) **Definitions.** The following definitions are applicable in this Section:
- (1) **Cigarette.** Has the meaning given in Sec. 139.30(1), Wis. Stats.
  - (2) **Law Enforcement Officer.** Has the meaning given in Sec. 30.50(4s), Wis. Stats.
  - (3) **Tobacco Products.** Has the meaning given in Sec. 139.75(12), Wis. Stats.
- (b) **Prohibitions.** Except as provided in Subsection (c), no person under eighteen (18) years of age may do any of the following:
- (1) Buy or attempt to buy any cigarette or tobacco product.
  - (2) Falsely represent his/her age for the purpose of receiving any cigarette or tobacco product.
  - (3) Possess any cigarette or tobacco product.
- (c) **Exceptions.** A person under eighteen (18) years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his/her working hours if employed by a retailer licensed under Sec. 134.65(1), Wis. Stats.
- (d) **Seizure.** A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Subsection (b) committed in his/her presence.

State Law Reference: Sec. 938.983(5), Wis. Stats.

#### 11.5.6 PROHIBITION OF POSSESSION OF SPRAY PAINT AND WIDE-TIPPED MARKERS BY MINORS.

- (a) **Definitions. In this Section:**

- (1) **Spray paint** means any container, regardless of the material of which the container is made, which is made or adapted for the purpose of spraying paint.
- (2) **Wide-tipped markers** means any indelible marker or similar implement with a tip which at its broadest width, is one-quarter (1/4) inch or greater.
- (b) **Prohibited Conduct.** No person under the age of eighteen (18) may possess spray paint or wide-tipped markers in a public or private place without the express permission of the owner or operator of the property.

#### 11.5.7 POSSESSION OF WEAPONS BY MINORS.

- (a) **Adoption of State Statute.** Section 941.26(4)(k), Wis. Stats., is hereby adopted and by reference made a part of this Section as if fully set forth herein.
- (b) **Provisions of Ordinances Applicable to Persons 12 through 16 years of Age.** Subject to the provisions and limitations of 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this code against persons 12 through 16 years of age may be brought on behalf of the City of Glendale and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- (c) **No Incarceration as Penalty.** The court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this section.

#### 11.5.8 CITY JURISDICTION OVER PERSONS 12 THROUGH 17 YEARS OF AGE.

- (a) **Adoption of State Statute.** Section 938.17(2), Wis. Stats., is hereby adopted and by reference made a part of this Section as if fully set forth herein.
- (b) **Provisions of Ordinance Applicable to Persons 12 through 16 Years of Age.** Subject to the provisions and limitations of Section 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against persons twelve (12) through sixteen (16) years of age may be brought on behalf of the City of Glendale and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- (c) **No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.

Cross Reference: Section 1-1-7.

**11.5.9 ENFORCEMENT AND PENALTIES.**

- (a) **Citation Process.** For violations of Sections 11-5-2 through 11-5-7, juveniles may be cited by the citation process on a form approved by the City Attorney. A carbon copy will be mailed to the parent or legal guardian.
- (b) **Penalties.** Violations of this Chapter by a person under the age of seventeen (17) shall be punishable according to Section 1-1-7(e) of this Code of Ordinances. Nothing in this Section shall prevent the juvenile officer, in his/her discretion, from referring cases directly to the District Attorney's office.

**11.5.10 MUNICIPAL COURT AUTHORITY TO IMPOSE ALTERNATIVE JUVENILE DISPOSITIONS AND SANCTIONS.**

- (a) For juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Sees. 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.
- (b) For a juvenile, adjudged to have violated an ordinance and who violates a condition of a dispositional order of the court under Sees. 938.343 or 938.344, Wis. Stats., the municipal court is authorized to impose an), of the sanctions listed in Sec. 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
- (c) This Section is enacted under the authority of Sec. 938.17(2)(cm), Wis. Stats.

## 11.6 Public Nuisances

11.6.1	PUBLIC NUISANCES PROHIBITED
11.6.2	PUBLIC NUISANCES DEFINED
11.6.3	PUBLIC NUISANCES AFFECTING HEALTH
11.6.4	PUBLIC NUISANCES OFFENDING MORALS AND DECENCY
11.6.5	PUBLIC NUISANCES AFFECTING PEACE AND SAFETY
11.6.6	ABATEMENT OF PUBLIC NUISANCES
11.6.7	COST OF ABATEMENT

### 11.6.1 PUBLIC NUISANCES PROHIBITED

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City of Glendale.

### 11.6.2 PUBLIC NUISANCE DEFINED.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) In any way render the public insecure in life or in the use of property; Greatly offend the public morals or decency; Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

### 11.6.3 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 11.6.2:

- (a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) **Breeding Places for Vermin, Etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

- (d) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) **Garbage Cans.** Garbage cans which are not fly-tight.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- (g) **Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (h) **Noxious Odors, Etc.** Any use of property, substances or things within the City or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.
- (i) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.
- (j) **Animals at Large.** All animals running at large.
- (k) **Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood and other refuse.
- (l) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

#### 11.6.4 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 11.6.2:

- (a) **Disorderly Houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (b) **Gambling Devices.** All gambling devices and slot machines, except as authorized by State law.
- (c) **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the City.
- (d) **Continuous Violation of City Ordinances.** Any place or premises within the City where City Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) **Illegal Drinking.** Any place or premises resorted to for the purpose of drinking.

### 11.6.5 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 11-6-2:

- (a) **Sign Billboards, Etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the City relating to materials and manner of construction of buildings and structures within the City.
- (c) **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- (d) **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (e) **Tree Limbs.** All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (f) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (g) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the City.
- (h) **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (i) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (j) **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the City.
- (k) **Obstructions of Streets: Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Ordinances of the City or which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- (l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.

- (m) **Abandoned Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) **Flammable Liquids.** Repeated or continuous violations of the Ordinances of the City or laws of the State relating to the storage of flammable liquids.
- (o) **Unremoved Snow.** All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.
- (p) **Outdoor Lighting.** Any outdoor lighting wherein such lighting is of such brightness or intensity, or so located or positioned, as to unreasonably interfere with the use and enjoyment of adjacent, contiguous, or surrounding premises. The complaint of the owners or users of such adjacent, contiguous, or surrounding premises shall be deemed prima facie evidence that such lighting unreasonably interferes with the use and enjoyment of their premises.

#### 11.6.6 ABATEMENT OF PUBLIC NUISANCES.

- (a) **Enforcement.** The Chief of Police, the Chief of the Fire Department, and the Building Inspector shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this Section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.
- (b) **Summary Abatement.** If the inspecting officer shall determine that a public nuisance exists within the City and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Mayor, upon the recommendation of the appropriate department head, may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (c) **Abatement After Notice.** If the inspecting officer shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, .safety, peace, morals or .decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Subsection (b).
- (d) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin.

### **11.6.7 COST OF ABATEMENT.**

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

## **11.7.1 Public Parking Structures**

### **11.7.1 REGULATIONS OF PUBLIC PARKING STRUCTURES**

All regulations as set forth in Chapters 1 through 6 of this Title are hereby adopted and shall be enforced and applicable to the public parking structure and lands owned by the Community Development Authority of the City of Glendale located generally along Lydell Avenue and surrounded by lands commonly known as the Bayshore Mall or Bayshore Town Center.