

CHAPTER 9
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9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. The following Wisconsin 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 sec. 25.04 of this Code.

- 98.26 Weights and Measures prohibited acts; penalty; injunction (Ord. #1150)
- 100.18 Fraudulent representations (Ord. #1150)
- 101.123 Smoking Prohibited (Ord. #1232)
- 134.66 Restrictions on Sale or Gift of Cigarettes or Tobacco Products (Ord. #1138)
- 254.92 Purchase and Possession of Cigarettes or Tobacco Products by person under 18 prohibited (Ord. #1143)
- 939.22 Words and Phrases Defined
- 940.19(1) Battery
- 940.225 (3m) Sexual Assault or Sexual Contact
- 940.32 Stalking (Cr. Ord. #891)
- 940.34 Duty to Aid Endangered Crime Victims (Cr. Ord. #737)
- 941.01 Negligent Operation of Vehicle Not Upon Highway
- 941.03 Highway Obstruction
- 941.10 Negligent Handling of Burning Materials
- 941.12 Interfering With or Failing to Assist in Fire Fighting
- 941.13 False Alarms and Interference with Fire Fighting
- 941.20 Reckless Use of Weapon
- 941.20 (3) Discharging a Firearm From a Vehicle (Cr. Ord. #891)
- 941.21 Disarming a Police Officer Prohibited (Cr. Ord.#737)
- 941.22 Possession of Pistol by Minor
- 941.23 Carrying Concealed Weapons
- 941.235 Carrying Firearms in Public Building (Cr. Ord. #891)
- 941.237 Possession of Handguns in Taverns (Cr. Ord. #891)
- 941.24 Possession of Switch Blade Knife
- 941.2965 Restriction on Use of Facsimile Firearms
- 941.35 Emergency Telephone Calls
- 941.37 Obstructing Emergency Vehicles Prohibited (Cr. Ord. #737)
- 943.01(1) Criminal Damage to Property
- 943.012 Criminal Damage to Religious and Other Property (Cr. Ord. #782)
- 943.06 Molotov Cocktails
- 943.11 Entry Into Locked Vehicle
- 943.12 Possession of Burglary Tools
- 943.125 Entry Into Locked Coin Box
- 943.13 Criminal Trespass to Land
- 943.14 Criminal Trespass to Dwellings
- 943.20 Theft
- 943.21 Fraud on Hotel or Restaurant Keeper
- 943.22 Use of Cheating Tokens

943.23 (1g) Carjacking (Cr. Ord. #891)
943.24 Issue of Worthless Check
943.30(1) Threats to Injure or Accuse of Crime
943.34 (1) Receiving Stolen Property
943.35 Receiving Property From Children
943.37 Alteration of Property Identification Marks
943.38 Forgery
943.45 Obtaining Telecommunications Service by Fraud
943.50 Shoplifting
943.61 Theft of Library Materials
943.55 Removal of Shopping Cart
943.70 Regulating Computer Crimes
944.20 Lewd and Lascivious Behavior
961.574 Manufacture of delivery of drug paraphernalia (Ord. #1151)
961.575 Delivery of drug paraphernalia to a minor (Ord. #1151)

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944.21	Lewd, Obscene or Indecent Matter, Pictures and Performances
944.22	Possession of Lewd, Obscene or Indecent Matter
944.23	Making Lewd, Obscene or Indecent Drawings
944.30	Prostitution
944.31	Patronizing Prostitutes
944.33	Pandering
944.34	Keeping Place of Prostitution
944.36	Solicitation of Drinks
945.01	Definitions Relating to Gambling
945.02	Gambling
945.03	Commercial Gambling
945.04	Permitting Premises to be used for Commercial Gambling
946.31	Perjury
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946.40	Refusing to Aid Officer
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951.03	Dognapping or Catnapping
951.04	Leading Animal From Motor Vehicle
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- 951.08 Instigating Fights Between Animals
- 951.09 Shooting at Caged or Staked Animals
- 951.10 Sale of Baby Rabbits, Chicks and Other Fowl
- 951.11 Artificially Colored Animals; Sale
- 951.13 Providing Proper Food and Drink to Confined Animals
- 951.14 Providing Proper Shelter
- 951.15 Animals; Neglected or Abandoned; Police Powers
- 961.573 Possession of Drug Paraphernalia
- 961.574 Manufacture of delivery of drug paraphernalia (Ord. #1151)
- 961.575 Delivery of drug paraphernalia to a minor (Ord. #1151)

9.02 POSSESSION AND USE OF FIREARMS. (1) DEFINITIONS. For the purpose of this section:

- (a) Firearm. Any weapon from which a shot may be fired by the force of an explosive or propellant.
 - (b) Public Building. Any building, including the grounds thereof, owned by the City, Waupaca or Outagamie Counties, or the New London School District.
 - (c) Public Land. Any land owned by the City, Waupaca or Outagamie Counties, or the New London School District.
 - (d) Public Place. Any privately owned building which is open to the public.
- (2) POSSESSION OF FIREARMS PROHIBITED (Am. Ord. #658). In addition to the provisions of sub. (3) of this section, no person except duly authorized city, village, county, state or federal law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while in any public building or on public land within the City. No person shall possess a firearm while in any public place within the City unless written consent to possess a firearm has been given by the owner or lessee of such public place. In addition, no person shall go armed with a firearm in any privately owned building, open to the public, without the consent of the owner or the owner's agent. "privately owned building, open to the public" shall include, but not be limited to, taverns, restaurants or other public buildings of accommodation or amusement.
- (3) USE OF FIREARMS PROHIBITED. (Am. Ord. #1044). No person, except an authorized police officer, shall discharge any firearm, spring gun or air gun within the City or transport any firearm, spring gun or air gun in a motor vehicle within the City unless it is unloaded and encased. Spring guns and air guns shall include those guns commonly referred to as BB guns, dart guns, pellet guns and paintball guns. The Council may issue permits to a duly organized gun club to engage in target practice within the City at times and places designated by the Chief of Police.
- (4) ENFORCEMENT. A police officer finding a person possessing a firearm in violation of this section shall immediately take possession of such firearm and retain it as evidence.
- (5) PENALTY (Cr. Ord. #658). Upon conviction, a defendant may be subjected to a forfeiture not to exceed \$200.00.

- 9.03 THROWING OR SHOOTING OF ARROWS STONES AND OTHER MISSILES PROHIBITED. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the City.
- 9.04 PRESERVATION OF WILD LIFE. (Am. Ord. 946) No person shall, within the limits of the City, kill or attempt to kill any song bird, game bird of any description, squirrel rabbit or deer.
- 9.05 SALE AND DISCHARGE OF FIREWORKS REGULATED (Rep. & Reer. Ord. #738). (1) DEFINITIONS (Am. Ord. #846); (Amd. Ord. #1198). (a) Fireworks. As stated in §167.10(1), Wis. Stats., is hereby adopted by reference.
- (1) Regulation; state law adopted. The provisions of Wis. Stats. § 167.10 are hereby adopted and incorporated in this chapter by reference insofar as they are not in conflict with the remainder of this chapter. In the event of any conflict between this chapter and this state statute, whichever provision is stricter shall apply.
- (2) Fireworks Defined. For the purpose of this Ordinance, "fireworks" shall be categorized into three main classifications as referenced in these sections of the U.S. Code of Federal Regulations: 49 CFR 173, 27 CFR 55, and CFR 1507, and as referenced in the Hazardous Substance Act. These main classifications are defined as:
- (a) Consumer Fireworks – The "small" fireworks formerly classified as Common or Class C fireworks, which fall under U.S. explosives class 1.4G and United Nations Category UN0336. For the purposes of this ordinance, consumer fireworks are further categorized into **authorized** and **permit-only** devices.
- a. **Authorized devices** are those that do not explode or leave the ground. They include fountains, sparklers, snakes, smoke bombs, caps and party poppers. Authorized devices can be used or possessed by any competent person without a permit.
- b. **Permit-only** devices typically explode and/or leave the ground. They include bottle rockets, roman candles, helicopters, and firecrackers. Permits are only issued to groups; they cannot be issued to individuals (except to a farmer for the specific purpose of crop protection).

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(b) Display Fireworks – The “large” fireworks (used in shows), formerly classified as Special or Class B fireworks, which fall under U.S. explosives class 1.3G and United Nations category UN0335. These are all fireworks that exceed the specifications for “Consumer Fireworks” and are for professional use only.

(c) Banned Fireworks – The Hazardous Substances Act prohibits the sale of the most dangerous types of fireworks to consumers. These banned fireworks include large re-loadable mortar shells, cherry bombs, aerial bombs, —80 salutes and larger firecrackers containing more than two grains of powder. Also banned are mail-order kits designed to build these fireworks.

(3) Sales Regulated (State Law References: Authority to prohibit sale of fireworks, Wis. Stats. §167.10(5)(a)2

(a) Any person, business, organization or group may sell, offer to sell, possess with intent to sell, or give away any Consumer Class Firework, without a permit, for the period between May 15th and July 15th of each calendar year. Sales of Consumer Class Fireworks outside the above established time frame requires a permit issued by the City.

b) No person, business, organization or group shall sell, offer to sell, possess with the intent to sell, or give away any Display Class Fireworks within the City of New London without a permit issued by the City.

(c) No person, business, organization or group shall sell, offer to sell, possess with intent to sell, or give away any Banned Fireworks within the City of New London.

(4) Use Regulated (State Law References: Similar provisions, Wis. Stats. §167.10(3)(a) and authority to prohibit possession or use of fireworks, Wis. Stats. §167.10(5)(a)(3)

(a) Consumer Fireworks – Any person may possess and use consumer class fireworks, at all times, with the following limitations:

(I) **Authorized** consumer class fireworks may be used by any competent person.

(II) **Permit-only** consumer class fireworks can only be used in the manner, location, and time authorized by the permit.

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- (III) Consumer class fireworks (both *authorized* and *permit-only*) may only be discharged between the hours of 10:00 a.m. and 10:00 p.m. daily. On the 3rd, 4th, and 5th of July, fireworks may be discharged until midnight.
 - (ii) It shall be unlawful to intentionally discharge a firework toward any person, dwelling, building, animal, or vehicle within the City.
 - (iii) It shall be unlawful to discharge a firework in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the City.
 - (b) Display Fireworks – Except as provided in Wis. Stats. §167.10(3), no person, business, organization or group shall discharge Display Fireworks in the City without a user's permit issued pursuant to paragraph (5) of this section.
 - (c) Banned Fireworks – It shall be unlawful for any person to possess any Banned Fireworks within the City. Any banned fireworks found will be lawfully seized and properly destroyed following disposition of any municipal or criminal charges.
- (5) Sales/User's Permit [State Law References: Permit, Wis. Stats. § 167.10(3)]
- (a) As provided in Wis. Stats. § 167.10(3), sales/user's permits for the sale and use of Consumer and/or Display Fireworks may be issued after proper application to the City on forms provided by the city clerk-treasurer. The fee for a sales/use permit shall be \$100.00. The permit application must be received by the City Clerk not less than 45 days prior to the requested date of use.
 - (b) The permit may only be issued by the Mayor or his designee. Permits issued by vendors are never valid.
 - (c) Permits may only be issued to groups. Permits may not be issued to an individual (except to a farmer for the specific purpose of crop rotation).
 - (d) All permit applications shall be referred to the city inspector for investigation, and no permit shall be granted unless the city council, from the report of the city inspector, determines that the applicant will use the fireworks in a public or private exhibition, and that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons, and that the display will be handled by a competent operator and conducted in a suitable safe place and manner. The city inspector shall also determine that storage of any fireworks for sale or use is in compliance with section (7) of this code.

- (e) Before granting any fireworks permit, the applicant shall file with the city clerk-treasurer a certificate of liability insurance issued by an insurance company authorized to write such policies in the state, in the amount of \$1,000,000.00 for bodily injury to any one person, in the amount of \$5,000,000.00 for injury to more than one person, and in the amount of \$2,000,000.00 for damage to property that may arise by reason of use or discharge of fireworks under the permit. The city shall be named as one of the assureds in such policy of insurance.
 - (f) A permit under this section shall specify all of the following:
 - (I) The name and address of the permit holder.
 - (ii) The date on and after which fireworks may be purchased.
 - (iii) The kind and quantity of fireworks which may be purchased.
 - (iv) The date, time and location of permitted use (each unique location or date requires a separate permit).
 - (v) Other special conditions prescribed by ordinance.
 - (vi) Such other information as the city may require from time to time.
 - (g) A notice of such permit under this section shall be given to the municipal fire department and police department at least seven days before the date of authorized use. A permit under this section may not be issued to a person under 18 years of age.
- (6) Storage of Fireworks. Storage and handling of fireworks shall be pursuant to the provisions of Wis. Stats. § 167.10(6).

Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any persons or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

9.06 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, 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.

9.07 LOUD AND UNNECESSARY NOISE PROHIBITED. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

9.08 OBEDIENCE TO OFFICERS. No person shall resist or in any way interfere with any officer of the City while such officer is doing any act in his official capacity and with lawful authority, or shall refuse to assist an officer in carrying out his duties when so requested by the officer.

9.09 ANIMALS AND POULTRY NOT TO RUN AT LARGE. No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the City.

9.095 RETRIEVAL OF ANIMALS RUNNING AT LARGE (Ord. #1124) Any time an animal running at large is retrieved by the New London Police Department or other City employee, the owner of said animal shall be required to pay a retrieval fee of \$50.

9.10 Removal of Animal Defecation from Public and Private Properties. (Original §9.10 repealed by Ord. #850 - Recreated by Ord. #1075)

1. (a) An owner or keeper of any animal shall not allow the animal to defecate on any public or private property, within the City, other than the premises of the owner or keeper of the animal unless such defecation is immediately removed. The forgoing provisions of this paragraph (a) shall not apply to any person being assisted by a seeing-eye dog.

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(b) All pens, yards, structures or areas where animals are kept shall be maintained in a reasonably safe and sanitary condition, which maintenance shall include the regular disposal of defecation, so as not to attract insects or rodents, or to become unsightly or cause objectionable odors, or to result in any other condition recognized as a nuisance by this municipal code or by any other common or statutory law.

2. The penalty for a first offense of violation of this Ordinance shall be a forfeiture of \$50 plus costs. The penalty for violation of a second and subsequent violations of this Ordinance shall be \$100 plus costs.

9.11 ELECTRONIC INTERFERENCE PROHIBITED. (Repl. & Recr. Ord. 964) No person shall operate any machine or equipment which causes interference with radio, television, wireless communication device, (such as cellular phone, cordless phone, pager, etc.) computer, satellite TV or other electronic device reception when such interference can be prevented by repairs, adjustments, the installation of corrective appliances or other practicable alterations at a reasonable expense.

9.12 OUTDOOR BURNING (Amd. Ord. 1230)

(1) PURPOSE. The purpose of this section is to prohibit or strictly control the burning of materials in the City. The City recognizes that unregulated fires pose hazards, including air and water pollution that may result from such burning. Only by completely prohibiting outside burning of rubbish, leaves and other yard waste can an unnecessary fire hazard and pollution be abated.

(2) PROHIBITED ACTS. No person shall build or burn any bonfire or burn in the open any wood, grass, trash, rubbish or other material or permit the same to be done within the City upon any public street, court or alley, or upon any premises. The use of outdoor portable incinerators, drums, barrels or other containers, or outdoor or inside fireplaces for the burning of leaves, trash, garbage or refuse is prohibited.

(3) EXCEPTIONS. The following open burning shall be permitted without authorization from the City Clerk or the Fire Department:

- a. Outdoor cooking over a fire contained in a device or structure designed for such use.
- b. Burning of wood, corn, or pellets in interior fireplaces or stoves.

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- c. Maintaining controlled wood fires in pits not more than 36 inches in diameter, encircled with nonflammable material and located a minimum of 20 feet from any structure and 15 feet from a lot line. Fire pits shall be extinguished by 2:00 a.m., and may not be initiated prior to 8:00 a.m., or any time during a period of emergency (detailed in paragraph 9).
- d. Burning as part of training for fire departments.

(4) PERMITS FOR BURNING.

- a. Ceremonial Bonfires. Permits for ceremonial bonfires for occasions may be issued by the City Clerk, provided that the Fire Chief shall investigate and report the restrictions, which shall be a condition of the permit. The Chief's duplicate report and restrictions for each permit shall be attached to the permit and shall be observed and followed by the permit holder.
- b. Commercial Outdoor Cooking. Permits for commercial outdoor cooking may be granted by the City Clerk for special days and celebrations in the City, subject to conditions of the Fire Chief whose restrictions shall be made a part of the permit.
- c. Cancellation of Permits. Burning permits may be cancelled by the Issuing authorities by written notice to the permit holder of the reasons for the cancellation.

(5) CONDITIONS OF BURNING. Any burning permitted hereunder shall be done in a safe and nuisance-free manner in accordance with the New London Fire Department rules and regulations at times, locations and in a manner specified by the Department. Conditions may include:

- Hours when burning is allowed.
- Days when burning is allowed.
- Material which may or may not be burned.
- Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device.
- The length of time the permit is valid.
- What constitutes an approved burning device or incinerator.
- The size of the material pile burned by open burning.
- The distance to be maintained between the material being burned and other flammable material.
- Supervision required for burning, including the minimum age of supervisors and the type of fire extinguishing equipment which must be present at the burn site.

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- The manner in which ashes created by the burning under the permit are to be disposed of.
- (6) PROHIBITING CONDITIONS. Outdoor burning shall be prohibited when circumstances may make the fire potentially hazardous. Local circumstances include but are not limited to high wind velocity, thermal inversions, ozone alerts and very dry conditions.
- (7) STATE CODE REGULATIONS. Other regulations not listed in this section prescribed in Wis. Admin. Code §§ Comm 14.12, 14.13, 14.14, 14.15, 14.16 and 14.17, as well as all applicable statutes, shall also be followed. Other regulations listed in section 30-99 shall be followed.
- (8) ORDER TO EXTINGUISH. The police department may order any open burning fire to be extinguished due to hazard, for excessive smoke or odor, for violation of the parameters of this ordinance, or for any related ordinance or statute violation, including, but not limited to, loud noise.
- (9) PERIOD OF EMERGENCY. A period of emergency may be established as follows:
- a. The periods of emergency for which this section shall be in effect shall be during such periods that the county is under emergency fire regulations of the state department of natural resources banning outdoor smoking and campfires or when necessary as determined by the mayor, upon the recommendation of the fire chief.
 - b. Pursuant to Wis. Stats. § 166.23, burning emergencies shall become effective upon the time and date of the mayor declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification or repeal of the burning state of emergency by the common council.

9.13 OPEN CISTERNS, WELLS BASEMENTS OR OTHER DANGEROUS EXCAVATIONS

PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or 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.

9.14 ABANDONED OR UNATTENDED ICE BOXES, ETC., PROHIBITED.

No person shall leave or permit to remain outside O.L 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.

9.15 RULES FOR CITY PARKS. (Am. Ord. #1213) The following rules and regulations, in addition to those already set out in this chapter, apply to all parks in the City:

- (1) No person shall ride or drive in the parks except upon established roads and ways and then only at a moderate rate of speed not to exceed 15 miles per hour.
- (2) No person shall in any manner deface or injure any building, tree, shrub or plant or other property standing or growing in the parks and no person shall disturb or interfere with any improvements made or being made in or about the parks, or interfere with any birds or animals found therein.
- (3) No fire shall be lighted or made in the parks unless so ordered by the Park Superintendent in charge of the grounds except in fireplaces provided for that purpose or in a charcoal or gas burner used for outdoor cooking and the residue from such burner shall be deposited in proper disposal places.
- (4) No person shall enter upon portions of the ground in disregard of signs or posted notices forbidding the same.
- (5) No person shall be allowed to give public entertainments, vend or give away any articles of merchandise, transact business of any kind, or hold public meetings and assemblies in or upon any of the parks, streets or boulevards adjacent to any of the parks except by consent of the Park Committee.
- (6) No person shall be allowed to park or live in any tent, travel trailer or similar structure for longer than 10 days in any of the parks in the City and for such 10 day period or less, only in such places as are designated by the Park Superintendent. Under special circumstances, the Park Committee may permit such parking or living for an additional 20 days in Riverside Park.
- (7) (Am. Ord. #1213) All picnic parties or assemblages of persons and all business and entertainments permitted shall occupy portions of the grounds to be designated by the Park Committee or Park Director and shall be under the control and supervision of the Park Director or Park Superintendent.
- (8) (Am. Ord. #1213) No dogs shall be allowed to run at large in the parks and any dog found in any park shall be impounded in the City dog pound. Dogs may also not defecate in City parks, public walkways or recreational areas, unless such waste is immediately removed and properly disposed of by the owner.

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(9) (Am. Ord. #1213) Any person representing a group of persons in the same park or playground area possessing intoxicating liquors or fermented malt beverages after 9:00 P.M. and until the opening of the parks or playgrounds the following morning in areas designated in par. (a) shall first obtain a permit from the Parks Department. Such permit shall be valid only on the day or days shown on the permit. However, the Council may from time to time allow permits to be issued for various lengths of time for special events.

(a) (Am. Ord. #962, Am. Ord. #1213) Permits issued by the Parks Department shall be valid in the following parks and playgrounds:

1. Hatten Park
2. Franklin Park
3. Pfeiffer Park
4. Abraham Park
5. Old Settlers Park
6. Riverside Park
7. Memorial Park
8. New London Nature Area
9. Krostue Park

(b) (Am. Ord. 962) (Am. Ord. 1073) No person shall possess intoxicating liquors or fermented malt beverages in Taft Park, Mini Park, Old City Hall Square, St John's Park, and the Bernegger River Walk.

(10) There shall be no parking of motor vehicles on the east side of that portion of the roadway in Hatten Park commencing at the east entrance, thence south to the culvert or small bridge at or near the entrance to the stadium area and the Park Committee shall cause to be erected proper signs before enforcement of this section shall be effective. There shall be no parking in the park, except for registered parties being held at the shelter house or for events at and around Hatten Stadium, from 9 P.M. to 7 A.M. each day.

(11) (Am. Ord. # 1213) All usages of the Hatten Stadium and the athletic field, including regular scheduled games and practice sessions, shall be registered with the Parks Department and the Department shall have the authority to settle all conflicts.

(12) The Park Committee shall establish and collect a fee for energy charges and maintenance and repairs of the lighting systems and the same fee shall apply to all persons, organizations and associations using the lights and facilities.

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(13) (Cr. Ord. #718, Am. Ord. #1213; Amd. Ord. #1229) All Parks located in the City shall be closed at 9:00 p.m. and shall reopen at 6:00 a.m.; except Memorial Park, which from October 1st to March 31st will close at 5 p.m. and reopen at 6 a.m. This subsection does not apply to Memorial Park, Pfeifer Park or Hatten Park on nights when Department approved baseball/softball games or tournaments are being held; these Parks will close one hour after the last game finishes for the night. Groups wishing to use the Parks past the closing time must apply to the Parks Director for approval.

9.16 REGULATION OF FISHING RAFTS ON THE WOLF RIVER. (Cr.Ord. #693).
(Repeal Ord. #693 - Recr Ord. #1065).

1 – STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE, AND TITLE

1.1 – REPEAL OF PRIOR ORDINANCE.

City of New London Ordinance Number 693 is hereby repealed in its entirety and recreated. The passing of this ordinance declares that the previous ordinance regulating Fishing Rafts in the City of New London is null, void, and stricken in its entirety.

1.2 – STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to authorization in ss. 30.126 and 30.77 Wisconsin Statutes.

1.3 – FINDINGS OF FACT

Historically, fishing rafts have been on the Wolf River and its tributaries from the Shawano dam downstream to Lake Poygan. Typically, most rafts are used during spring fish spawning runs. The number and conditions of rafts has caused conflicts with the other river users and has resulted in other problems on the Wolf River. The need to regulate fishing rafts is hereby recognized by the City of New London, Waupaca and Outagamie Counties, Wisconsin.

1.4 – PURPOSE

The purpose of this ordinance is to:

1. Establish certain restrictions on the placement, use and storage of fishing rafts.
2. Provide for annual registration and inspection of fishing rafts.
3. Establish certain construction and maintenance standards for fishing rafts.

2.0 DEFINITIONS

2.1 FISHING RAFT

A "Fishing Raft" means any raft, float, or structure, including a raft or float with a superstructure and including a structure located or extending below the ordinary high water mark of the waterway, which is designed to be used or is normally used for fishing, which is not normally used as a means of transportation on water, and which is normally retained in place by means of a permanent or semi permanent attachment to the shore or to the bed of the waterway. Fishing rafts do not include boathouses, fixed houseboats, wharfs and piers.

2.2 FLOTATION DEVICE

"Flotation Device" means any device used to provide flotation for a fishing raft, including each individual barrel or Styrofoam coffin.

2.3 RIPARIAN

"Riparian" means the owner of the shorelands adjacent to the Wolf River or its tributaries.

2.4 MUNICIPALITY

"Municipality" means any city, village, or town, which adjoins or includes any part of the Wolf River or its stream tributaries from the Shawano dam downstream to Lake Poygan.

2.5 ORDINARY HIGH WATER MARK

"Ordinary High Water Mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

3.0 RESTRICTIONS ON FISHING RAFTS ON THE WOLF RIVER AND ITS TRIBUTARIES

3.1 FISHING RAFTS MAY NOT:

1. Obstruct navigation or interfere with public rights.
2. Be located in the channel of the waterway.
3. Block more than 25% of the width of the waterway, singularly, or in combination with other fishing rafts.
4. Be located within ten (10) feet of another fishing raft.
5. Be placed in the waterway except by a riparian property owner next to their own land or except by written permission of the riparian property owner.
6. Be placed into the river or below (waterward) of the ordinary high water mark prior to March 1st of any year and must be removed from the river and placed above (landward) of the ordinary high water mark by October 31st of each year.
7. Be stored above (landward) of the ordinary high water mark of the river, for an entire calendar year without the proper variance granted by the City Council of supervisors for the City of New London.
8. Be equipped with toilets unless those toilets comply with rules of the Wisconsin Department of Commerce. (COMM ch. 86, WAC or the most current revision)
9. Be abandoned.
10. Be placed into the water with improper flotation devices.
11. Be improperly maintained. (s. 30.126(5)(j) Stats.)
12. Be used as a fishing raft unless registered as such.
13. Exceed 512 sq. feet with no maximum dimension being longer than 32 feet, when situated in a Residential Zone as defined in Chapter 7. Rafts registered prior to Jan. 1, 2001 shall be deemed to be in compliance with this provision.
14. Have a maximum height from the deck to the peak of the roofline greater than 11 feet, when situated in a Residential Zone as defined in Chapter 7. Rafts registered prior to Jan. 1, 2001 shall be deemed to be in compliance with this provision.

3.2 FISHING RAFTS MUST:

1. Be stored completely above (landward) the ordinary high water mark, during a period from on or before October 31st to March 1st.
2. Be placed into the waterway, located or extending beyond or below (waterward) the ordinary high water mark, for a period of not less than 14 continuous days and nights. Any raft that is not placed into the waterway for this period, during a calendar year, shall be deemed in violation of this ordinance and shall be deemed an illegal structure and is then subject to all applicable zoning regulations.

The City Council of the City of New London may grant, upon request, a variance for extenuating circumstances, such as low water, allowing a fishing raft to remain out of the waterway, above (landward) the ordinary high water mark, for the entire calendar year. This variance is at the sole discretion of the Council. Persons seeking this type of variance should apply, in writing, to the Clerk-Treasurer of the City of New London.

4.0 FISHING RAFT REGISTRATION

4.1 REGISTRATION AND TRANSFER

1. Any person mooring, placing, or maintaining a fishing raft on the Wolf River and its tributaries within the City of New London shall register each fishing raft annually with the municipality in which the fishing raft will be most frequently moored.
2. All registrations shall expire on December 31st of each year.
3. Any person who acquires an interest in an existing raft shall submit an application within 15 days to transfer the registration number.

4.2 APPLICATION FOR REGISTRATION

An application for new, renewal, or transfer of fishing raft registration shall contain:

1. The owner's name(s).
2. The owner's address and telephone number(s).
3. Name of municipality in which the raft is or will be most frequently used.
4. The registration number and expiration date, if the raft was previously registered.
5. Type of application; new, transfer, or renewal.
6. Proof that the applicant is the riparian owner of property adjacent to the rafts mooring location or has written permission of the riparian owner.

4.3 REGISTRATION FEE (Am. Ord. #1208)

1. The annual registration fee is originally established at \$5.00 and shall accompany each application for new or renewal of ownership registration.
2. A fee is not required for transfer of ownership if a valid registration exists for the fishing raft.
3. The City of New London will use the fee to administer and enforce the fishing raft registration system and fishing raft restrictions.
4. In addition to the registration fee, the City of New London will assess a fee of \$5 for an annual inspection of each raft. This fee will be paid at the time of registration. The amount of this fee is at the sole discretion of the City Council and may be adjusted by a formal action of the City Council. The raft official will perform this inspection(s) at any time during a period from March 1st through October 31st. The raft official must document any improper or unsafe conditions to both the raft owner and the City Council.

4.4 REGISTRATION CERTIFICATE

The City of New London will issue a Certificate of Registration for each raft registered. Under no circumstances will a Certificate of Registration be issued to an applicant if their raft does not meet the State, County or City's definition for a fishing raft. Nor will a certificate be issued to any applicant whose raft is found in any violation of any State, County, or City law, statute or ordinance until the municipality/authority in question deems that the raft is now in compliance. The Certificate of Registration will contain:

1. Fishing raft number.
2. Expiration date.
3. Name of municipality.
4. Owner's name(s)
5. Owner's address

4.5 NOTIFY DEPARTMENT OF NATURAL RESOURCES

The City of New London shall submit a complete list of all registered fishing rafts and their owner's names to the Department of Natural Resources on or before April 1st of each year. The list should be mailed to:

Water Management Coordinator
Wisconsin Department of Natural Resources
PO Box 10448
Green Bay, WI. 54307

4.6 DISPLAY OF FISHING RAFT REGISTRATION NUMBER

1. The assigned registration number shall be firmly affixed or painted to the river facing side of each fishing raft.
2. The assigned registration number shall be firmly affixed or painted to at least one location on each flotation device.
3. Each registration number shall read from left to right, contrast with the background and shall be in block letters and numbers not less than three (3) inches high. Each shall be clearly visible and legible.

5.0 CONSTRUCTION AND MAINTENANCE OF FISHING RAFTS AND FLOTATION DEVICES

5.1 FISHING RAFTS SHALL BE MAINTAINED BY THEIR OWNER(S) IN SOUND CONDITION ACCORDING TO THE FOLLOWING STANDARDS:

1. Rafts shall be aesthetically pleasing.
2. If the raft has railings, railings shall be firmly attached to the raft. Loose railings shall be repaired or removed.
3. Toilets, if installed, shall be maintained to comply with COMM Ch. 86, WAC, or the most current revision, as if the toilet were on a boat.
4. The fishing raft shall be firmly anchored or attached to the bed or bank of the waterway to ensure that the fishing raft will not break loose.
5. All cables, anchors, spud poles, or similar devices that anchor or attach the fishing raft to the bed or bank of the waterway shall be removed from the waterway when the raft is removed.
6. Each fishing raft shall be marked with lights, reflecting tape, or reflectors placed in a conspicuous location to make the fishing raft clearly visible at night.

5.2 FLOTATION DEVICES SHALL BE ATTACHED AND MAINTAINED IN THE FOLLOWING MANNER:

1. All flotation devices shall be airtight and sealed.
2. All flotation devices shall be clean and shall not contain any chemicals, oil, grease, or other residue.
3. Containers that contained a toxic or hazardous material as defined in s. NR 605.04, WAC, shall not be used as a flotation device.
4. Metal flotation devices shall be free of rust and painted or coated to prevent rusting.
5. Leaking or deteriorated flotation devices shall be immediately removed from the fishing raft and replaced.
6. Any flotation device, which becomes detached from the fishing raft, shall be retrieved and removed from the waterway by the raft owner(s).

6.0 ENFORCEMENT

6.1 ORDER FOR REMOVAL

The City of New London, Waupaca and Outagamie Counties may order the owner(s) of a fishing raft to remove this fishing raft from the waterway or property if any provisions of this ordinance or section 30.126(5) Stats. are not being complied with.

- 6.2 If a person fails to comply with an order to remove issued under section 6.1, or if the City of New London is unable to determine the owner(s) of fishing raft, the City of New London may remove and dispose of the fishing raft.
- 6.3 The owner(s) or person(s) responsible for the fishing raft shall reimburse the City of New London for any costs incurred by the City associated with the removal and disposal of the fishing raft under section 6.2.

PUBLIC PEACE AND GOOD ORDER – BOATING/SLOW-NO-WAKE
REGULATIONS 9.161

9.161 BOATING REGULATIONS, SLOW-NO-WAKE REGULATIONS. (Amd. Ord #1098,
Amd. Ord. #1129)

- 1) Applicability and Enforcement.
 - A) The provisions of this section shall apply to the waters of the Wolf and Embarrass Rivers lying within the corporate limits of the City.
 - B) These regulations shall be enforced by officers of the New London Police Department and those employees of the Counties of Waupaca and Outagamie having arrest powers.
- 2) Intent of this section is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resources.
- 3) State Boating and Safety Laws Adopted. State Boating Laws found in §30.50 to §30.81 WI. Stats. are adopted by reference.
- 4) Definitions. "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- 5) Controlled Area. No person shall operate a boat, watercraft or any other marine recreational vehicle, faster than Slow-No-Wake in the waters of the Wolf River and Embarrass River while the Slow-No-Wake buoys remain in the river and when the river level exceeds elevation 756.0 (the 8 foot mark) as based on the USGS Benchmark on the concrete wall near the northwest corner of the Pearl Street Bridge (N44 23.541' W088 44.384')
- 6) Restricted Area. In addition, the following portion of the Wolf and Embarrass Rivers shall be designated as slow-no-wake from March 1st through November 1st of each year.

That portion of the Wolf River from GPS coordinates N44 23.158' W088 43.459' and a landmark of the overhead power lines and west city limits below the downstream boat launching ramp to the GPS coordinates of N44 23.463' W088 45.284' and a landmark of the City Wastewater Treatment Plant discharge above the upstream boat ramp located at Riverside Park in the City of New London shall be restricted to slow-no-wake speed by all watercraft traveling said portion of the Wolf River.

The City of New London shall be responsible for placing and maintaining slow-no-wake buoys along this restricted portion of the Wolf River, but may use the services of an organization and/or contractor to represent the City of New London as its agent in the placement or maintenance of such buoys. The buoys shall be placed on, or as near as practical to March 1st and removed by November 1st each year.

7) Placement of Slow-No-Wake and Flood Buoys

The sections of the rivers covered by this Ordinance are as follows:

- A. The Wolf River from GPS coordinates N44 23.158' W088 43.459' and a landmark of the overhead power lines and the west city limits to the GPS coordinates N44 23.176' W088 43.304' and a landmark of the US 45 (Bypass) Bridge. The City of New London shall be responsible for placing and maintaining slow-no-wake buoys along this restricted portion of the Wolf River at the following locations:

Slow No Wake Buoy #1 (SNW #1)

N44 23.158'

W088 43.459'

City Limits west boundary under the high wire lines.

Slow No Wake Buoy #2 (SNW #2)

N44 23.443'

W088 45.421'

Midway between SNW #1 and SNW #3 in the middle of the river

Slow No Wake Buoy #3 (SNW #3)

N44 23.463'

W088 45.284'

Even with the Waste Water Treatment Plant discharge in center of river.

Flood Stage Buoy #1 (F1)

N44 23.510'

W088 44.923'

Even w/middle of the property lot at 815 W. Wolf River Avenue in middle of river.

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Flood Stage Buoy #2 (F2)
N44° 23.523'
W088° 44.772'
200' West of Shawano Street Bridge

Flood Stage Buoy #3 (F3)
N44 23.500'
W088 44.927'
Even with west wall of Grand Theatre in middle of river.

Flood Stage Buoy #4 (F4)
N44 23.533'
W088 44.567'
Even with west curb of Lawrence Street in the center of the Wolf River.

Flood Stage Buoy #5 (F5)
N44° 23.464'
W088 44.150'
Center of River between Division Street and Algoma Street

Flood Stage Buoy #6 (F6)
N44 23.502'
W088 44.281'
Even with middle of Mill Street with a line of sight with both F5 and F7.
(Toward south shore).

Flood Stage Buoy #7 (F7)
N44 23.428'
W088 44.004'
230' west of the Black Iron Bridge in center of river.

Flood Stage Buoy #8 (F8)
N44 23.641'
W088 43.877'
150' due east of Black Iron Bridge nearer to the east shoreline.

Flood Stage Buoy #9 (F9)
N44 23.642'
W088 43.859'
1250' south of F6 or even with south lot line of 226 Wood Lane Drive
in center of river.

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7 (A)

Flood Stage Buoy #10 (F10)

N44 23.478'

W088 43.668'

Center of E. Beacon Avenue (Coopers Landing) in middle of river.

Flood Stage Buoy #11 (F11)

N44 23.302'

W088 43.537'

Even with backfield fence to ball diamond (crow's nest) toward south shoreline.

Flood Stage Buoy #12 (F12)

N44 23.157'

W088 43.336'

800' west of the US 45 Bypass Bridge in center of river with line of site to F9.

US 45 Bypass Bridge

N44 23.176'

W088 43.304'

The City of New London may use the services of an organization and/or contractor to represent the City of New London as its agent in the placement and/or maintenance of these buoys.

- B. The Embarrass River from GPS coordinates N44 23.533' W088 44.567' and its confluence with the Wolf River to the GPS coordinates N44 24.172' W088 44.151' and the State Hwy 54 Bridge.

This elevation should be marked at GPS coordinates N44 23'32" W088 44'25" on the wall along the north side of the Wolf River between St. John's Street and Pearl Street.

- C. (Am Ord. 979) Notwithstanding the above, the Mayor, may in times of emergency or when normal river traffic flow is impeded due to dredging, bridge inspection or construction declare a slow-no-wake zone in any part of the River as described in B above for the duration of said emergency, dredging or bridge work.

The duration of such slow-no-wake declaration shall reasonable coincide with such condition. The area of the river so affected shall be established in the Mayor declaration.

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- 8) Posting Requirements. The City of New London shall place notification of these restrictions at all public access points onto the rivers.
- 9) Penalties. Wisconsin State Boating Penalties as found in §30.80 WI. Stats. are adopted by reference.
- 10) Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the City Council would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

9.162 CITY BOAT LAUNCH FEE (Cr. Ord. #816), (Amd. Ord. #1121)

- (1) PURPOSE. The intent of this section is to provide revenues to the City for the purpose of maintaining and improving public access facilities on the Wolf River under the control of the City.

- (2) USER FEES. (a) No person shall use a City boat landing facility without paying the applicable fee. This section shall include any boat ramp owned or operated by the City or any entity a part thereof.

- (b) (Amd. Ord. #1194) The Annual City Boat Launching fee shall be \$20 for Residents and \$25 for Non-Residents and \$30 for commercial businesses. Multiple boat launch stickers can be purchased according to the following scale:

<u>Residents:</u>	<u>Non-Residents:</u>
2 - \$30	2 - \$40
3 - \$40	3 - \$50

The daily boat launching fee shall be \$4 for all users. Persons paying an annual fee shall not be charged a daily fee.

- (c) This section is applicable to all watercraft used or capable of being used as a means of transportation on water.

 - (d) Persons paying the annual boat landing user fee shall be issued an adhesive sticker which shall be placed on the left side of the trailer (driver side of vehicle) on the front crank bar/boat stop.

 - (e) Any person who violates this section shall be subject to the penalties provided in sec. 9.35 of this chapter.

 - (f) Funds collected from the imposition of these fees shall be deposited in a separate expendable trust fund maintained by the City for the exclusive purpose of maintaining, developing and/or improving city-owned public access facilities along the wolf River.
- (3) ISSUANCE OF CITATION. Any law enforcement officer and the Parks superintendent of the city may issue citations for violation of this section, in accordance with the provisions of sec. 9.30 of this chapter.

9.17 PUBLIC WATERS, USE OF. (1) DEFINITIONS. For the purpose of this section, the words and phrases herein defined, unless the context clearly indicates otherwise, shall have the following meanings:

- (a) Anchorage Area. Any portion of waters within the City which has been so designated pursuant to law and approved by the federal government.
- (b) Chief of Police. The Chief of the New London Police Department.
- (c) Mooring. Any appliance used to secure a vessel other than to a pier, which is not carried aboard such vessel as regular equipment when underway.
- (d) Motorboat. Any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.
- (e) Pier. Any fixed or floating structure for securing vessels, loading or unloading persons or property or providing access to water and including any wharf, dock, float or other loading facility.
- (f) Vessel. Includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

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1. A seaplane on the water.
 2. A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.
- (g) Waters Within City. All waters which lie within the municipal boundaries of the City, whether or not lands lying under said waters are publicly or privately owned.
- (2) DELEGATION OF AUTHORITY. The responsibility for the administration of the provisions of this section is delegated to the Chief of Police or employees of a department of the county, state or federal government designated by said Chief of Police.
- (3) CHANNELS, ANCHORAGE AREAS, PIERHEADS AND BULKHEAD LINES. All channels, anchorage areas and pierhead and bulkhead lines within the City shall be as established by the federal government or by the Council. If available, a map thereof shall be kept on file in the offices of the Clerk-Treasurer and the Director of Public Works for public inspection.
- (4) DUTIES OF THE CHIEF OF POLICE. The Chief of Police or those persons designated by him shall:
- (a) Carry out the orders of the Council and enforce all river regulations and ordinances.
 - (b) Order any vessel improperly anchored, moored or berthed in any area within the City to change its position to such a one as he may designate and in the event his orders are not complied with, cause such vessel to be moved to a proper place as he may designate and collect the cost of such removal from said vessel or the owner thereof.
 - (c) Promptly report to the appropriate federal agency any violation of the laws of the United States for the protection of navigation and the preservation of navigable waters; particularly any encroachment on the waterway by the building of illegal structures, illegal filling or dumping of material of any sort into the waterway or throwing overboard or setting adrift or allowing to be set adrift anything that is or might become obstructive or dangerous to navigation.
- (5) STRAY PROPERTY. All stray vessels, rowboats, dinghies, skiffs, timber or any other personal property found in the waters within the City not in the lawful possession or control of some person shall be immediately delivered up to the Chief of Police. Any such property shall be dealt with as lost personal property.

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- (6) BOATING REGULATIONS. (a) Speed Limit. No owner, operator or person in command of any vessel, except a public officer in the performance of his duty, shall operate the same or permit the same to be operated on any waters within the City at an improper speed or in an imprudent manner or at any speed which creates a wake that may cause damage to moorings of vessels or floating structures or to the shoreline, except as hereinafter provided.
- (b) Mufflers Required. Every boat propelled by gasoline or other similar motive power within the City shall be equipped with a muffler, at all times in good working order sufficient to prevent excessive or unusual noise. No person shall operate any such boat so propelled by gasoline or other similar motive power with the muffler or cut-out open on the Wolf River or the Embarrass River within the City.
- (c) Motorboat Races. 1. Permit Required. The Council may, when it deems the occasion warrants, grant a special permit to hold a motorboat race in waters within the City or make temporary use of a designated area in said waters for a special event or activity in which unmuffled engines may be used, speed limits may be exceeded, and normal traffic interrupted; provided that such permit shall be for a stated period of time not exceeding 30 days. A permit for boat races shall not exceed 7 days and shall be limited to the hours between 8:00 A.M. and sunset. No permit shall authorize interference with normal river traffic for a period exceeding 6 hours in any 24 hour period. As a condition of granting such permit, the Council shall require the permittee to provide liability insurance for the full period of time for which the permit is granted in an amount of not less than \$100,000 for bodily injury to one person, \$500,000 for bodily injury in any one accident, and \$50,000 for property damage in any one accident. The policy providing such insurance must name the City as an additional insured. A certificate evidencing that such insurance is in force and will remain in force for the period of such permit shall be filed with the Clerk—Treasurer on a form approved by the City Attorney before such permit shall be effective. The Council may impose additional conditions as deemed necessary to protect persons and property and to assure that the activity will not create a nuisance or interfere with the reasonable use of the waters by other vessels. No such permit shall be effective until it has been granted by the Council.
2. Safety Restrictions. For such time as necessary preceding, during and after any race, regatta, parade or other event held on waters within the City or at any other time when the Chief of Police or someone appointed by him deems it necessary for the safety of persons, vessels or other property, he

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may restrict or prohibit waterborne traffic within the City and it shall be unlawful to willfully fail or refuse to comply with any order, signal or direction of said Chief of Police, his deputies or agents.

- (d) Boat Launching and Hauling. No person shall launch or remove any vessel from waters within the City over any public wall, sidewalk, street end or other public property, except at locations where a regular business of launching and hauling vessels is conducted which has the necessary equipment to do such work or in areas designated and posted for such purpose by the City.
 - (e) Damage to Property. No person shall willfully or carelessly destroy, damage, disturb, deface or interfere with any buoy, float, life preserver, sign, notice, navigational marking or other similar property under the jurisdiction of the City.
 - (f) Boarding Vessel Without Permission. No person shall climb into or upon any vessel moored, docked or anchored in waters within the City without the consent of the owner or other person having charge thereof.
 - (g) Tampering With Vessel. No person shall willfully injure or tamper with or break or remove any part of or from any vessel in the City, or tamper with the lines securing any such vessel, without the consent of the owner or other person having charge thereof.
 - (h) Tampering With Moorings. No person shall tamper with any mooring or anchorage in the City whether or not the same is occupied by a vessel.
 - (i) Landing of Aircraft. No person shall land on or take off from waters within the City with any aircraft unless as a result of an emergency.
 - (j) Propulsion Above Water Prohibited. No person shall operate any vessel on waters within the City which is operated by mechanical air propulsion above the surface of the water.
- (7) PIER AND DOCKING REGULATIONS. (a) Permission Required to Dock or Make Fast to Other Vessel. No person having charge of any vessel shall make the same fast to any pier within the City or permit the same to remain at such location after finishing loading or unloading such vessel without the consent of the owner, agent or person in charge of such pier. No person shall make fast any vessel to any other vessel already occupying any pier, whether public or private, without first obtaining permission of the owner of the boat.
- (b) Tying of Vessel. Every vessel lying at any pier within the City shall be fastened thereto with such lines, at least from either bow or stern, and in such a manner as to assure the security of such vessel.

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- (c) Licensing of Piers, Wharves, Docks and Floating Structures. Any pier, wharf, dock or other floating structure used for securing vessels, loading or unloading persons or property or providing access to the waters within the City limits must be licensed by the Director of Public Works for a fee of \$5 payable every 2 year beginning on April 1, 1978. All licenses shall expire on March 31 of even-numbered years. Owners of the above structures shall have 10 days after notification of nonconformance to secure a license from the Director of Public Works.
- (d) Defective Piers, wharves, Docks. If the Chief of Police, or a person acting on his behalf, determines that any pier, wharf, dock or any other fixed or floating structure is in a defective or dangerous condition, he shall notify the owner or other person having charge of the same by placing a notice upon the defective structure. The owner or other person shall have 10 days from the posting of the notice to repair it. If such person fails or neglects to do so, the Police Chief, or a person acting on his behalf, shall cause the structure to be disposed of and the cost of such removal recovered from the owner, agent or lessee of such structure in a civil action.
If the above structures, or any portion thereof, or any material on such structure falls into waters within the City, the owner, agent or lessee of such structure shall immediately remove the same from the waters and if they fail to do so, the Chief of Police may do so and the cost thereof may be recovered from the owner, agent or lessee of the pier in a civil action.
- (e) Maintenance of Public Piers. Public piers and other similar facilities may be maintained by the City for the purpose of loading and unloading of passengers, supplies and boating gear and for similar purposes. It is the policy of the City to maintain such facilities in a manner that shall permit the greatest public use and avoid continuous occupancy, congestion or blocking thereof. Where necessary to achieve public use and avoid extended occupancy, congestion or blocking thereof, the Chief of Police is authorized and directed to post signs limiting the time during which a vessel may be docked or supplies or gear may be placed at or on any such pier or facility to 30 minutes. When such sign is placed giving notice of such time limit, no person shall dock a vessel at any such facility for a period of time longer than 30 minutes or permit any supplies or gear to remain on such facility for a period of time longer than 30 minutes.
- (f) Obstruction of Facilities. No person shall intentionally obstruct the free access to and departure from any portion of any public pier.

PUBLIC PEACE AND GOOD ORDER 9-17 (8)

- (8) SWIMMING AREAS. (1) Designation. The Council may, by ordinance, designate certain areas of waters within the City as protected swimming areas.
- (b) Regulations and Limitations on use of Protected Swimming Areas. When lines and floats or buoys are in place outlining protected swimming areas designated by the City, no person shall operate, drive, navigate, use or possess within or take, drive, propel or permit to drift into a protected swimming area any vessel, surfboard, skidboard, skinimerboard, ski, paddleboard, canoe or similar object made entirely or partially of wood, metal, glass, hard plastic or other hard substance. There is excepted from the provisions of this section the use of a surfboard, paddleboard or similar device in that portion of any protected area during the hours surfing is permitted therein.
 - (c) Prohibited Swimming Areas. The Council may, by ordinance, designate certain areas of waters within the City limits as prohibited swimming areas. No swimming, wading, bathing, skin diving or floating shall be permitted in any prohibited swimming area.
- (9) ADDITIONAL REGULATIONS. The Council may from time to time designate by ordinance, as necessity demands or as it deems fit, other areas where any or all of the uses or activities permitted by this section may be limited, restricted or prohibited.

9.173 PROHIBITION OF HABITUAL TRUANCY. (Cr. Ord. #867, Amd. Ord. #1000)

- (1) A child is prohibited from being habitually truant.
- (2) DEFINITIONS. For purposes of this section.
 - (a) "Habitual Truant" shall mean a pupil who is absent from school without an acceptable excuse, for part or all of five or more days on which school is held during a school semester.
 - (b) "Acceptable excuse" shall mean an excuse contemplated in Sections 118.15 and 118.16(4), Wis. Stats.
- 3) PENALTY. Upon finding that a child is a habitual truant, the court shall enter an order making one or more of the following dispositions:
 - (a) Suspend the child's operating privilege, as defined in Section 340.01(40), WI Stats, for not less than 30 days nor more than one year.

PUBLIC PEACE AND GOOD ORDER 9. 173(3) (b)

The judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice stating the reason for and duration of the suspension.

- (b) Order the child to participate in counseling, community service or a supervised work program as described in Section 938.34(5g), WI Stats. The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person or both.
- (c) Order the child to remain at home except during the hours in which the child 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 child to leave his or her home if the child is accompanied by a parent or guardian.
- (d) An order for the person to amend an educational program as described in Sec. 938.34(7)d.
- (dm) (Cr.Ord. #949) Order the Department of Industry, Labor and Job Development to revoke, under Section 103.72, permit under §103.72, permit under §103.70 authorizing the employment of the person.
- (e) Forfeiture of not more than \$50.00 plus costs for the first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed during a school semester subject to Section 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (f) An order placing the person under formal or informal supervision, as described in Section 938.34(2), for up to one (1) year.
- (g) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on a specified premises and restrictions on associating with other children or adults.
- (h) An order for the Department of industry, Labor and Job Development to revoke, under Section 103.72, a permit under Section 103.70 authorizing the employment of the person.
- (i) An Order for the person to attend school.
- (j) An Order for the person' s parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

9.174 CONTRIBUTING TO TRUANCY. (Cr. Ord. #866, Amd. Ord. #1136). (1) Except as provided in Section 2. any person 18 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy of a child shall be subject to the penalties set forth in Section 5 below.

(2) EXCEPTIONS. This ordinance does not apply to a person who has under his or her control a child who has been sanctioned under Section 49.50(7) (h), WI Stats.

(3) TRUANCY DEFINED. "Truancy" means 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 Section 118.15, WI Stats. (Wisconsin's compulsory school attendance law.)

(4) CONTRIBUTING TO TRUANCY DEFINED. An act or omission contributed to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

9.175 CURFEW (Cr. Ord. #723; Amd. Ord. #1119, Am. Ord. #1136). (l) No individual between the ages of 14 years through 17 years shall remain upon any street or alley or other public place in the City between 11:00 P.M. on Sundays, Mondays, Tuesdays, Wednesdays or Thursdays and 6:00 A.M. the next day, and between 12:00 Midnight on Fridays and Saturdays and 6:00 A.M. the next day. No individual under the age of 14 years shall loiter, idle or remain upon any street or alley or other public place in the City between 10:00 P.M. and 6:00 A.M. the next day.

(2) The following shall constitute valid exceptions to the operation of the curfew:

(a) At any time, if the individual is accompanied by his or her parent, legal guardian or other responsible person who is over the age of eighteen (18) and approved by the individual's parent or legal guardian.

PUBLIC PEACE AND GOOD ORDER 9.175 (b)

- b) At any time in the event of any emergency which would justify the reasonableness of the individual's presence.
 - c) At any time while the individual is pursuing the duties of his or her employment but the individual must be carrying a written statement from the employer attesting to the place and hours of employment.
 - d) Until the hour of 12:30 A.M. if the individual is on an errand as directed by individual's parent or legal guardian.
 - e) If the individual is coming directly home from a meeting or a place of public entertainment, such as a movie, play, school, church or sporting event. This exception will apply for one half hour after the completion of such event, but in no case beyond 12:30 A.M. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the Police Department at least 24 hours in advance, informing of the time such event is scheduled to be, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization.
 - f) Until the hour of 12:30 A.M., if the individual is on the property of or the sidewalk directly adjacent to the building in which he or she resides or the buildings immediately adjacent thereto.
 - g) If exercising First Amendment rights protected by the United States Constitution or the Wisconsin Constitution such as the free exercise of religion, freedom of speech and the right of assembly.
- (3) PARENTAL VIOLATION: No parent, guardian or person having legal custody of an individual under age 18 shall or permit such individual to violate the provisions of subs. (1) and (2) above.
- (4) Before taking any enforcement action under this section, a law enforcement officer shall ask the apparent offenders age and reason for being present in the public place. A law enforcement officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based upon any response and other circumstances, no defense in Subsection 2 is present.

A minor believed to be violating the provisions of this section may be taken to the Police Department for proper identification. Every law enforcement officer, while on duty, may in his/her discretion detain any minor violating sub. (1) above until such time as the parent, guardian or other adult person having legal custody of the minor is notified and the person so notified shall, as soon as reasonably possible thereafter, report to the Police Department for the purpose of taking the minor into custody and such person shall sign a release for the minor if so requested by the officer.

9.18 LOITERING OR PROWLING PROHIBITED (Rep. & Recr. Ord. #861).

- (1) DEFINITION. "Loitering" means to remain idle in essentially one location and shall include the concept of spending time idly, to be dilatory, to linger aimlessly, to stay, to delay, to stand around, and shall also include the colloquial expression "hanging around."
- (2) No person shall loiter or prowl in a place, at a time, or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon the appearance of a police or peace officer, refuses to identify himself under the circumstances which leads the officer to believe a crime has been or will be committed, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a police or peace 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 him to identify himself and explain his presence and conduct.

PUBLIC PEACE AND GOOD ORDER 9.18 (2)

No person shall be convicted of an offense under this section if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the actor was true, and if believed by the police or peace officer at the time, would have dispelled the alarm.

- (3) No person shall loiter in a public place, street, alley, parking lot or public building nor on a private street, alley, parking lot or building which is held open to use for the public without permission from the owner, This does not apply to City parks.
- (4) No person shall loiter on any motor vehicle in a public place, park, street, alley, parking lot or public building or on a private street, alley, parking lot or building which is held open to use for the public without permission from the owner. (This subsection shall include the parks in the business district.)
- (5) (Am. Ord. #1136)
- (6) No person shall engage in or commit the following offenses:
 - (a) Use obscene or foul language, curse or otherwise yell, shout or scream so that such is heard by passersby.
 - (b) Throw any object or material at another person or vehicle, or shoot water guns or balloons.
 - (c) Make an obscene gesture with the second finger to another person.
 - (d) Display any picture or poster or drawing which is obscene and/or shows any part of human or animal anatomy which includes reproductive organs, organs used for excrement, buttocks or female breasts.

PUBLIC PEACE AND GOOD ORDER 9.18 (6)

- (e) Loiter at-entrances to buildings when there is no obvious legitimate purpose for loitering; this does not include "window shopping" or waiting to enter buildings when a line to enter is necessary.
 - (f) Tamper with, disturb, damage, deface or remove any flower, shrub, tree or their containers, decoration, flag, banner, light, sign, advertisement, loud speaker or other object, whether publicly or privately owned.
- (7) Parks in the business district shall be subject to the prohibitions enumerated in subs. (4), (5) and (6) above.

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

9.20 (Amd. Ord. #925, Amd. Ord. #1136) MARIJUANA, POSSESSION AND USE PROHIBITED.

- (1) DEFINITION. "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.
- (2) POSSESSION, DELIVERY AND USE PROHIBITED. It shall be unlawful for any person to possess, deliver, sell or use marijuana or marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.
- (3) EXCEPTION. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.
- (4) PARAPHERNALIA. It is unlawful for any person to possess any item or instrument commonly associated with marijuana use. These items or instruments shall include, but not be limited to: Pipes constructed in whole or part with metal, wood, plastic, or ceramic or any combination thereof; small clips with a spring mechanism commonly used to hold the end of marijuana cigarettes; cigarette papers when such papers are used with marijuana, or other similar devices.

9.21 OFFENSES BY UNDERAGE PERSONS; ALCOHOL BEVERAGES (Am. Ord. 905, 908)
No person under age 21 shall possess intoxicating liquors anywhere within the City. No person under age 21 shall possess fermented malt beverages anywhere within the City unless accompanied by a parent, guardian or spouse over the age of 21.

9.22 OFFENSES UPON SCHOOL PROPERTY. (Amend Ord #1002)

(1) (a) During regular school hours, no person, not a student in regular attendance in the school or an employee of the New London Board of Education assigned to the particular school, shall be in the building or on the grounds of said school without first having obtained permission of the principal, acting principal or assistant principal having immediate control of said building or grounds. For purposes of this section "a student in regular attendance" shall mean a student who is in his/her assigned classroom or elsewhere on the school premises with permission from the principal, the student's teacher, or other authorized school official. A student who is serving an out of school suspension, has been expelled from the school, or is truant from his/her assigned class is an unauthorized person.

(b) Any person who goes into a school building or onto the school grounds in violation of Subsection (1) above and subsequently refuses to leave said building or grounds after being requested to do so by the principal or his/her representative shall be deemed in violation of the ordinance.

(c) During non-school hours, no person shall be in a school building or on school grounds without first having obtained permission of the principal, acting principal, or assistant principal having immediate control of said building or grounds.

(d) Subsections (a), (b) and (c) above shall not pertain to an elector entering said school building to cast his/her ballot on a designated election day, guardian/parents of students who are enrolled in the particular school and other persons engaged in school business who are otherwise adhering to school policies.

(2) No person shall chew and/or smoke tobacco products in a school building or on school grounds.

(3) No person shall bring, cause to be brought or possess upon school property any intoxicating liquor or fermented malt beverages, or controlled substances as defined in Ch. 161, WI Stats., unless with the express written consent of the school principal. (Amd. Ord. #1231)

(4) No person shall park a vehicle upon school property contrary to school or City parking regulations.

- (5) No person shall possess intoxicating liquor or fermented malt beverages, or controlled substances as defined in Ch. 161, Wis. Stats., in Hatten Memorial Stadium or bring such substances into Hatten Memorial Stadium during school athletic contests.

9.223 (Cr. Ord. #927) ALCOHOL AND OTHER DRUG ABUSE PREVENTION BOARD

(1) ORGANIZATION

The AODA Prevention Board will consist of seven members appointed by the Mayor to represent the citizens of the City of New London. In addition, the Mayor can appoint up to two teenage representatives to serve for a one-year term each.

(2) APPOINTMENTS

Initial appointments to the Board shall be as follows:

- 2 members to be appointed for 1 year
- 2 members to be appointed for 2 years
- 3 members to be appointed for 3 years

Thereafter, all appointments shall be for a term of 2 years. The appointments shall be made by the Mayor and confirmed by the Council. In addition to the above Board members, the Mayor may appoint two High School students (11th or 12th graders) to serve for a one-year term. The Community Prevention Coordinator under Project Pre-Action shall also serve as a non-voting advisor to the Prevention Board.

Those appointed to the Board shall be the representatives of the Community as follows:

One member of the Medical Community, one member of the Commercial/Industrial Sector, one person representing Parenting in terms of Parent Teacher Partnerships or organizations of local parents such as Scouting, Rawhide, etc., one person representing the Educational Community, one person representing Law Enforcement, one person representing a Religious or Moral Values Perspective and one person representing Local Government.

(3) POWERS AND DUTIES

- a. The Prevention Board may establish such rules for the conduct of its affairs, as it deems advisable to cover such matters as the time and place of board meetings, the transaction of business at such meetings, the formation of any sub-committee and the basic organization of the Prevention Board itself.
- b. The Prevention Board shall take such steps as it determines to educate the public regarding the problems of alcohol and other drug abuse and to develop such public information programs as it deems necessary.
- c. To the utmost extent possible the Prevention Board shall coordinate all activities related to the prevention of alcohol and other drug abuse in the City of New London and shall cooperate with the other city, county, and state agencies organized for a similar purpose and/or assisting in those efforts.

D. The Board shall make recommendations to the Council in matters involving legislation and policy relating to the prevention of alcohol and other drug abuse.

- (4) BUDGET. The Council may appropriate such funds as it deems available and necessary to permit the Prevention Board to carry out its duties. The Board shall annually, at the time of regular city budget preparation and consideration, submit its budget requests to the Council. Any funds which are appropriated by the Council shall be administered by the Board which shall regularly report expenditures to the Council. Funds budgeted shall remain in the control of the City Treasurer, and expended upon direction of the Board. In the event the Board receives funding from any source other than the city, such funds may be managed and expended by the Treasurer upon direction of the Board.
- (5) COMPENSATION. The members of the Board shall serve without compensation. Reimbursement for expenses of the Board members shall be at the discretion of the Board, and shall not exceed the amount budgeted by the Council.

9.225 (Cr. Ord. #874, Am. Ord. #1136)) USE OF TOBACCO PROHIBITED ON SCHOOL PREMISES.

- (1) INTENT AND PURPOSE. It is recognized that the use of any tobacco related product is hazardous to an individual's health and may affect the health of non-tobacco users when in the presence of tobacco users. This Ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of residents, and/or non-residents of the City of New London and further recognizes the rights of non-tobacco users.
- (2) PROHIBITION OF TOBACCO USE. It shall be unlawful for any person to use any tobacco products in all buildings and on all grounds and other property owned or rented by, or under the control of the New London School District in the City of New London.
- (3) USE OF TOBACCO PROHIBITED ON SCHOOL PREMISES. It is unlawful for any person under the age of 18 to possess any tobacco products within 1000 feet of all school grounds under the control of the New London School District in the City of New London.

- 9.23 UNLAWFULL REMOVAL OF PROPERTY No person shall take and carry away the property of another without the owner's consent. This offense shall include, but not be limited to, the operation of a vehicle, whether or not motorized, without the owner's consent.
- 9.235 THEFT OR NON-RETURN OF LIBRARY MATERIALS. (Cr Ord.901, Amd. Ord. #1136)
- (1) No person shall fail, on demand, to return any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the New London Public Library, according to the rules and regulations duly made and adopted by the Library Board, and no person shall remove from the Library any book, periodical, pamphlet, picture or other article or property without first having it charged as provided by such rules and regulations.
 - (2) No person shall mar, deface, or in any other way, damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library.
 - (3) Section 943.61 of the Wisconsin Statutes relating to theft of library material, exclusive of the penalties provided therein, is hereby adopted by reference and made a part hereof.
- 9.24 CONTRIBUTING TO THE DELINQUENCY OR NEGLECT OF CHILDREN.
- (1) No person shall intentionally encourage or contribute to the delinquency or neglect of any child under age 18.
 - (2) No parent, guardian or legal custodian, who by neglect or disregard of the morals, health or welfare of his child, shall contribute to the delinquency of that child.
 - (3) Any act or failure to act contributes to the delinquency or neglect of a child, although the child does not actually become neglected or delinquent, if the natural and probable consequences of that act or failure to act would be to cause the child to become delinquent or neglected.
- 9.25 FIGHTING PROHIBITED. No person shall, within the City, intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

PUBLIC PEACE AND GOOD ORDER 9.26

- 9.26 (Am. Ord. 886) ANNOYING TELEPHONE CALLS AND TELECOPIER TRANSMISSIONS PROHIBITED. No person shall make a telephone call, whether or not conversation ensues, with the intention to annoy another. Wisconsin Statute 971.19 (2) is hereby referenced and made a part of this ordinance for purposes of jurisdiction.
- 9.27 TRESPASS. (1) No person who enters upon the property of another shall refuse to leave the property when requested to do so by the owner or by a person in charge of the property.

PUBLIC PEACE AND GOOD ORDER 9.27 (2)

- (2) This offense shall include, but not be limited to, entry by persons upon the premises of any mercantile establishment, otherwise open to the public, where such person is requested to leave by the owner or a person in charge of such establishment.

9.28 CARRYING WEAPONS (Cr. Ord. #740). (1) PROHIBITED. No person, except a sheriff, constable, police officer or their deputies shall carry or wear about their person any pistol, revolver, firearm, sling shot, krossknuckle of lead, brass, "numchuck" sticks, throwing stars or "shurikens," dirk, or dagger or any blackjack, billy, sandclub, switchblade knife, or any knife which has a blade itself but automatically opens by the slight pressure on the handle or some other part of the knife and is commonly known as a switch knife, or straight edge razor or any other knife having a blade 3 inches or longer, or any other dangerous or deadly weapon within the City.

- (2) EXCEPTION. A hunter who carries a hunting knife during deer season or any citizen who uses or needs a knife with a blade 3 inches or longer during their course of employment are exempt from sub. (1) above.

9.29 REGULATING THE OPERATION OF SKATEBOARDS (Cr. Ord.#729). (1) No person shall operate any skateboard on any street within the City that has been designated as a County Trunk Highway or a State Highway.

- (2) No person shall operate any skateboard on the street, sidewalk or alley ways within an area bounded by Pearl Street on the east, Beacon Avenue on the south, Shawano Street on the west, and Waupaca Street on the north.

- (3) No person shall operate any skateboard in any City-owned parking lot or in Loss Park, Old City Hall Square Park, Taft Park or Mini Park.

9.30 UNIFORM CITATION METHOD ADOPTED (Cr. Ord. #780; Rep. & Readopted Ord. #795). (1) CREATION. Pursuant to §66.119, Wis. Stats., the City hereby elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.

- (2) CITATION. The citation shall contain the following:
 - (a) The name and address of the alleged violator.
 - (b) Factual allegations describing the alleged violation.
 - (c) The time and place of the offense.
 - (d) The section of the ordinance or the municipal code violated.

PUBLIC PEACE AND GOOD ORDER 9.30 (2)

- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
 - (f) The time at which the alleged violator may appear in court.
 - (g) A statement which, in essence, informs the alleged violator, as follows:
 - 1. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.
 - 2. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.
 - 3. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to forfeiture and a penalty assessment imposed by §165.87, WI. STATS., a jail assessment imposed by §53.46, WI. STATS., and an automation fee imposed by §814.635, WI. STATS., not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons shall be issued demanding him to appear in court to answer the complaint.
 - 4. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the penalty assessment, the jail assessment and the automation fee.
 - (h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (g) above has been read. Such statement shall be sent or brought with the cash deposit.
 - (i) Such other information as the Council deems necessary.
- (3) DEPOSITS. (a) Each citation issued under this section, except those to which par. (d) below applies, shall specify a cash deposit as set forth in sec. 25.04 of this Code, which consists of the appropriate forfeiture, a penalty assessment, a jail assessment, an automation fee and court costs.
- (b) Deposits shall be made in cash, money order or check to the County Clerk of Courts, who shall provide a receipt therefor.

PUBLIC PEACE AND GOOD ORDER 9.30 (3)

- (c) The penalty assessment imposed by §165.87, WI. STATS., the jail assessment imposed by §53.46, WI. STATS., and the automation fee imposed by §814.635, WI. STATS., shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which State law controls or for ordinances involving non-moving traffic violations. Said assessments shall be in an amount determined after deducting the court costs.
 - (d) The deposit, including costs, pertaining to a minor receiving a citation under this section shall in no event exceed the maximum penalties provided in Ch. 48, WI. STATS., plus the penalty assessment imposed by §165.87, WI. STATS., the jail assessment imposed by §53.46, WI. STATS., and the automation fee imposed by §814.635, WI. STATS., except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.
- (4) DEPOSIT SCHEDULE. Every police officer issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the City Bond Schedule and the Wisconsin Judicial Council Bond Schedule, which are hereby adopted by reference.
- (5) ISSUANCE OF CITATION. Any law enforcement officer may issue citations authorized under this section.
- (6) NON-EXCLUSIVITY. (a) Other Ordinances. Adoption of this section does not preclude the Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- (b) Other Remedies. The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
- 9.35 PENALTIES (Renum. Ord. #729; Renum. Ord. #780; Am. Ord. #816). Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code, except that any person who shall violate sec. 9.162 of this Chapter shall be subject to a penalty of \$20, which shall increase to \$25 if not paid after 5 days and to \$30 if not paid after 10 days from the date of the issuance of a citation for such violation. In addition to any penalty imposed for violation of §943.14, WI. STATS., as adopted by reference in Sec. 9.01 of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates said section may also be held liable for the cost of replacing or repairing such damage or destroyed property in accordance with §895.035, WI. STATS.

9.36 PROHIBITION OF TRUANCY: (Ord Cr. #1001) (1) A child is prohibited from being truant.

(2) DEFINITIONS: For purposes of this section.

(a) "Truant" shall mean a pupil who is absent from school without an acceptable excuse under Sec. 118.15 and 118.16(4), WIS Stats., for part or all of any day on which school is held during a school semester.

(3) PENALTY: Upon finding that a child is a truant, the court shall enter an order making one or more of the following dispositions:

(a) An order for the person to attend school.

(b) Forfeiture of not more than \$50 plus costs for the first violation, or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Sec. 938.37 WIS STATS., and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during the school semester. All or part of the forfeiture, plus costs, may be assessed against the person, the parents or guardian of the person, or both.

9.40 (1) MUNICIPAL COURT CREATED (Ord. #1125)

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Municipal Court to be designated "Municipal Court for the City of New London", said court to become operative and function on January 1, 2005.

(2) MUNICIPAL JUDGE

- a) *Qualifications:* There is hereby created the office of Municipal Judge of the Municipal Court of the City of New London. The Municipal Judge shall be a resident of the City.
- b) *Oath and Bond:* The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$5,000. The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c) Wis. Stats., and the requirements of §755.03(2) have been complied with.
- c) *Salary.* The salary of the Municipal Judge shall be fixed by the Common Council which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to §66.0301 Wis. Stats.

(3) ELECTIONS (Amend Ord. #1217)

Term: The Municipal Judge shall be elected at large in the Spring Election in even years for a term of four years commencing on May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10, WI Stats., and selection at a primary election if such is held as provided in §8.11, WI Stats. The State Elections Board shall serve as filing officer for the candidates.

(4) JURISDICTION

- a) The Municipal Court shall have jurisdiction over incidents occurring on or after January 1, 2005 as provided in Article VII, §14 of the Wisconsin Constitution, §§755.045 and 755.05, Wis. Stats., and as other provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the City of New London seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

- b) The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under *§755.045(2)*, *§66.0119*, Wis. Stats.
- c) The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of *§938.17(2)(cm)*, Wis. Stats.

(5) MUNICIPAL COURT

- a) *Hours:* The Municipal court shall be open at such location and at such times as determined by the Common Council and the Municipal Judge.
- b) *Employees:* The Judge shall, in writing, appoint such clerk and deputy clerk as are authorized and funded bhe Common Council of the City of New London.

(6) COLLECTION OF FORFEITURES AND COSTS

The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the City of New London. All forfeitures, fees, assessments, surcharges and costs shall be paid to the Treasurer of the City of New London within 7 days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

(7) CONTEMPT OF COURT

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under *§800.12* Wis. Stats. and may impose a forfeiture therefore not to exceed fifty dollars (*\$50*) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days

9.41 ANIMALS AT SPECIAL PROHIBITED (Cr. Ord. #1236)

- (a) Animals are prohibited on public property located within the City of New London at any time at special events where more than 100 people are expected to attend said event, except by written permission from the event permit holder for special activities in accordance with the event.
- (b) Exemptions to the enforcement of this chapter are dogs specially trained to lead blind or deaf persons to provide support for mobility-impaired persons, or animals to assist with emergency personnel.
- (c) "Animal" means any live, vertebrate creature, domestic or wild.