

CHAPTER XI
OFFENSES AGAINST
GOOD ORDER AND CONDUCT

11.02 DISORDERLY CONDUCT

No person shall within the limits of the City commit any of the following offenses, namely;

A. Firearms. Discharge or cause the discharge of any missile from any firearm, B.B. gun, pellet gun, paintball gun, slingshot, bow and arrow, when said bow has a pull of 30 pounds pressure or more, or, other dangerous weapon within the limits of the City, except at gun clubs, rifle ranges, archery ranges or shooting galleries. This Section shall not apply to firearms used by law enforcement officers.

B. Fights. Engage in any fight, brawl, or noisy altercation on any street, alley, or other public ground.

C. Throwing Snowballs and other Objects.

1. Throw any snowball or other object at or in the direction of any moving or occupied motor vehicle, bicycle or other means of conveyance in a manner likely to cause or causing personal injury or property damage.

2. Throw any snowball or other object at or in the direction of any window or door of any building or structure in a manner likely to cause or causing personal injury or property damage.

3. Throw any snowball or other object in a manner likely to cause or causing personal injury or property damage, excluding games and sports which do not have personal injury or property damage as a goal.

The throwing of objects and snowballs is not prohibited if said objects and snowballs are of such small size and weights as not to create a danger to person or property.

"Snowball" is defined as a compacted mass of snow and/or ice, whether or not any foreign objects are embedded therein, which is of a size capable of being thrown.

4. Intentionally throw or drop any object of any kind or nature from any bridge, building or structure in a manner likely to cause or causing personal injury or property damage, excluding construction or demolition work done in accordance with an appropriate permit, and excluding any act involving the exercise of the police powers or duties of any unit

of government.

5. No person shall throw or shoot any object, missile, spray or other solid, fluid or semi-fluid projectile by hand or any other means at any person or object along the route of a parade during the period from the beginning of the parade to the end of the parade. This Section shall only apply to parades held on highways and public streets.

D. Indecent Conduct. Conduct himself in a tumultuous, riotous, or indecent manner.

E. Objectionable Language. Use any profane, vile, filthy or obscene language in any public place within the hearing of other persons in such public place.

F. Assault. Assault another or use in reference to and in the presence of another, or in reference to and in the presence of any member of his family, abusive or obscene language, intended or naturally tending to provoke an assault or any breach of the peace.

G. Prowling About Premises of Another. Prowl about the premises of another in the night time, or peek in windows on another's premises, or do any other act intended, or naturally tending, to frighten or alarm other persons.

H. Incite Violence. Knowingly insult, provoke or disturb any person or persons by means of any gesture, language or obscene, lewd or lascivious act in a manner which does or is likely to provoke a violent response in the recipient thereof.

I.1. Obstruct or interfere with, by any means, vehicular or pedestrian traffic on any public walk, highway, street, alley or other public thoroughfare for the purpose of disrupting the orderly pattern and flow thereof.

2. Impede, intentionally or unintentionally, the flow of vehicular or pedestrian traffic on any public walk, highway, street, alley or other public thoroughfare, or in or about any governmental building or premises open to the general public, or in any parking lot or structure after having been requested to cease said activity by a peace officer or by one in charge of said premises.

J. Disturbance of Meeting. Disturb or annoy any congregation, audience, public meeting, or lawful assembly of persons of any kind, or join with others in so doing.

K. Maltreat or annoy any person in any public place.

L. Court Restraining Orders.

1. Violate the provisions of a Domestic Abuse Restraining Order issued under §813.12, Wisconsin Statutes.

2. Violate the provisions of any other Court Order restraining a person from harassing or contacting directly or indirectly any other person or place of business.

M

Disturbance of Peace. Engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.

N. Mashing. Improperly accost, ogle, insult, follow, pursue, lay hands on, or otherwise molest any person of the opposite sex.

O. Begging. In any public place, or from place to place beg or receive alms without the written permission from the Mayor.

P. No person shall smoke, drink or consume food in any local passenger bus.

Q. Obstructing Firemen or Policemen/False Complaints of Police Misconduct.

1. It shall be unlawful for any person to willfully hinder, obstruct or otherwise interfere with the Fire or Police Department, or any member thereof, while engaged in fighting a fire or in traveling thereto or therefrom, or while otherwise engaged in the performance of his/her duty or any official function, or to willfully damage or destroy any property belonging to the Fire or Police Department, or any member thereof, while so engaged, or to commit an assault, battery, or throw any object upon a member of the Fire or Police Department while so engaged.

2. Any person who is reasonably suspected of having information relating to a crime, Ordinance violation, or any other matter under the jurisdiction of the Police Department, and who intentionally refuses to furnish identifying information to a law enforcement officer investigating said matter shall be deemed in violation of this Ordinance. **"Identifying Information"** shall include: name, address, phone number, age and place of employment and/or school attended, if any. If the address provided is one that said person has not resided at for at least thirty (30) days, **"Identifying Information"** shall also include the name, address and phone number of a person, if any, who is reasonably likely to know the

whereabouts of the person being questioned.

3. The provisions and definitions of Section 946.66 of the Wisconsin Statutes, and also all acts amendatory thereof and supplementary thereto, are adopted and incorporated herein. Whoever knowingly makes a false complaint regarding the conduct of a law enforcement officer shall, upon conviction, be subject to the penalties set forth in **Section 11.16** below.

R. Possession or Use of Fire Bombs and Other Similar Devices.

1. It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable liquid-filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

2. It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

S. Abuse or Interference With Kenosha Police Department Dogs. Willfully or maliciously tortures, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Police Department of the City of Kenosha in the performance of the functions of such department, or to interfere with or meddle with any such dog while being used by said department or any officer or member thereof in the performance of any of the functions or duties of said department, or of such member or officer.

T. Hunting. Carry or have under his control any pistol, gun, or other firearm, for the purpose of hunting unless said firearm is unloaded, knocked down or enclosed in a suitable container. This Ordinance shall be deemed to prohibit hunting within the City of Kenosha.

U. Littering. Throw, place or deposit any paper, glass, bottle, cans, containers, grass clippings, rubbish, waste, filth or other debris upon private property without consent of the owner or occupant, or upon the streets, alleys, highways, sidewalks, parks, or beaches, or into any pond, stream, river or lake.

V. Battery. Cause bodily harm to another by any act done with intent to cause bodily harm to that person or another without the consent of the person so harmed.

W. Theft. Intentionally take and carry away, use, transfer, conceal, or retain possession of

movable property of another, the value of which does not exceed Three Hundred (\$300.00) Dollars without his/her consent and with intent to deprive the owner permanently of possession of such property.

No person shall aid, abet or conspire with another to intentionally take and carry away, use, transfer, conceal or retain possession of movable property of another, the value of which does not exceed Three Hundred (\$300.00) Dollars, without his/her consent, and with intent to deprive the owner permanently of possession of such property.

X. Schools.

1. It shall be unlawful, except as herein provided, for any person to remain in any public school building within the City without obtaining permission therefor immediately upon entering the building from the school principal, superintendent of schools or designee, which permission shall authorize the holder thereof to conduct official or personal business within the building or a designated portion thereof for a given period of time on the day designated within the scope of the permission. Students attending said school are exempted from this requirement as are parents of students enrolled in the school, School Board members, teachers and other employees of said school district. Permission may be denied where the need for the permission does not outweigh the disruption of school or school authorized business which would or may be caused if the permission were to be granted. This Subsection shall be applicable only in those school systems wherein the School Board or other governing body has approved the application of this Ordinance, and where notice of this Ordinance and the school system's acceptance of the same has been posted in a prominent place at all school entrances intended for the use of the public. Law enforcement officers shall be authorized to remove from the school buildings any persons who fail to comply with the terms of this Subsection and who fail to voluntarily leave the premises upon the request of the school principal, superintendent, or designee, or of any police officer. Upon conviction, violators shall be subjected to a forfeiture, and imprisonment for nonpayment thereof, pursuant to **§11.16(1)**, Ordinances, and minors shall be prosecuted through either the Juvenile Court system or the Municipal Court, whichever may be applicable.

2. It shall be unlawful, except as herein provided, for any person between the hours of 10:00 P.M. and 6:00 A.M., to enter into and remain on any public school grounds within the City without obtaining a written permit from the school principal, Superintendent of Schools, or designee, which permit shall authorize the holder thereof to conduct school or

school authorized business on the school grounds for a given period of time on the day designated without the permit. The following persons are exempt from this permit requirement: School Board members, the teachers and administrators of the school, employees of the school, maintenance and construction personnel performing work for the school, and persons authorized for the conduct of said business. This Subsection shall be applicable only in those school systems wherein the School Board or other governing body has approved the applications of this Ordinance, and where notice of this Ordinance and the school system's acceptance of the same has been posted in a prominent place at all entrances to fenced in enclosures, and every three hundred (300') feet where there is no fenced in enclosure. Law enforcement officers shall be authorized to remove from the school grounds any person(s) who fail to comply with the terms of this Subsection and who fail to voluntarily leave the premises upon request. Upon conviction, violators shall be subjected to a forfeiture, and imprisonment for nonpayment thereof, pursuant to **§11.16(1)**, Ordinances, and minors shall be prosecuted through either the Juvenile Court system or the Municipal Court, whichever may be applicable.

3. Any person who is on school grounds subject to **Subsection 2.** hereof, and posted as such, may be asked by any school principal or designee or law enforcement officer as to his or her business for being thereon. Any person who fails to show that they are on school grounds for bona fide reasons may be asked to leave said premises forthwith. Any person who fails to leave school grounds promptly upon request shall be unlawfully upon said school grounds and shall be in violation of this Subsection, and law enforcement officers may remove said person from said school grounds. Violators shall, upon conviction thereof, be subjected to a forfeiture, and imprisonment for nonpayment thereof, pursuant to **§11.16(1)**, Ordinances and minors shall be prosecuted through either the Juvenile Court system or the Municipal Court, whichever may be applicable.

Y. Trespass, Delivery Personnel. Use other than sidewalks and areas designated as walkways by the owner or occupant while making deliveries upon private property, unless the owner or occupant provides permission to the contrary.

Z. Vandalism. Intentionally cause damage to any physical property of another, the value of which does not exceed \$300.00, without the person's consent. "Value" as used in this Subsection means the amount it would cost to repair or replace the physical property, whichever is less.

11.022 TRESPASS

It shall be unlawful for any person to enter or remain upon the property of another for a nonessential and/or nonauthorized purpose when such person has been informed through a posted sign, or otherwise, that such entry is prohibited during all or specified times, without the advance consent of the owner or occupant of the property to which entry is desired. Where signs are utilized to notify persons of prohibited or restricted access to certain property, signs shall be conspicuously posted at the front and rear of property which is less than one (1) acre in size, and signs as to property over an acre in size shall be posted on all four (4) sides thereof, at intervals of not greater than one thousand (1,000) feet. Such signs shall be at least eleven (11) inches square (121 square inches) in size, with the wording describing the prohibited or restricted access being in letters no smaller than one-half (1/2") inch in size.

11.023 TELEPHONE CALLS

A. It shall be unlawful for any person to do any of the following by means of telephone calls originating within or received within the limits of the City:

1. Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent.
2. Place one or more telephone calls, whether or not conversation ensues, with the intent to abuse, threaten, harass any person at the called number.
3. Cause the telephone of another repeatedly or continuously to ring with intent to abuse, harass any person at the called number.

B. It shall be unlawful for any person, party, firm or corporation to knowingly permit any telephone under their control to be used in a manner prohibited by this Ordinance.

C. It shall be unlawful to act in conspiracy or conceit with another to do any acts contrary to this Ordinance.

11.024 CONTROL OF DOGS PURSUANT TO ORDER OF EMERGENCY PERSONNEL

Whenever any law enforcement officer, firefighter or rescue squad personnel orders a person to take specific or general action to control a dog owned, or under the care, custody or control of said person, at the scene of an emergency, at the scene of what is believed to be an emergency by any of said above listed emergency personnel giving said order, or at the scene of any law enforcement activity, so as to prevent said dog from actually or possibly hindering

or obstructing an emergency or law enforcement operation, and said person fails to obey said order, this Ordinance shall be deemed to have been violated, irrespective of whether or not said dog did actually hinder or obstruct said emergency or law enforcement operation.

11.025 RETAIL THEFT/FRAUD ON HOTEL OR RESTAURANT KEEPER OR TAXICAB OPERATOR

A. Retail Theft. No person shall intentionally alter indicia of price or value of merchandise or request a cash refund or a credit slip for merchandise which he or she has not paid for except where another has paid for said merchandise and authorized said person to request a cash refund or credit slip on their behalf, or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant without his/her consent and with intent to deprive the merchant permanently of possession, or full purchase price of such merchandise.

No person shall aid, abet or conspire with another to intentionally alter indicia of price or value of merchandise or to request a cash refund or a credit slip for merchandise which he or she has not paid for except where another has paid for said merchandise and authorized said person to request a cash refund or credit slip on their behalf, or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant without his/her consent and with intent to deprive the merchant permanently of possession, or full purchase price of such merchandise.

The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a peace officer, or to his/her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he/she shall not be interrogated or searched against his/her will before

the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with the provisions of this paragraph entitles the merchant and the merchant's employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

B. Fraud on Hotel or Restaurant Keeper or Taxicab Operator. Whoever does any of the following shall be in violation of this Ordinance:

1. Having obtained any beverage, food, lodging or other service or accommodation at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally absconds without paying for it.

2. While a guest at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally defrauds the keeper thereof in any transaction arising out of the relationship as guest.

3. Having obtained any transportation service from a taxicab operator, intentionally absconds without paying for the service.

Under this Section, *prima facie* evidence of an intent to defraud is shown by:

The refusal of payment upon presentation when due, and the return unpaid of any bank check or order for the payment of money, given by any guest to any campground, hotel, motel, boarding or lodging house, or restaurant, in payment of any obligation arising out of the relationship as guest. Those facts also constitute *prima facie* evidence of an intent to abscond without payment.

The failure or refusal of any guest at a campground, hotel, motel, boarding or lodging house, or restaurant, to pay, upon written demand, the established charge for any beverage, food, lodging or other service or accommodation actually rendered.

The giving of false information on a lodging registration form or the giving of false information or presenting of false or fictitious credentials for the purpose of obtaining any beverage or food, lodging or credit.

The drawing, endorsing, issuing or delivering to any campground, hotel, motel, boarding or lodging house, or restaurant, of any check, draft or order for payment of money upon any bank or other depository, in payment of established charges for any beverage, food, lodging or other service or accommodation, knowing at the time that there is not sufficient credit with the drawee bank or other

depository for payment in full of the instrument drawn.

The refusal to pay a taxicab operator the established charge for transportation service provided by the operator constitutes *prima facie* evidence of an intent to abscond without payment.

A judgment may not be entered for a violation of **Subsection B.** regarding conduct that was the subject of a judgment including exemplary damages under Section 943.212, Wisconsin Statutes, entitled "Fraud on hotel or restaurant keeper or taxicab operator; civil liability." It shall be the affirmative burden of the defendant to demonstrate the existence of any such judgment to the Court.

11.026 PROHIBITING THE DRINKING OF INTOXICANTS ON PUBLIC STREETS AND SIDEWALKS, OR WITHIN ANY PARKED MOTOR VEHICLE

A. It shall be unlawful for any person to sell or serve or give to another person, or offer to sell or serve or give to another person any fermented malt beverage or intoxicating liquor while upon any public street or sidewalk, or within a parked motor vehicle located on any street within the City of Kenosha.

B. It shall be unlawful for any person to consume any fermented malt beverage or intoxicating liquor or to possess the same in other than a sealed container while upon any public street or sidewalk or within a parked vehicle located on any street within the City of Kenosha.

However, the sale, service, giving away and consumption of fermented malt beverages, where authorized under City and State law, is permitted upon City streets and sidewalks where said areas are blocked off and in use for a street party authorized under **§5.04 B.**, Ordinances, or where said activity is associated with a community event and where a Special Class "B" Fermented Malt Beverage License has been granted and issued, and where a permit therefor is reviewed by the Finance Committee and approved by the Common Council. Any permit issued must particularly describe the area in which said activity will be permitted and temporary signs must be posted within the permit area informing the public of the terms and limitations of the permit.

C. Intoxicants Permitted On City Sidewalks In An Outdoor Dining Area. The sale, service, giving away and consumption of intoxicants is permitted upon City sidewalks in an Outdoor Dining Area authorized and subject to a Permit under **Section 5.046** of the Code of General Ordinances.

11.027 SERVICE STATIONS

A. Purpose. The purpose of this Ordinance is to reduce the number of service station robberies and thereby safeguard the health, safety and welfare of service station patrons and attendants during those evening hours when such robberies are most likely to occur. The primary hours of concern to law enforcement authorities are the hours of 8:00 P.M. to 8:00 A.M.; however, the restrictions of this Ordinance include only the hours of 9:00 P.M. to 7:00 A.M., so as to impose as little burden as possible on service stations which are not open throughout the night but which may close their workday at 9:00 P.M. and open at 7:00 A.M.

B. Restriction. No service station shall be or remain open, within the City, during the hours of 9:00 P.M. through 7:00 A.M., or any portion thereof, unless said service station shall have a safety deposit box on the premises which cannot be opened by the attendant on duty, and which is permanently attached, and not readily removable from the premises, into which box cash from all sales during said hours must be deposited by the attendant on duty immediately after said sale is consummated.

C. Definition. Service stations shall be defined herein as a business involving primarily the sale of gasoline and diesel fuel for motor vehicles, and the sale of any products or services incidental to the operation of a motor vehicle, and the sale of any groceries or merchandise conducted while the station is otherwise open for business.

D. Permit. No service station shall be or remain open during the hours of 9:00 P.M. to 7:00 A.M., after May 1, 1977, without first obtaining a permit from the City Clerk which shall be issued without the payment of a fee. The City Clerk shall not issue said permit until the application which shall be upon a form supplied by the City Clerk, shall be sent to the Police Department for an inspection of the premises, and report thereon for the purpose of determining whether a proper safety deposit box has been installed as heretofore required.

E. Penalty. Any person, party, firm or corporation who shall operate a service station in a manner contrary to the provisions of this Ordinance shall be subject to a fine of \$25 per day, each day constituting a separate violation, and the payment of costs and prosecution, and in default of payment of such fine and costs, shall be committed to the County Jail for a period not to exceed thirty (30) days.

11.028 PARENTAL RESPONSIBILITY

A. Purpose. Juvenile acts causing injury to persons and damage to property are of vital concern to the citizens of Kenosha, and it is the declared

policy of this City that parental responsibility must be encouraged to effectively control or eliminate juvenile offenses. The purpose of this Ordinance is to encourage parental responsibility and to penalize those that fail to exercise said responsibility.

B. Definitions.

1. "Minor" means a person who is above the age of seven (7) years, but not yet eighteen (18) years of age.

2. "Legal Guardian" means a person appointed guardian or given custody of a minor child by a Court of record.

C. Prohibition. The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described below with the knowledge and permission of the parent or guardian, in violation of this Ordinance, upon the occurrence of the events described in **1.**, **2.** and **3.** below:

1. An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any Ordinances, law or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any Ordinance, law or statute prohibiting willful and malicious acts causing injury to a person or property; and,

2. Said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned from the Police Department of the City of Kenosha, Wisconsin, following said adjudication or nonjudicial sanction; and

If at any time within one (1) year following receipt of the notice set forth in **2.** above, said minor is either adjudicated to be in violation of any Ordinance, law or statute as described in **1.** above, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation or any Ordinance, law or statute as described in **1.** above.

D. Penalty. Any person convicted for a violation of this Ordinance shall be fined not less than Twenty-Five (\$25.00) Dollars, nor more than Five Hundred (\$500.00) Dollars for each offense, and costs of prosecution, and in default of payment of the

same, shall be committed to the County Jail for a period not to exceed ten (10) days.

11.029 FALSE POLICE ALARMS

A. Prohibition. It is unlawful for any person within the City, to knowingly call the City Police Department, or any other law enforcement agency for police assistance when there is no matter requiring official action by said City Police Department or other law enforcement agency.

B. Penalty. Any person convicted for a violation of this Ordinance shall forfeit not more than Five Hundred (\$500) Dollars for each offense, plus the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed thirty (30) days.

11.03 DISORDERLY HOUSES - ASSIGNATION

A. Disorderly Houses and Inmates. No person shall keep any house of ill-fame or other disorderly house or resort; and no person shall frequent or resort to any such house or resort for the purpose of prostitution or purpose of lewdness.

B. Assigination. No person shall furnish to any other person the name or address of any female or place, and represent that such female is a prostitute, or such a place is a house of prostitution or assigination, with the intent that such information be used for immoral purposes or practices. No person shall solicit, procure, direct or transport another to visit or become an inmate of a house of ill-fame for immoral purposes.

11.031 GRAFFITI

A. Purpose. The purpose of this Ordinance is to reduce the potential for blight and gang violence.

B. Definitions. The following words shall, for purposes of this Ordinance, have the meanings provided:

1. Deface(ing)(ment) shall mean to mar or disfigure the face or surface by cutting, engraving, inscribing, chipping, painting or otherwise marking in some permanent manner.

2. Graffiti shall mean marks, symbols, signs, letters, names, phrases, or sentences which are inscribed or placed on real property for the purpose of defacing said property or making a personal statement which is a blighting influence on the neighborhood.

3. Permanent shall mean not being capable of being removed with soap and water. Cutting, engraving, inscribing, chipping and painting shall be

deemed permanent.

4. Real Property shall mean a building, structure, garage, shed, fence, deck or other improvement to a parcel of land.

5. Reasonable Time shall mean fifteen (15) days from the posting of the property, unless a greater period of time is warranted by weather conditions, in which event reasonable time shall mean as soon as possible, subject to the potential for a time extension under **C.3.**

6. Remove(al) shall mean to obliterate and eliminate graffiti by such means as will restore real property to its condition existing prior to defacement by graffiti.

C. Prohibition.

1. It shall be unlawful for any person to deface real property which they do not own with graffiti.

2. It shall be unlawful for any person to place graffiti or to permit graffiti to be placed upon real property which they own.

3. It shall be unlawful for the owner of real estate to fail to remove graffiti from their real property within a reasonable time, as determined by the Department of Neighborhood Services and Inspections, upon being provided a written notice thereof and order for removal by a date certain served upon them by personal service or by regular mail, sent to the address listed on their real estate tax bill, and by posting the order on the real property. Upon written request received by the Department of Neighborhood Services and Inspections prior to the expiration of the time provided for compliance, the Director of Neighborhood Services and Inspections of said Department may, for just cause, grant an extension of time for compliance. Each day of violation shall be a separate offense.

11.032 TRUANCY

Pursuant to Section 118.163, Wisconsin Statutes, as may be amended from time to time, any person under the age of 18 years of age found to be a habitual truant, as that term is defined under Section 118.16, Wisconsin Statutes, shall be subject to any of the following dispositions which are deemed to be available to the Municipal Court:

1. Suspension of the person's operating privileges for not less than thirty (30) days, nor more than one (1) year. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation, together with a notice stating the reason for and the duration of the suspension

2. An order for the person to participate in counseling or a supervised work program or other community service work as described in Section 938.34(5g), Wisconsin Statutes. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.

3. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.

4. An order for the person to attend an educational program as described in Section 938.34(7d), Wisconsin Statutes.

5. An order for the Department of Workforce Development to revoke, under Section 103.72, Wisconsin Statutes, a permit issued under Section 103.70, Wisconsin Statutes, authorizing the employment of the person.

6. An order for the person to be placed in a teen court program as described in Section 938.342(1g)(f), Wisconsin Statutes.

7. An order for the person to attend school.

8. A forfeiture of not more than Five Hundred (\$500.00) Dollars, plus costs, subject to Section 938.37, Wisconsin Statutes. All or part of the forfeiture, plus costs, may be assessed against the person, the parents or guardian of the person, or both.

9. Any other reasonable conditions consistent with Subsection 118.163(2), Wisconsin Statutes, including a curfew, restrictions as to going to or remaining on specified premises, and restrictions on associating with other children or adults.

10. An order placing the person under formal or informal supervision, as described in Section 938.34(2), Wisconsin Statutes, for up to one (1) year.

11. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense, or to attend school with the person, or both.

12. An order for the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the person is not under immediate adult

supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in Section 938.342 (1g)(k), Wisconsin Statutes.

11.033 SEXUAL OFFENDER RESIDENCY RESTRICTIONS

A. Findings and Intent.

1. **Findings.** Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and, most sexual offenders commit many offenses, have many more victims that are never reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

2. **Intent.** It is the intent of this Ordinance not to impose a criminal penalty, but rather to service the City of Kenosha's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City of Kenosha by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residency.

B. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning.

1. **"Child"** means a person under the age of sixteen (16) years for purposes of this Ordinance.

2. **"Designated Offender"** means any person who is required to register under Section 301.45, Wisconsin Statutes, for any sexual offense against a child, or any person who is required to register under Section 301.45, Wisconsin Statutes, and who has been designated a Special Bulletin (SBN) sex offender pursuant to Sections 301.46(2) and (2m), Wisconsin Statutes.

3. **"Minor"** means a person under the age of seventeen (17) years.

4. **"Permanent Residence"** means a place where the Designated Offender lodges or resides for fourteen (14) or more consecutive days.

5. **"Temporary Residence"** means either: (a) a place where the person abides, lodges or resides

for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address; or, **(b)** a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's Permanent Residence.

6. "Prohibited Location" means any school property, licensed daycare center, park, trail, playground, place of worship, or any other place designated by the City as a place where children are known to congregate.

C. Sexual Offender And Sexual Predator Residence; Prohibitions and Exceptions.

1. Prohibited Location of Residence.

a. It is unlawful for any Designated Offender not placed pursuant to Department of Corrections (DOC) guidelines (whereby Designated Offenders are returned to their home community) to establish a Permanent Residence or Temporary Residence within two thousand five hundred (2,500') feet of a Prohibited Location.

b. It is unlawful for any Designated Offender placed in compliance with Department of Corrections (DOC) guidelines (whereby Designated Offenders are returned to their home community) to establish a Permanent Residence or Temporary Residence within five hundred (500') feet of a Prohibited Location.

c. No Designated Offenders may establish a Permanent Residence or Temporary Residence within a six (6) block radius of an existing Permanent Residence or Temporary Residence of another Designated Offender.

2. Notification. A Designated Offender must notify the Alderman of the District a minimum of three (3) days prior to establishing either a Permanent Residence or Temporary Residence within the City of Kenosha.

3. Prohibited Activity. It is unlawful for any Designated Offender to participate in a holiday event involving children under eighteen (18) years of age. Holiday events in which the offender is the parent or guardian of the children involved, and no nonfamilial children are present, are exempt from this Section. "Participation" is defined as actively taking part in the event and shall include, but is not limited to, distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter.

4. Determination of Minimum Distance Separation. For purposes of determining the

minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the Permanent Residence or Temporary Residence of a Designated Offender to the nearest outer property line of a Prohibited Location.

5. Exceptions. A Designated Offender residing within a Prohibited Location as described in Section **11.033 B.1** shall not be in violation of this Ordinance if any of the following apply:

a. The Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to Section 301.45, Wisconsin Statutes, before the effective date of this Ordinance.

b. The Designated Offender is a minor and is not required to register under Sections 301.45 and 301.46, Wisconsin Statutes.

c. The Prohibited Location situated within two thousand five hundred/five hundred (2,500'/500') feet of the person's Permanent Residence was opened or established after the Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to Section 301.45, Wisconsin Statutes.

d. The residence is also the primary residence of the Designated Offender's parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the Designated Offender established residence at the location.

D. Property Owners Prohibited From Renting Real Property To Certain Sexual Offenders and Sexual Predators.

It shall be unlawful for any property owner to lease or rent any place, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Permanent Residence or Temporary Residence by any person prohibited from establishing a Permanent Residence or Temporary Residence therein pursuant to this Ordinance, if such place, structure, or mobile home, trailer or any part thereof, is located within a Prohibited Location zone as defined in **Section 11.033 B**. Notwithstanding the exception set forth in **Section 11.033 C.4.a.**, it shall be unlawful for a property owner to renew a leasehold interest established prior to the effective date of this Ordinance, whether the leasehold interest is on a month-to-month basis or for a definite term, for a period beyond six (6) months from the effective date of this Ordinance.

E. Severability. Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of this

Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or repealed.

F. Penalties. Any person who violates any provision of this Section shall, upon conviction thereof, be subject to a forfeiture not to exceed Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each day such violation continues shall be considered a separate offense.

11.034 LOITERING-ILLEGAL DRUG ACTIVITY

A. Definitions. For purposes of this Ordinance:

1. **"Illegal drug activity"** means unlawful conduct contrary to any provision of Chapter 961, Wisconsin Statutes, or any substantially similar Federal Statute, Statute of a foreign state or Ordinance of any political subdivision.

2. **"Known area of illegal drug activity"** means a public place where, within three (3) years previous to the date of arrest for violation of this Section, and within the collective knowledge of the Police Department, a person has been arrested for a violation which led to a conviction in any municipal, State or Federal Court of an offense involving illegal drug activity.

3. **"Known drug seller or purchaser"** means a person who, within three (3) years previous to the date of arrest for violation of this Section, had within the collective knowledge of the Police Department been convicted in any municipal, State or Federal Court of an offense involving illegal drug activity.

4. **"Public place"** means an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds surrounding them.

B. Prohibition. Any person who loiters or drives in any public place in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to engage in illegal drug activity shall be in violation of this Ordinance. Among the circumstances which may be considered in determining whether such purpose is manifested are the following: that the person frequents, either on foot or in a motor vehicle, a known area of illegal drug activity; repeatedly beckons to stop or attempts to stop known drug sellers or purchasers or engages known drug sellers or purchasers in conversation; stops the motor vehicle the person is the operator of and sells or

purchases or attempts to sell or purchase illegal drugs to or from a known drug seller or purchaser; transfers small objects or packages for currency in a furtive fashion or manifestly endeavors to conceal himself, herself or any object or package which reasonably could be involved in illegal drug activity; takes flight upon appearance of a police officer. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or procure another to engage in illegal drug activity. No arrest may be made for a violation of this Section unless the arresting officer first affords the person an opportunity to explain the person's presence and conduct, unless flight by the person or other circumstances make it impracticable to afford such an opportunity, and no one shall be convicted of violating this Section if it appears at trial that the explanation given was true and disclosed a lawful purpose.

11.035 LOITERING PROSTITUTION

A. Prohibition. It shall be unlawful to loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, repeatedly beckons to, stops or attempts to stop or engages male or female passersby in conversation or repeatedly stops or attempts to stop motor vehicle operators by hailing, waiving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or procure another to commit an act of prostitution. No arrest shall be made for a violation of this Subsection unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

B. Definitions. As used in this Ordinance:

1. **"Public Place"** is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings of dwellings and the grounds enclosing them.

2. **"Known prostitute or panderer"** means a person who within one year previous to the date of arrest for violation of this Section, has within the knowledge of the arresting officer been convicted of an offense involving prostitution.

11.036 TRESPASS

A. Except as otherwise provided by law, no person shall be in or on any private property, land, dwelling or business establishment without the consent, express or implied, of the owner of said private property, land, dwelling or business establishment, or his agent or representative.

B. Except as otherwise provided by law, no person shall remain in or on any private property, land, dwelling or business establishment after consent to remain has been expressly withdrawn by the owner of said private property, land, dwelling or business establishment, or by his agent or representative.

C. Except as otherwise provided by law, no person shall enter any motor vehicle without the consent, express or implied, of the owner of said motor vehicle, or his/her agent or representative.

D. Except as otherwise provided by law, no person shall remain in any motor vehicle after consent to remain has been expressly withdrawn by the owner of said motor vehicle, or by his/her agent or representative.

11.04 GAMBLING

A. Forbidden. No person shall keep any gambling resort, or keep or use any article or device for gambling purposes, or permit any person to gamble, bet or play for money or gain, with or by means of any such article or device, in any room or place under his control; nor shall any person gamble, bet or play for money or gain with or by means of any such article or device.

No person shall bet or wager any money or other thing of value upon the result of any trick, contested skill, speed or bets of endurance of man or beast, or upon the result of any political nomination, appointment or election.

B. Seizure. The members of the Police Department are hereby authorized to seize and hold all gambling articles and devices found by them, and dispose of the same in accordance with the directions of the court.

C. This Section is not violated by activities and the devices authorized under the provisions of Chapter 563 of the Wisconsin Statutes - Regulation of Bingo.

11.05 CURFEW

No minor person under eighteen (18) years of

age shall be in any public place between the hours of 10:30 P.M. and 6:00 A.M., Sunday through Thursday, and 12:00 Midnight to 6:00 A.M., Friday and Saturday, unless such minor is accompanied by an adult person having legal custody of such minor, or unless such minor is in the performance of an errand or a duty directed by the adult having legal custody of such minor, or whose employment makes it necessary for such minor to be in such public place. Unless there exists a reasonable necessity therefor, no person having legal custody of such minor shall permit said minor in any public place during the hours specified in the above paragraph.

This Ordinance shall not apply to minors fifteen (15) years of age or older returning home between the hours of 12:00 Midnight and 6:00 A.M. from functions authorized by the governing body of any public or parochial school, or any charitable or religious organization when such function shall have been officially registered with the Police Department by a responsible officer of the governing body of the school or religious or charitable organization at least two (2) weeks prior to the event. The School or charitable or religious organization which has registered the function with the Police Department shall assume the responsibility to provide each student with a positive means of identification showing that said minor has attended such registered function. This Section shall, similarly, not apply in circumstances in which the minor was exercising First Amendment rights protected by the United States Constitution or the Wisconsin Constitution, including freedom of speech, the free exercise of religion and/or the right of assembly. Unless flight by the minor or other circumstances make it impracticable, a peace officer shall, prior to issuing a citation for an offense under this Section, afford the minor an opportunity to explain his or her reasons for being present in the public place. A peace officer shall not issue a citation for an offense under this Section unless the officer reasonably believes that an offense has occurred, and that none of the exceptions to the curfew restriction described herein applies.

All functions registered with the Police Department pursuant to this exemption shall be held on nights which are not followed by a regular school day and no such school or organization shall be allowed to have more than five (5) such events during a calendar year.

11.051 THEFT, DESTRUCTION, DEFACEMENT AND MUTILATION OF LIBRARY MATERIALS

A. Definitions.

1. "Archives" means a place in which public or institutional records are systematically preserved.

2. **"Library"** means any public library, library of an educational, historical, or eleemosynary institution, organization or society; archives; or museum.

3. **"Library Material"** includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts or other documentary written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

4. **"Destroy"** means to render Library material wholly unsuitable for its intended purpose.

5. **"Deface"** means the disfiguration, marring or soiling of Library materials or any other act which lessens the value of Library material, but which does not render Library material wholly or partially unsuitable for its intended purpose.

6. **"Mutilate"** means to render Library material partially unsuitable for its intended purpose, including, but not limited to, removing pages, covers, inserts or bindings from Library material or removing or concealing Library ownership labels, tags or stamps from Library material.

7. **"Take"** means to carry away, transfer, conceal or retain possession of any Library material to deprive the Library thereof.

B. Prohibition. It shall be unlawful for any person to take, destroy, deface or mutilate any Library material without the consent of a Library official, agent or employee having jurisdiction thereof. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any Library material without the consent of a Library official, agent or employee, and with intent to deprive the Library of possession of the material, may be subject to a forfeiture as provided by Section 11.051 E.

C. Evidence of Intent. The concealment of Library material beyond the last station for borrowing Library material in a Library is evidence of intent to deprive the Library of possession of the material. The discovery of Library material which has not been borrowed in accordance with the Library's procedures or taken with consent of a Library official, agent or employee, and which is concealed upon the person or among the belongings of the person, or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material. The possession of Library materials past the date due issued by the Library is additional evidence of intent to deprive the Library of possession of the material.

D. Detention of Suspected Violators. An official or adult employee or agent of a Library who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose for the detention and be permitted to make phone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

E. Penalty. Any person who violates this Ordinance, upon conviction, shall forfeit not more than Two Hundred (\$200) Dollars, plus the cost of repair or replacement of material, if necessary, in addition to the costs of prosecution; and, in default of timely payment of such forfeiture, shall be committed to the Kenosha County Jail until such forfeiture has been paid, but for a period of time not to exceed thirty (30) days.

11.052 THEFT OF CABLE SERVICE

A. Definitions.

1. **"Cable Service(s)"** has the meaning given in Section 26.02 A.3. of the Code of General Ordinances. "Cable Service" does not include signals received by privately owned antennas that are not connected to a cable system, whether or not the same signals are provided by a cable television company.

2. **"Private Financial Gain"** does not include the gain resulting to any individual from the private use in that individual's dwelling unit of any programming for which the individual has not obtained authorization.

B. Prohibitions. No person may intentionally do any of the following:

1. Obtain or attempt to obtain Cable Service from a company by trick, artifice, deception, use of an illegal device or illegal decoder or other fraudulent means with the intent to deprive that company of any or all lawful compensation for rendering each type of service obtained. The intent required for a violation of this Section may be inferred from the presence on the property and in the actual possession of the defendant of a device not authorized by the cable television company, the major purpose of which is to

permit reception of Cable Services without payment. This inference is rebutted if the defendant demonstrates that he or she purchased that device for a legitimate use.

2. Give technical assistance or instruction to any person in obtaining or attempting to obtain any Cable Service without payment of all lawful compensation to the company providing that service. This Section does not apply if the defendant demonstrates that the technical assistance or instruction was given or the installation of the connection, descrambler or receiving device was for a legitimate use.

3. Make or maintain a connection, whether physical, electrical, mechanical, acoustical or by other means, with any cables, wires, components or other devices used for the distribution of Cable Services for the purpose of distributing Cable Service to any other dwelling unit without authority from a cable television company.

4. Make or maintain a connection, whether physical, electrical, mechanical, acoustical or by other means, with any cables, wires, components or other devices used for the distribution of Cable Services for the purpose of obtaining Cable Service without payment of all lawful compensation to the company providing that service. The intent required for a violation of this Section may be inferred from proof that the Cable Service to the defendant's residence or business was connected under a service agreement with the defendant and has been disconnected by the cable television company, and that thereafter, there exists in fact a connection to the cable system at the defendant's residence or business.

5. Make or maintain any modification or alteration to any device installed with the authorization of a cable television company for the purpose of intercepting or receiving any program or other service carried by that company which that person is not authorized by that company to receive. The intent required for a violation of this Section may be inferred from proof that, as a matter of standard procedure, the cable television company places written warning labels on its converters or decoders explaining that tampering with the device is a violation of law and the converter or decoder is found to have been tampered with, altered or modified so as to allow the reception or interception of programming carried by the cable television company without authority to do so. The trier of fact may also infer that a converter or decoder has been altered or modified from proof that the cable television company, as a matter of standard procedure, seals the converters or decoders with a label or mechanical

device, that the seal was shown to the customer upon delivery of the decoder, and that the seal has been removed or broken. The inferences under this Section are rebutted if the cable television company cannot demonstrate that the intact seal was shown to the customer.

6. Possess without authority any device or printed circuit board designed to be received from a Cable System any Cable System, whether or not the programming or services are encoded, filtered, scrambled or otherwise made unintelligible, or perform or facilitate the performance of any of the acts under Sections 11.052 A. 1. to 5. with the intent that such device or printed circuit be used to receive that cable television company's services without payment. Intent to violate this Section for direct or indirect commercial advantage or private financial gain may be inferred from proof of the existence on the property and in the actual possession of the defendant of a device if the totality of circumstances, including quantities or volumes, indicates possession for resale.

7. Manufacture, import into this State, distribute, publish, advertise, sell, lease or offer for sale or lease any device, printed circuit board or any plan or kit for a device or for a printed circuit designed to receive the cable television programming or services offered for sale over a Cable System from a Cable System, whether or not the programming or services are encoded, filtered, scrambled or otherwise made unintelligible, with the intent that the device, printed circuit, plan or kit be used for the reception of that company's services without payment. The intent required for a violation of this Section may be inferred from proof that the defendant has sold, leased or offered for sale or lease any device, printed circuit board, plan or kit for a device or for a printed circuit board in violation of this Section and during the course of the transaction for sale or lease, the defendant expressly states or implies to the buyer that the product will enable the buyer to obtain Cable Service without charge.

C. Penalties. The following penalties apply for violations of this Section:

1. Residential. Except as provided in **Section C.2.** below, any person convicted of violating any provision of this Section is subject to a forfeiture of not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars for each offense, together with the costs of prosecution; and, if in default thereof, shall be committed to the County Jail for a period not to exceed thirty (30) days. Each day such violation continues shall be considered a separate offense.

2. Commercial. Any person convicted of violating any provision of this Section for direct or indirect commercial advantage or private financial gain is subject to a forfeiture of not less than One Thousand (\$1,000.00) Dollars, nor more than Two Thousand (\$2,000.00) Dollars; and, if in default thereof, shall be committed to the County Jail for a period not to exceed sixty (60) days. Each day such violation continues shall be considered a separate offense.

3. Second Offense. Any person convicted of violating any provision of this Section for direct or indirect commercial gain as a second or subsequent violation is subject to a forfeiture of not less than Two Thousand (\$2,000.00) Dollars, nor more than Five Thousand (\$5,000.00) Dollars; and, if in default thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each day such violation continues shall be considered a separate offense.

11.055 NONPAYMENT OF FARES

A. Taxicabs. It shall be unlawful for any person to neglect, refuse or fail to immediately pay, in lawful United States currency, for the transportation he or she has received in any licensed City taxicab upon discharge therefrom, where the nonpayment for said transportation is intended to deprive the owner or operator of the taxicab of the revenue from the service provided. Each and every passenger being transported in a taxicab is personally liable for the cost of his or her individual transportation. The failure of a transported passenger to promptly pay, upon request, for the service provided, shall be prima facie evidence of the intent of said passenger to deprive the taxicab owner or operator of the fee owing for the service provided.

B. City Buses. It shall be unlawful for any person to neglect, refuse or fail to immediately pay, in lawful United States currency, the fare due and owing for the privilege of riding a bus operated by the City Transit Authority upon entering said bus, where the nonpayment of said fare is intended to deprive the City Transit Authority of the revenue from the transportation service provided or to be provided. The failure of a person entering a City bus to pay, upon request to do so, the fare due and owing, shall be prima facie evidence of the intent of said person to deprive the City Transit Authority of the revenue from the transportation service provided or to be provided. All City bus fares shall be due, owing and payable in advance of receiving transportation, upon entering a City bus.

11.06 DANGEROUS WEAPONS

A. Minors and Intoxicated Person. No minor or intoxicated person shall go armed with any gun, pistol, revolver, bow and arrow, when said bow has a 20 pound pull or more, and, iron chains, shuriken (throwing star), or any other dangerous or deadly weapon.

B. Sale Forbidden.

1. No person shall sell, loan or give away any gun, pistol, revolver, bow and arrow, when said bow has a 20 pound pull or more, and, iron chains, shuriken (throwing star), or other dangerous or deadly weapon to any minor or intoxicated person.

2. No person, except a parent or guardian shall sell directly or give away any knife with a blade of more than two (2) inches such as, but without limitation to a pen knife, pocket knife, or jack knife to a child under eleven (11) years of age.

C. Seizure. Police officers or any other public officer shall take from any minor or intoxicated person any gun, pistol, revolver, bow and arrow, when said bow has a 30 pound pull or more, and iron chains, shuriken (throwing star), or any other dangerous or deadly weapon.

D. Carrying Concealed Weapons. No person shall wear under his clothes, or conceal about his person, or display in a threatening manner any dangerous weapon, including, but not by the way of limitations any pistol, revolver, shuriken (throwing star), sling shot, bow and arrow, BB gun, pellet gun, pea shooter, knuckles of brass, lead or metal, or any bowie knife or any knife resembling a bowie knife, or any knife with a switchblade or devices whereby the blade or blades can be opened by a flick of a button, pressure on the handle, other mechanical contrivance, or by gravity or by a thrust or movement.

11.07 ENDURANCE CONTESTS

No person, firm or corporation shall, within the City of Kenosha, advertise, operate, maintain, attend, participate in, promote or aid in advertising, operating, maintaining or promoting any physical endurance contest, exhibition, performance, or show in the nature of a "marathon", "walkathon", "skateathon" or any other physical endurance contest, exhibition, performance or show of a like or similar nature, whether or not an admission is charged or a prize is awarded to any person for participation in such physical endurance contest without first obtaining the permission of the Mayor of said City, it being unlawful to so proceed without said permission. However, said permission shall not authorize any person to participate in an endurance contest as herein described for a period of more than 16 hours in any

24 hours or for a period of more than 6 days in any one calendar month. It shall be a violation of this Ordinance to exceed said limitations.

Permission for said contests shall only be granted where said contest shall be conducted in such place, manner, and circumstances as will not be likely to create a public disturbance or otherwise endanger the public health, safety and welfare or promote a violation of Federal, State or local laws. Further permission shall only be granted to persons, firms or corporations which have a not for profit or gain motive in sponsoring said contest. Permission to hold said contest given to the sponsor or promoter thereof shall be implied permission to others to advertise, operate, maintain, attend, participate, in promote, or aid in advertising, operating, maintaining, or promoting said contest. Permission may also be denied for failure to disclose the full and correct facts forming the basis for said contest.

11.08 NUDITY IN A PUBLIC PLACE

A. Definition. "Nudity" means the showing of the human male or female genitals, or pubic area with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

B. Prohibition. No person shall knowingly or intentionally, in a public place, appear in a state of nudity.

11.085 MINORS PROHIBITED-ADULT USES

It shall be unlawful for any person, party, firm or corporation to knowingly permit any person under the age of eighteen (18) years of age to be present upon the premises of any Adult Use, as defined in **Section 12.0 B.7.** of the City of Kenosha Zoning Ordinance, except where authorized under HFS 173.05, Wisconsin Administrative Code.

11.10 TAG DAYS

A. Designation.

1. The Kenosha Chapter of Hadassah be assigned the twenty-four hour period commencing at noon the third Friday of June for the sale of its emblem, tag or other memento.

2. The following named organizations shall have the respective designated Fridays from 6 A.M. to 10 P.M. for the street sale of its particular emblem, tag, or other memento and shall be permitted to solicit merchants and manufacturers for the four days preceding each such Friday.

Polish Legion of American Veterans - Friday before Mother's Day.

American War Mothers - Friday before Mother's Day.

Local Chapter 171 of the Military Order of the Purple Heart - fourth Friday in September.

American Legion Post No. 21 and Post No. 429 and V.F.W. Post No. 1865 and Post No. 2751 - the Friday before Memorial Day.

The Navy Club and War Mothers of World War II - Friday before October 27th.

Lions Club of Kenosha - the first Friday and Saturday in May.

Friday preceding November 11 be assigned to the Veterans of World War I Barracks 2423 for the sale of "Remembrance Tags".

Kiwanis Peanut Day - Third Friday in September.

3. The Knights of Columbus be assigned the last Friday, Saturday and Sunday of April for "Tootsie Roll Tag Days".

4. Friday and Saturday of the third week in December is designated as "Shriners-Salvation Army Bell Ringing Days".

5. The Disabled American Veterans be assigned the second Friday and Saturday of September.

6. The CYO Band of Kenosha be assigned the fourth (4th) Saturday of September.

7. The C.Y.O. Band and Color Guard, Inc. be assigned the first Saturday of May.

8. Animal Rehabilitation Kinship, Inc. (A.R.K.) be assigned the second Saturday of May.

9. Animal Life-Line be assigned the second Saturday of April.

10. Blackwatch be assigned the third Friday and Saturday of May.

11. The Alliance for the Mentally Ill be assigned the Friday of Mental Illness Week.

12. The Kenosha County Humane Society be assigned the second Saturday in June of each year.

13. The Southeastern Wisconsin Building and Construction Trades Council be assigned the Saturday before Father's Day for its "Dollars Against Diabetes" Program.

B. No person or persons except those under the auspices of the above named organizations shall sell or offer for sale any device, trinket, emblem, or thing purporting to commemorate any particular day, and the above named organizations and persons in their behalf shall offer for sale, solicit orders, and sell such emblems, devices, trinkets, or things only during the period above assigned to them.

11.105 AUTOMATIC TELEPHONE DIALING DEVICE PROHIBITED

A. Purpose. Dispatch operations for the City

Police and Fire Departments are conducted by Joint Services. It is the intent of this Ordinance that emergency telephone calls be placed with Joint Services, the dispatching agency for the City, in accordance with the rules and regulations governing such service.

B. Definition. Automatic Telephone Dialing Device shall mean any electric or mechanical unit which has the capability of automatically dialing any telephone number programmed into it to deliver either a prerecorded voice message or other signal.

C. Prohibition. It shall be unlawful for any person, firm, corporation or party to install, operate or maintain an "Automatic Telephone Dialing Device" which places emergency telephone calls into any telephone number of the City Police Department, City Fire Department or Kenosha County Safety Building. A violation of this Ordinance shall be deemed to be a public nuisance and the City Attorney, in addition to seeking forfeitures from violators, is directed to bring such Court action as is necessary to abate and enjoin said nuisance.

11.11 ABANDONED ICE BOXES AND REFRIGERATORS

It shall be unlawful for any person, firm, or corporation to leave or to permit to remain outside any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its 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, snaplock or other locking device which may not be released from the inside, without first removing said door or lid, snaplock or other locking device from said ice box, refrigerator or container.

11.135 USE OF CIGARETTES AND TOBACCO PRODUCTS PROHIBITED

A. In this Section:

1. "Cigarette" means any roll of tobacco wrapped in paper or any substance other than tobacco.

2. "Law Enforcement Officer" means any person employed by the state or any political subdivision or the state for the purpose of detecting and preventing crime and enforcing laws or Ordinances and who is authorized to make arrests for violations of the laws or Ordinances he is employed to enforce, and includes a person appointed as a conservation warden by the department under 23.10 (1), Wisconsin Statutes.

3. "Tobacco products" means cigars; cheroots, stogies; periques; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not include cigarettes.

B. Except as provided in Subsection C., no child may do any of the following:

1. Buy or attempt to buy any cigarette or tobacco product.
2. Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
3. Possess any cigarette or tobacco product.

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

D. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of **Subsection B.** committed in his or her presence.

11.14 PROHIBITING UNNECESSARY NOISES

A. Declaration. It is found and declared that:

1. That making and creation of loud, unnecessary or unusual noises within the limits of the City of Kenosha is a condition which has existed for some time and the extent and volume of such noises is increasing;

2. The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, welfare and prosperity of the residents of the City of Kenosha; and,

3. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and peace and quiet of the City of Kenosha and its inhabitants.

B. Generally. It shall be unlawful for any

person to make or permit to be made, to continue or permit to be continued, or to cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose health, peace or safety of others within the limits of the City.

C. Specifically. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance (11.14), but said enumeration shall not be deemed to be exclusive, namely:

1. Automobiles, Motorcycles, etc. The operation of automobiles, trucks, motorcycles or other motor vehicles in such manner as to make the wheels or tires thereof squeal and screech when such operation is not necessary for the purpose of protecting life and property or avoiding an accident; the operation of the motor of an automobile, truck, motorcycle or other motor vehicle at an unnecessarily high rate of speed while the vehicle itself is not in motion; the discharge into the open air of the exhaust of any automobile, motorcycle, truck or other motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

2. No railroad engineer, conductor or other railroad employee, hereinafter referred to as "Operator of the Locomotive", shall blow, sound or cause to be blown or sounded, any airhorn, whistle or other warning device other than a bell, on any locomotive within any portion of the City East of Green Bay Road [Wisconsin State Highway "31"], except when, in the judgment of the Operator of the Locomotive, it is necessary to do so to prevent damage to property or injury to persons as a result of, because of a dangerous condition or circumstance existing at that place and time.

11.141 REGULATION OF ALL-TERRAIN VEHICLES, SNOWMOBILES AND DIRT BIKES ON PUBLIC PROPERTY

A. Definitions. The following phrases and terms used in this Ordinance shall have the meaning provided herein:

1. "All-Terrain Vehicle" means an engine driven device which is designed to travel on three (3) or more low pressure tires and designed especially to operate off public roads.

2. "Dirt Bike" means a small, usually lightweight motorcycle or motor bicycle designed especially to operate off public roads.

3. "Operate" means to exercise physical control

over the speed or direction of, or to physically manipulate or activate any of the controls of an all-terrain vehicle, snowmobile or dirt bike necessary to put it in motion.

4. "Operation" means the exercise of physical control or the physical manipulation or activation of any of the controls of an all-terrain vehicle, snowmobile or dirt bike necessary to put it in motion.

5. "Operator" means a person who operates, who is responsible for the operation of, or who is supervising the operation of an all-terrain vehicle, snowmobile or dirt bike.

6. "Public Property" means any property owned or controlled by the City of Kenosha, or its subunits, excluding the portion of street right-of-ways designated for motor vehicle traffic, excluding park land.

7. "Snowmobile" means an engine driven vehicle that is manufactured solely for snowmobiling, that has an endless belt tread and sled-type runners or skis, to be used in contact with snow.

Other words and phrases defined in Section 340.01, Wisconsin Statutes, are incorporated herein by reference.

B. Prohibition. No operator shall operate or cause the operation of an all-terrain vehicle, snowmobile or dirt bike upon public property without the written permission of the Director of Public Works or designee, except for City employees and agents of City performing work or services for or on behalf of the City of Kenosha.

11.145 REGULATION OF THE SALE, POSSESSION, TRANSFER AND USE OF TOXIC GLUES

A. Definition. Toxic glue shall mean any glue, adhesive cement, mucilage, plastic cement or any similar substance containing one or more of the following volatile substances:

Acetone, benzene, butyl alcohol, cyclohexanone, ethyl acetate, ethyl alcohol, ethylene dichloride hexane, isopropyl alcohol, methyl alcohol, methyl cellosolve, acetate methyl, ethyl ketone, isobutyl ketone, pentachlorophenol, petroleum ether, trichlorethylene, tricresyl phosphat, toluene, toluol, or any other chemical capable of producing intoxication when inhaled.

B. Inhalation of Vapors or Fumes from Toxic Glues Prohibited. No person shall inhale or otherwise introduce into his respiratory tract any toxic

glue or any vapors or fumes which may be released from any toxic glue with the intent of becoming intoxicated, elated, excited, stupefied, irrational, paralyzed, or of changing, distorting or disturbing his eyesight, thinking process, judgment, balance or muscular coordination.

C. Limitations on Sales, Transfer, and Possession of Toxic Glue. No person shall, for the purpose of violating or aiding another to violate any provision of this Section, possess, buy, sell, transfer possession or receive possession of any toxic glue.

No person shall sell or transfer possession of any toxic glue to any person under 18 years of age; provided, however, that one tube or container of toxic glue may be sold or transferred to a child under 18 years of age immediately in conjunction with the sale or transfer of a model kit, if the kit requires approximately such quantity of the glue for assembly of the model, and provided, further, that nothing herein contained shall be applicable to the transfer of a tube or other container of such glue from a parent to his child or from a legal guardian to his ward.

D. Penalties. Any person, firm or corporation violating any part of this Ordinance shall upon conviction thereof be punished by a fine of not less than \$10 or more than \$100, together with the costs and disbursements of the prosecution, and in default thereof shall be imprisoned in the County Jail for a period of time not to exceed thirty (30) days. Each day that each violation continues shall be considered a separate offense.

E. Validity. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid or be repealed, it shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid or repealed.

All Ordinances, or parts of Ordinances, contravening the provisions of this Ordinance are hereby repealed.

11.146 POSSESSION OF MARIJUANA

A. Intent. It is the intent of the Common Council of the City of Kenosha to effectively control and regulate the possession and use of small amounts of marijuana (1 ounce or 28 grams or less of marijuana). It is intended that this Ordinance will promote, encourage and expedite law enforcement and prosecution for such violations. Possession of amounts of marijuana exceeding 1 ounce or 28 grams and/or subsequent violations for such offenses will continue to be referred to the District Attorney's office for State criminal prosecution.

B. It shall be unlawful for any person to use or carry, or for any person, firm, party or corporation to possess marijuana as that substance is defined in Section 961.01(14), Wisconsin Statutes (2006), except as otherwise authorized by Chapter 961 of the Wisconsin Statutes (2006).

Penalty. Any person, firm, party or corporation convicted for a violation of the above Ordinance shall forfeit from \$10.00 to \$750.00 for each offense, plus the costs of prosecution, and in default thereof shall be committed to the County Jail for a period not to exceed ninety (90) days.

11.147 SPRAY PAINTING

A. Definitions.

1. Spray Paint(ing) shall mean the spraying of paint, lacquer, varnish, shellac, solvent, or similar substance, accomplished through means of an aerosol container, compressor or electrical device.

2. Commercial Spray Painting shall mean spray painting undertaken or any gain or profit, whether or not money is paid as consideration therefor.

3. Motor Vehicle shall include mobile home, moped, motor bicycle, motorbus, motorcycle, motor driven cycle, motor home, motor truck and motor vehicle, as defined in Chapter 340, Wisconsin Statutes.

B. Prohibition.

1. Spray Painting. No person shall engage in spray painting under circumstances wherein spray painting results in hazardous excess emissions which may be injurious to health or wherein excess spray particles could damage the property of another.

2. Commercial Spray Painting Insurance. No person shall engage in commercial spray painting who is not covered by a liability insurance policy which is in full force and effect and issued by an insurance company licensed to do business in the State of Wisconsin covering death, personal injury and property damage in an amount of not less than Three Hundred Thousand (\$300,000) Dollars per occurrence.

3. Painting - Residentially Zoned Property. No person shall, upon any residentially zoned property, spray paint a motor vehicle, snowmobile, boat or trailer, unless said motor vehicle, snowmobile, boat or trailer is licensed and registered in the name of the person or persons who reside on the property.

C. Separate Offense. Each day or violation of any provision of this Ordinance shall be deemed a separate offense.

11.148 RUMMAGE/GARAGE SALES

A. Definitions.

1. **Rummage/Garage Sale** shall mean any sale of personal property conducted on any residentially zoned property, as defined by the Kenosha Zoning Ordinance, within the City, irrespective of what the sale is designated as by the seller.

2. **Personal Property** shall mean and include any property, other than real estate, which is acquired in the course of living in or maintaining a dwelling unit.

B. Prohibition.

1. It shall be unlawful for any person or party to sell other than personal property at a Rummage/Garage Sale.

2. It shall be unlawful for any person or party to hold or permit to be held a Rummage/Garage Sale on more than six (6) calendar days, whether or not consecutive, within any calendar year.

3. It shall be unlawful for any person or party to hold or permit to be held a Rummage/Garage Sale during the hours of 9:00 P.M. to 8:00 A.M. on any day.

11.149 PARKING PROHIBITED IN LOTS USED FOR RESIDENTIAL PURPOSES

A. Definitions.

1. **"Back Yard"** shall mean that area of the yard located directly behind the principal physical structure which extends up to the rear lot line.

2. **"Driveway Apron"** shall mean that surface paved or graveled located on private property which extends from the street right-of-way to the accessory building or its termination, whose intended use is egressing and ingressing the property with motor driven vehicles.

B. Parking Prohibited. Off-street parking of motor vehicles, watercraft or recreational vehicles on lots used for residential purposes is prohibited except in the back yard or driveway apron of such lot. This prohibition shall not apply for periods of a declared snow emergency.

11.15 HIRING OF PROFESSIONAL

STRIKEBREAKERS PROHIBITED

A. Title and Purpose. It is hereby declared that the employment of those individuals commonly known as professional strikebreakers within the community during the course of a labor dispute substantially contributes to prolonged industrial strife and to the danger of violent activity endangering the lives and property of the residents of this City, thereby necessitating the prohibitions established by this Section, which shall be deemed an exercise of the police powers for the protection of the peace, dignity, health and welfare of the people of the City of Kenosha.

B. Definitions. When used in these sections:

1. The term **"person"** shall include one or more individuals, partnerships, corporations, associations or firms and shall include any officer, employee or agent thereof.

2. The term **"labor dispute"** shall mean a controversy between employer and his employees which results in a strike or a lockout.

3. The term **"professional strikebreaker"** shall mean any person who customarily and repeatedly secures or seeks to secure gainful occupation by offering to take the place or replacing any employee absent from his position of employment because of a labor dispute.

C. General Provisions.

1. No person shall recruit, procure, supply, or refer for purposes of employment any professional strikebreaker in place of any employee involved in a labor dispute in which such person is not directly involved.

2. No person involved in a labor dispute shall either directly or indirectly:

a. Employ in the place of any employee involved in such labor dispute any professional strikebreaker during the course of the labor dispute.

b. Contract or arrange with any other person to recruit, procure, supply, or refer for the purposes of employment any professional strikebreaker in place of employees involved in such labor dispute.

3. No professional strikebreaker shall take or offer to take the place of any employee involved in a labor dispute during the course of such labor dispute.

D. Exceptions. Nothing in this Section other than the employment of any professional strikebreaker shall be construed to prevent or prohibit a person involved in a labor dispute from conducting business operations during the course of such labor dispute.

E. Severability. Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not effect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid or repealed.

F. Penalties. Any person who shall violate the provisions of this Section shall upon conviction thereof be subject to a fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for not more than sixty (60) days in default of payment.

11.16 PENALTIES

A. Except as hereinafter provided, anyone violating any of the provisions of this Chapter, upon conviction thereof, shall be subject to a forfeiture not to exceed One Thousand (\$1,000.00) Dollars, plus the payment of the costs of prosecution, assessments and surcharges, and in default of the timely payment thereof, shall either be committed to the County Jail for a period not to exceed ninety (90) days, or the Court may suspend the Defendant's motor vehicle operating privileges until the forfeiture, assessment, surcharges and costs are paid, except that the suspension period may not exceed five (5) years.

B. Anyone violating any of the provisions of §§11.02 Q. or 11.02 R. of this Chapter shall, upon conviction thereof, be subject to a forfeiture of not less than One Hundred (\$100) Dollars, nor more than One Thousand (\$1,000.00) Dollars, plus the payment of the costs of prosecution, assessments, and surcharges, and in default of the timely payment thereof, shall either be committed to the County Jail for a period not to exceed ninety (90) days, or the Court may suspend the Defendant's motor vehicle operating privileges until the forfeiture, assessments, surcharges, and costs are paid, except that the suspension period may not exceed five (5) years.

C. Except as hereinafter provided, anyone violating §11.13 of this Chapter, upon conviction thereof, shall be subject to the following:

1. In this paragraph violation means a violation of §11.13, Code of General Ordinances.

2. A person who commits a violation is subject to a forfeiture of:

a. Not more than Five Hundred (\$500.00) Dollars if the person has not committed a previous violation within twelve (12) months of the violation; or,

b. Not less than Two Hundred (\$200.00) Dollars nor more than Five Hundred (\$500.00) Dollars if the person has committed a previous violation within

twelve (12) months of the violation.

3. A court shall suspend any license or permit issued under §§134.65, 139.34 or 139.79, Wisconsin Statutes, to a person for:

a. Not more than three (3) days, if the Court finds that the person committed a violation within twelve (12) months after committing one previous violation;

b. Not less than three (3) days nor more than ten (10) days, if the Court finds that the person committed a violation within twelve (12) months after committing two other violations; or,

c. Not less than fifteen (15) days nor more than thirty (30) days, if the Court finds that said person committed the violation within twelve (12) months after committing three or more other violations.

4. The Court shall promptly mail notice of suspension under **Subsection C.3.** to the Department of Revenue and to the clerk of each municipality which has issued a license or permit to the person.

5. Whoever violates **Section 11.13 B.2.a. or b.**, upon conviction thereof, shall forfeit not more than Twenty-five (\$25) Dollars.

D. Anyone violating **Section 11.135 B.1., 2., or 3.**, upon conviction thereof, shall forfeit not more than Twenty-five (\$25) Dollars.

E. A person who commits a violation of **Section 11.034**, upon conviction, is subject to a forfeiture of not less than Five Hundred (\$500.00) Dollars and not more than Five Thousand (\$5,000.00) Dollars, plus the costs of prosecution.