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25.01 ANIMALS NOT TO RUN AT LARGE; PROHIBITED ANIMALS; DANGEROUS ANIMALS (MC#1025)

- (1) No person owning or in charge of any horse, mule, cattle, sheep, goat, swine, geese, chickens, or other domestic livestock, poultry, or fowl shall permit said animals to run at large in any part of the City of Wisconsin Rapids.
- (2) Sale and keeping of exotic pets or wild animals. It shall be unlawful for any person to keep, maintain, have in his possession or under his control, sell or convey within the city any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the city any of the following animals:
 All poisonous animals, including rear-fang snakes; all non-human primates, including, but not limited to apes, chimpanzees, gibbons, gorillas, orangutans and siamangs; baboons; bears; bison; cheetahs; constrictor snakes, six feet in length or more; coyotes; crocodilians; deer; elephants; game cocks and other fighting birds; hippopotami; hyenas; jaguars; leopards; lions; lynxes; monkeys, either old world or new world; ostriches; pumas; rhinoceroses; sharks; snow leopards; swine; tigers; wolves and wolf hybrids; bees, wasps and hornets; poisonous insects; piranha fish, other than in a small, indoor fish tank.
- (3) Rabbits. No more than two adult rabbits are to be kept or maintained at any residential property within the city. No person owning, in possession of, or in charge of the care of any rabbit shall permit the rabbit to be at large within the city. Rabbits shall be confined in adequate enclosures that are neat, clean and free of disturbing odors. (MC#986)

- (4) Exceptions. The provisions of Section (2) and (3) above shall not apply to circuses, menageries and other temporary licensed exhibitions. Nor shall it apply to where creatures are in the care, custody or control of a veterinarian for treatment, agricultural fairs, shows or projects of the 4-H, a display for judging purposes, a state-licensed educational institution, zoo, or display of a state-licensed animal authorized by the Common Council in a commercial pet store if: (MC #1038)
- (a) Their location conforms to the provision of Chapter 11 – Zoning.
 - (b) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (c) Animals are maintained in quarters so constructed as to prevent their escape.
 - (d) No person resides within 100 feet of the quarters in which the animals are kept. This restriction shall not apply to Section (3) above, nor to displays confined within the major building of a commercial pet store as authorized by the Common Council.
- (5) Dangerous Animals.
- (a) Prohibitions.
 - (1) No person shall own, harbor, keep, or maintain within the city limits, any “dangerous animal” contrary to this section. Any animal alleged to be dangerous, as defined by this section, shall be impounded as directed by the City of Wisconsin Rapids Police Department until disposition of the charge issued by the citation and as outlined in this section. A complaint shall be filed with the city attorney’s office.
 - (2) The owner of an animal found to be dangerous in the trial of a charge of harboring a dangerous animal pursuant to this section, or by plea to such a charge, shall be prohibited from keeping that animal in the city contrary to any restrictions contained in subsection (e).
 - (3) No person shall offer for sale, sell, give away, breed, buy, or attempt to buy any dangerous animal within the city.
 - (4) No person shall own or harbor any animal for the purpose of animal fighting, or train, torment, badger, bait, or use any animal for the purpose of causing or encouraging said animal to attack human beings or domestic animals when not provoked.
 - (b) Definitions. “Dangerous animal” as used in this ordinance means:
 - (1) Any animal which habitually approaches or chases any human being or domestic animal in a menacing fashion or apparent attitude of attack, without intentional provocation, on public or private property;
 - (2) Any animal which bites, inflicts injury, attacks, or otherwise endangers the safety of human beings or domestic animals, without intentional provocation, on public or private property; or
 - (3) Any animal owned, harbored, or trained primarily or in part for the purpose of fighting.
 - (c) Impoundment.
 - (1) It shall be the duty of the Wisconsin Rapids Police Department and any other person designated by the common council to seize any animal whose owner is alleged to have violated this section and transfer it to the humane society. No person shall fail to produce or surrender up any animal to the department. The officers of the department shall have the right to pursue an animal upon the premises of the owner or elsewhere. Any law enforcement officer or duly authorized department employee, who has consent of the property owner or with a warrant, may enter and inspect private property to enforce the provisions of this section.
 - (2) The owner of the animal immediately impounded pursuant to subsection (1) shall be notified in person or by certified mail within five (5) business days after the animal’s impoundment.
 - (a) The notice of impoundment shall inform the owner of the animal that he may request, in writing, a trial to contest the impoundment within five (5) business days after the animal’s impoundment.
 - (b) Upon a request for a trial under subsection (A), a trial shall be held within ten (10) business days after such request. Notice of the date, time and location of the trial shall be sent by first-class mail to the owner requesting the trial.
 - (c) If such owner is unknown or unascertainable, a notice shall be published in the city newspaper, giving a description of the animal, stating where it is impounded, and conditions for its release. If within seven (7) days after such notice no owner claims the animal, the animal may be destroyed in a proper and humane manner. However, if an animal before being impounded has bitten a person, the animal shall remain impounded for ten (10) days for observation purposes.
 - (d) If after a trial on impoundment, the court finds no violation of subsection (a), the animal shall be returned to its owner.

- (e) If the court finds any violation of subsection (a), the court may proceed under subsection (d) or (e). The owner of the animal shall be liable for the costs of impounding, keeping, or destroying said animal. If the animal is not reclaimed within five (5) business days of the disposition of the charge issued, the animal may be destroyed in a proper and humane manner.
- (d) Disposition.
- (1) Humane Destruction. Any animal determined by the municipal court to have violated any provision of paragraph (a) of this section may be ordered by the court to be humanely destroyed. If the court does not issue an order authorizing the humane destruction of the animal, it may be reclaimed from the impounding authority upon payment of all impoundment fees and kept in the city upon proof to the court's satisfaction of compliance with subsection (e).
- (e) Restrictions. The owner of any animal determined by the municipal court to have violated any provision of paragraph (a) of this section, shall be subject to all of the following restrictions:
- (1) Registration. The owner of any dangerous animal shall register it with the city clerk upon disposition, and annually thereafter on or before April 1 of each year, by providing a current color photograph of the animal and payment of a \$75.00 registration fee. Upon payment of the fee, the owner shall be issued a dangerous animal leather buckled collar of an approved color for the purpose of identification.
- (2) Liability Insurance. At the time of registration, the owner of any dangerous animal shall provide proof of liability insurance in the amount of at least \$250,000 for any acts of property damage or liability incurred by virtue of injury inflicted by such animal. Such insurance shall name the city as co-insured solely for the purpose of notice of cancellation of the policy.
- (3) Display of Warning Sign. The owner of any dangerous animal shall display a warning sign on his or her premises facing out from all sides of the premises warning that there is a dangerous animal on the property. This sign should be visible and capable of being read from a public highway or thoroughfare or within 40 feet of its placement, whichever is less. The sign shall conspicuously display a symbol warning children of the presence of a dangerous animal.
- (4) Identification. Before release to the owner, the impounding authority or licensed veterinarian shall implant a device which can be later detected to aid in the proper identification of the animal as dangerous.
- (5) Collar. The collar issued to the owner shall be worn by the animal at all times as proof of registration, except when being groomed. If, when due to the length of the animal's hair, the collar is not visible, an approved colored leather lead may be used.
- (6) Duty to keep animal under restraint while on owner's property. While on the owner's property, a dangerous animal must be securely and humanely confined indoors or in a secure enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of five feet by ten feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the animal.
- (7) Duty to keep animal under restraint while off owner's property. A dangerous animal may be off the owner's premises if it is muzzled and restrained by an approved leather lead not exceeding three feet in length and is under control of an adult, able-bodied person. The muzzle must be made in a manner that will not cause injury or pain to the animal or interfere with its vision or respiration, but must prevent it from biting any person or animal.
- (f) Exemption. This ordinance is not intended to restrict the training and use of dogs for and by public law-enforcement agencies.
- (g) Penalties for violations.
- (1) An owner of a dangerous animal who fails to register the animal is subject to a forfeiture of not less than \$100.00 nor more than \$250.00 per day.
- (2) An owner of a dangerous animal who registers but neglects to have the dangerous animal collar worn by the animal at all times, obtain liability insurance, display the standard sign, or properly restrain the animal is subject to a forfeiture of not less than \$25.00 nor more than \$250.00 per day.
- (3) An owner of a dangerous animal who violates subsections (a)(1), (3), or (4) is subject to a forfeiture of not less than \$100 nor more than \$500 per day.
- (h) Every day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses including

shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this ordinance.

- (i) Exemptions. The provisions of this ordinance regarding dangerous animals shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes.
- (j) Severability. If any provision of this ordinance is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this ordinance.

25.02 BARN, KENNELS, STABLES, AND PIGPENS OR OTHER ENCLOSURES (MC#978)

- (1) No barn, kennel, stable, yard, or pen or other enclosure in which cows, horses, sheep, swine, geese, chickens or other domestic livestock, poultry or fowl or more than two dogs or cats are to be kept shall be hereafter located upon any private premises in the City of Wisconsin Rapids, except subject to 25.05 below in regard to dogs and cats, and except as provided in subsection (3) herein for chickens, and except as specifically allowed in properly zoned agricultural or industrial areas with approval by the common council. (MC#1182)
- (2) Any enclosure of the type referred to in (a) above that currently exists may remain in existence but shall not be replaced or extended, shall be maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety, and welfare of the public, and shall be in conformance with Chapter 11, Zoning.
- (3) Regulating Chickens. (MC#1182)
 - (a) Definitions: For the purpose of this section, the following terms have the meaning indicated:
 - (1) Abutting Property. All property that abuts an applicant's property at 1 or more points, except public streets.
 - (2) Backyard. That portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersected with an imaginary line established by the rear of the single family structure and extending to the 2 side lot lines.
 - (3) Chicken. A female hen of any age, including chicks. This definition does not include other kinds of fowl including but not limited to ducks, quail, pheasant, geese, turkeys, guinea hens, peacocks, emus, or ostriches.
 - (4) Coop. An enclosed structure, building or pen within which chickens roost or are housed.
 - (b) Keeping of chickens. Chickens may be kept or maintained upon the following:
 - (1) Up to 4 chickens may be raised within a lot zoned R-1 residential (one-family) or a lot zoned R-2 residential (one- and two-family), provided there is a use as a single-family or two-family; upon notification of all abutting property owners, and upon application and permit.
 - (2) Rental tenants of a single family dwelling or a one-two family dwelling that is zoned R-1 or R-2 shall obtain written approval from the landlord prior to the keeping or maintaining of chickens on the rental premise. The landlord's written approval must accompany the applicant's permit application.
 - (3) Educational facilities may keep chickens for educational purposes only.
 - (4) Chickens may be temporarily allowed for special purposes such as a public picnic and other special events upon approval of the planning and economic development department.
 - (5) Chickens may be allowed in the local veterinarian's office for the purpose of observation or treatment.
 - (6) In addition to 4 adult chickens, new born chickens (chicks) up to the age of 3 weeks may be kept in a residence or outbuilding.
 - (c) Chickens are not allowed. Chickens are not allowed to be kept or maintained upon the following:
 - (1) Mobile home parks.
 - (2) Vacant lots unless the person requesting the permit resides on the abutting property.
 - (3) Any property not zoned as provided for in (3)(b)(1) above.
 - (4) Condominiums.
 - (d) Permit required.
 - (1) No owner or tenant shall own, keep or maintain chickens within the corporate limits of the city without first obtaining a permit.
 - (2) The applicant for a permit must notify all abutting property owners of their intention to keep or maintain chickens prior to applying for a permit, and the permit application must certify that all such property owners have been notified. A list of all property owners and their addresses must be included with the permit application. Notification of abutting property owners shall not be required for renewal of a permit as long as the permit is kept current and has not lapsed.
 - (3) The permit year shall commence on January 1, and shall end on the following December 31, and shall be renewed annually.
 - (4) A permit granted shall not transfer to any other property or successor owners of permitted property. A new permit must be applied for.

- (5) Proof of livestock premises registration with the Wisconsin Department of Agriculture, Trade, and Consumer Protection must be provided prior to the permit being issued.
 - (6) The annual fee for keeping and maintaining up to 4 chickens shall be as set by the common council by resolution, and must be paid to the planning and economic development department at the time of application. This fee shall not be prorated.
 - (7) All renewal permits are due and payable to the city no later than January 31 of the permit year. Any lapse in permitting shall require the applicant to meet all of the initial permit requirements as set forth above.
 - (8) Initial permits are due and payable within 15 days of acquiring the chickens.
- (e) Property and Coop Requirements.
- (1) A coop and any attached enclosure shall be located in the backyard of the permit holder's residence and shall meet all applicable setback requirements for accessory buildings as set forth in the Municipal Code. A drawing of the coop and any attached enclosure and their locations shall be submitted with the permit application. A separate building permit shall be required for any new coop and enclosures.
 - (2) A coop and any attached enclosure shall not be closer than 25 feet to a residential dwelling on adjacent lot.
 - (3) All chickens shall be kept and maintained within a ventilated and roofed coop in compliance with any applicable state and local requirements.
 - (4) All coops, including an attached coop enclosure, shall be enclosed with wire netting or equivalent material that will prevent chickens from escaping the coop or the attached enclosure. The ability to utilize wire netting or equivalent materials shall only be for the limited purpose of the coop and coop enclosure; wire netting is not to be used as a boundary fence. All other fencing must adhere to the fencing regulations found elsewhere within the Municipal Code.
 - (5) The coop structural floor shall allow at least 4 square feet per chicken, and the height of the coop shall not exceed 6 feet above ground level.
 - (6) The coop shall have a clear open space to allow the chickens to walk on the ground or a concrete slab.
- (f) Further Chicken Regulations. Any person keeping chickens:
- (1) Shall keep or maintain chickens within a coop or attached coop enclosure at all times.
 - (2) Shall not keep or maintain any roosters.
 - (3) Shall not sell any eggs.
 - (4) Shall not slaughter any chickens on the premises.
 - (5) Shall ensure that chickens are provided with access to feed and clean water at all times.
 - (6) Shall consult with a veterinarian regarding chickens that appear ill, or on the occasion of a sudden death. If a disease that would be contagious to humans is diagnosed, recommendations to insure prevention or transmission of a disease must be followed as recommended by the veterinarian.
- (g) Sanitation.
- (1) Chickens and their coops shall be kept and maintained at all times in outdoor areas and shall not be permitted inside a residential premise or dwelling, except as provided in subsection (3)(b)(6) above.
 - (2) Chicken feed shall be stored and kept in containers, which make the feed inaccessible to rodents, vermin, wild birds, and other predators.
 - (3) All coops and backyards where chickens are kept or maintained shall be reasonably free from chicken manure and other substances, such that the air or environment around the chickens does not become noxious or offensive or create a condition that would reasonably promote the breeding of flies, mosquitoes, or other insects, or provide a habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.
 - (4) Inspection. The city shall have the power, whenever it may deem reasonably necessary, to enter a building, structure, or property where chickens are kept to ascertain whether the keeper is in compliance with this ordinance. The police department and the planning and economic development department may issue compliance orders and citations pursuant to the provisions of this section, and state law.
 - (5) Enforcement. The city may revoke a permit in the event that there have been 3 or more violations of this ordinance within any 6-month period, or 4 or more in any 12-month period.
 - (6) Restricted covenants. This section is not intended to interfere with any restrictive covenants otherwise applicable to certain properties in the city.

25.03 DOG AND CAT REGULATIONS (MC#505)

- (1) This ordinance shall be known as the "Dog and Cat Ordinance of the City of Wisconsin Rapids" and may be referred to by that title.
- (2) License. (MC#776)
 - (a) Individual Dog Licenses. Every owner of a dog more than five months of age on January 1 of any year shall annually, by April 1 of each year, pay his or her dog license fee and obtain a license. Any dog turning five months of age during the year shall be licensed within 30 days of attaining the age of five months. Such dog license fee shall be \$3.00 for each neutered male dog or spayed female dog and \$8.00 for each un-neutered male dog or un-spayed female dog per Wisconsin Statute 174.05(2). Each owner applying for a neutered male dog or spayed female dog license shall at the time of application present to the license issuing officer a certificate signed by a licensed veterinarian stating that said dog has been neutered or spayed. A current rabies vaccination certificate from a licensed veterinarian shall be required at the time of the license purchase. The maximum number of dogs which may be kept at one household is two.
 - (b) Individual Cat Licenses. Every owner of a cat more than five months of age on January 1 of any year shall annually, by April 1 of each year, pay his or her cat license fee and obtain a license. Any cat turning five months of age during the year shall be licensed within 30 days of attaining the age of five months. Such cat license fee shall be \$2.00 for each neutered male cat or spayed female cat and \$5.00 for each un-neutered male cat or un-spayed female cat. Each owner applying for a neutered male cat or spayed female cat license shall at the time of application, present the license issuing officer a certificate signed by a licensed veterinarian stating that said cat has been neutered or spayed. A current rabies vaccination certificate from a licensed veterinarian shall be required at the time the license is purchased. The maximum number of cats which may be kept at one household is two.
 - (c) The word "owner", as used in this ordinance, includes every person who owns or keeps a dog or cat.
 - (d) The license year for dogs and cats shall be the calendar year.
 - (e) Late Fees. Per Wisconsin Statute 174.05(5), a late fee of \$5.00 will be assessed from every owner of a dog 5 months of age or over, if that owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog.
- (3) Dog or Cat Licenses and Collar Tags for Individual Licenses; When Issued. Upon payment of the required individual dog or cat license fee on any dog or cat, the license issuing officer shall execute and issue to the owner a license for said dog or cat, which license shall be in the form prescribed by the State Department of Agriculture and shall state the date of its expiration, shall bear a serial number, the owner's name and address, and the name, sex, neutered or un-neutered, spayed or un-spayed, breed, and color of the dog or cat licensed. At the time the license issuing officer shall delivery to the licensee a metal tag which shall bear the same serial number as the license, the name of the county, and the license year. A new tag with a new number shall be furnished to the licensee by the license issuing officer in place of the original tag, upon proof of purchase of the original tag and payment of a fee of \$1.00. The license issuing officer shall then endorse the new tag number on such license and shall keep a record thereof of the register.
- (4) Assessment; License Fee. Dog license fees shall be collected by the city treasurer or deputy in the same manner as provided for in the collection of personal property taxes. Said license fee for dogs shall be accounted for and disposed of pursuant to Chapter 174 of the Wisconsin Statutes. Cat license fees shall be collected by the city treasurer or deputy and the money shall be placed in the general fund of the city. The city treasurer may also designate a representative of the South Wood County Humane Society to collect the license fees.
- (5) Dog and Cat Controls.
 - (a) No person shall permit any dog which that person owns, or which is in that person's possession or control, to be at large within the City. Any dog found at large shall be deemed to be so with the permission of its owner or the person in possession or control of such dog. A dog is not at large when it is attached to a leash of sufficient strength to restrain the dog, and not more than ten feet in length where such lease is held by a person competent to govern and control the dog (MC #1215).
 - (b) No person having the control or care of a dog shall permit such dog to enter or remain in a public building, in a public park, on school grounds, in a cemetery, in an athletic field, or on a public trail, EXCEPT (1) dogs specially trained to lead visually or hearing impaired persons, or to provide support for mobility-impaired persons, or other specially trained service animals shall be allowed in all areas where the public is allowed; and (2) dogs shall be allowed in the following parks and on the following trails, provided that they are led by a leash of suitable strength and not more than ten feet in length, and then only within the following parks and upon the following trails:
 1. Ahdawagam Trails:

Dogs allowed on all trails and within 10 feet of trails.

2. Ben Hansen Park
Dogs allowed on the trail and in the park, except not in playground areas, volleyball courts, and the grounds of the State Firefighters Memorial.
 3. Henry Demitz Park
Dogs allowed.
 4. Legion Park
Dogs allowed on trail and within 10 feet of trail.
 5. Lyon Park
Dogs allowed on the trail and in the park, except not in playground areas.
 6. Mead Rapids View Park
Dogs allowed on the trail and within 10 feet of the trail.
 7. Poplar Springs Park
Dogs allowed.
 8. Tails and Trails Dog Park
Dogs allowed.
Dogs allowed without a leash provided park rules are followed.
 9. Veterans' Memorial Park
Dogs allowed on the trail and within 10 feet of trail.
 10. Ward Johnson Park
Dogs allowed.
 11. East Riverbank Conservancy Area
Dogs allowed on trail and within 10 feet of trail.
 12. West River Bank Conservancy Area
Dogs allowed on trail and within 10 feet of trail.
- (c) The City shall cause signs to be posted in areas wherein dogs are not permitted, and shall provide waste stations and signs where dogs are permitted. (MC #1215).
- (d) No dog owner or keeper shall permit any dog to defecate upon any property other than that of the dog owner without immediately causing such defecation to be removed therefrom and properly disposed of. Proper disposal of dog waste shall be by flushing in the toilet or disposal in a waste receptacle so designated in a public park or area wherein dogs are permitted. Property owners shall as needed promptly remove defecation from their own property and appropriately dispose of same. (MC #1215).
- (e) A dog or cat which is impounded in accordance with Section 174.042, Wisconsin Statutes, and which is not released to its owner or to a person other than its owner within the impoundment period, is deemed an unclaimed dog or cat. The minimum impoundment period is for seven days after the dog or cat is delivered to the officer or humane society. The officer or humane society may extend the impoundment period if release of the dog or cat to the owner or a person other than the owner, appears likely. The office or humane society may dispose of an unclaimed dog or cat by releasing it as provided under Section 174.13, Wisconsin Statutes, or if the dog or cat is not released, as provided under Section 174.13, Wisconsin Statutes, by disposing of the dog or cat in the proper and humane manner. (MC #1215).
- (f) No dogs or cats, except for seeing eye dogs, shall be allowed in restaurants, fast food restaurants, and stores where food is sold. Watch dogs in taverns shall not be allowed behind the bar or in food preparation areas at any time day or night.
- (g) (1) Dogs or cats shall be restrained by means of a pen or tether from approaching nearer than five feet to adjacent property lines. Dogs shall be considered adequately restrained when kept in a rear or side yard on a tether or fenced in. Dog fence shall not be over six feet in height.

- (2) Dog owners shall provide some type of screening for dog pens that are hard surfaced and fenced in, which create an unsightly view from any neighbors' kitchen or living area. The owner of dogs shall provide screening acceptable to health officer.
- (3) Animal wastes shall be removed from the pens and the premises on a daily basis.
- (h) A dog or cat which is impounded in accordance with Section 174.046, Wisconsin Statutes, and which is not released to its owner or to a person other than its owner within the impoundment period, is deemed an unclaimed dog or cat. The minimum impoundment period is for seven days after the dog or cat is delivered to the officer or humane society. The officer or humane society may extend the impoundment period if release of the dog or cat to the owner or a person other than the owner, appears likely. The office or humane society may dispose of an unclaimed dog or cat by releasing it as provided under Section 174.13, Wisconsin Statutes, or if the dog or cat is not released, as provided under Section 174.13, Wisconsin Statutes, by disposing of the dog or cat in the proper and humane manner.
- (6) Every licensed dog or cat over the age of five months on January 1 of any year shall at all times wear a substantial durable collar to which shall be attached securely the license tag required. No license tag shall be used on the collar of any dog or cat other than the one for which it is issued. No person shall remove the collar or tag or both from any dog or cat without the consent of the person to whom the license is issued. If a dog or cat is retained in a fence, kennel, or pen, it need not have its collar on.
- (7) Any dog or cat acquired from the South Wood County Humane Society shall be spayed or neutered according to the contract policy established by the humane society.
- (8) Nuisance; Inhumane Treatment. No person shall keep or harbor or own any dog or cat which by loud or frequent or habitual barking, meowing, yelping or howling, or by constant threat of attacking and biting shall cause annoyance to the neighborhood or to people passing upon the street. No person shall refuse to deliver up to a policeman or authorized South Wood County Humane Society employee a dog or cat when properly requested to do so under the provisions of this section. No person shall be cruel and/or inhumane to a dog or cat. Said cruelty and inhumanity consisting of cruelly beating, torturing, mutilating, cruelly killing, and clear failure to provide food, drink and shelter; and abandoning an old, sick or disabled dog or cat.

25.04 CONTROL OF RABIES AND BITING DOGS OR CATS (MC#505)

- (1) (a) Any dog or cat having rabies or suspected of having rabies shall be reported to the police department or South Wood County Humane Society within 24 hours by any person having a knowledge of the same. Whenever a dog or cat shall bite any person, notice thereof shall be reported to the police department within 24 hours giving, if possible, the name and address of the owner of the dog or cat and the circumstances under which the bite occurred. The police department shall report the incident to the humane society.
- (b) The statutory provisions set forth in Section 95.21 of the Wisconsin Statutes entitled "Rabies Control Program" and any amendments thereto are hereby incorporated by reference.

25.05 EXEMPTION PERMIT (MC#602)

- (1) The City of Wisconsin Rapids shall issue an exemption permit to persons who desire to keep three or more sterilized dogs or cats. The permit fee shall be \$20.00 annually. Each individual dog or cat shall be licensed, in addition to the permit, per city ordinance. Prior to the issuance of an exemption permit, the city building inspector, in conjunction with a representative of the South Wood County Humane Society, shall inspect and approve the premises where the dogs or cats are kept. Conditions to be considered in granting the permit shall include, but not be limited to:
 - (a) Unregistered dogs or cats shall be sterilized;
 - (b) properly groomed and fed;
 - (c) provided adequate housing;
 - (d) have received the necessary vaccinations.
- (2) Persons owning two or more intact (unsterilized) registered dogs or cats shall be issued an exemption permit. The number shall not exceed three adult animals of breeding age (six months). The permit fee shall be \$35.00 annually. Each individual dog or cat shall be licensed, in addition to the permit, per city ordinance. Prior to the issuance of an exemption permit, proof of registration must be presented to a representative of the South Wood County Humane Society. The city building inspector, in conjunction with a representative of the South Wood County Humane Society, shall inspect and approve the premises where the dogs and cats are to be kept. Other inspections may be done on an annual basis, but at least every four years. Conditions to be considered in granting the permit shall include, but not be limited to:
 - (a) the dogs or cats be properly groomed and fed
 - (b) provided adequate housing
 - (c) have received the necessary vaccinations

(d) Failure to comply with any dog or cat ordinance provision may or could cause the exemption permit to be revoked.

At such time that all registered dogs or cats are sterilized, they will revert to 25.05(1) status.

25.06 COMMERCIAL ANIMAL ESTABLISHMENTS (MC#505)

(1) Any person who keeps or operates a commercial animal establishment shall take reasonable care to release for sale, trade, or adoption only those animals which are free of disease, injuries, or abnormalities. The law enforcement officer may request an examination by a veterinarian. The following shall deem an animal unfit for sale or release:

(a) Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies, or other similar disease.

(b) Obvious signs of nutritional deficiencies which may include rickets, emaciation, etc.

(c) Obvious signs of severe parasitism - extreme enough to be influencing general health.

(d) Obvious fractures or congenital abnormalities affecting general health of animals.

(2) All commercial animal establishments shall comply with the following standards:

(a) All animals, birds, or fish shall be displayed in a health condition, or, if ill, removed from display and shall be given appropriate treatment immediately.

(b) All animals shall be quartered, and the quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.

(c) There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Litter and/or bedding material shall be changed as often as necessary and there shall be adequate ventilation to prevent an odor nuisance.

(d) Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance.

(e) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn, and stretch out to its full length.

(f) The floor and walls of any room in which animals are kept shall be covered with impervious, smoother, cleanable surface. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.

(g) The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodent-proof containers.

(h) Water. There shall be available hot water for washing cages. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animals cannot easily turn them over and be removable for cleaning.

(i) Feeding. Food for all animals and birds shall be served in a clean dish so mounted that the animal cannot readily tip it over or defecate or urinate in same.

(j) All animals must be fed and watered according to the accepted procedures for that species and cages cleaned every day.

(k) Fish. The water temperature shall be maintained at a temperature that is healthful.

(l) Shade Required. Shade from the direct rays of the sun shall be provided for all animals.

(m) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.

25.07 ENFORCEMENT, INVESTIGATION, AND PENALTY (MC#505)

(1) The City of Wisconsin Rapids may authorize employees of the South Wood County Humane Society to investigate possible violations of Section 25.03 through 25.06 of this chapter and Section 95.21, Chapter 174, and Chapter 951 of the Wisconsin Statutes. The authorized representative of the South Wood County Humane Society shall report to the Wisconsin Rapids Police Department any violations. The police department shall review the reported violations and issue citations or take any other action deemed appropriate to the circumstances. The police department may also enforce the above referenced ordinances and statutes without prior investigation by the humane society.

(2) Penalty. Any person violating any provision of this ordinance or rule or regulation adopted or issued in relation to it shall be, upon conviction or plea of guilty or not contest, be subject to forfeiture of not less than \$25.00 and not more than \$200.00 and costs of prosecution. The provisions of this ordinance do not apply to a blind person who uses a dog for assistance when said provisions would prohibit said person from using his dog to assist him in normal manner.

25.08 CURFEW (MC#820)

- (1) No person under 17 years of age shall be on, remain in or upon any of the streets, alleys, or public places in the City of Wisconsin Rapids between the hours of 10:00 p.m. and 5:00 a.m. unless a person is accompanied by a parent, guardian, or some person of lawful age having the legal custody of such person, or unless he is going home from school activities, or unless his employment makes it necessary for him to be upon said streets, alleys, or public places, in which case this ordinance shall not apply.
- (2) Any such minor shall have reasonable time after school activities, church programs, approved organizational activities, not to exceed one hour after termination of such meeting to be within the definition of the term "going home".
- (3) No minor between the ages of six and under the age of 17 years shall remain in or about any public place, street, highway, or any establishment between the hours of 7:45 a.m. and 3:30 p.m. during any school day.
- (4) The provisions of the daylight curfew do not apply when the minor has written proof from school authorities excusing him/her from attendance at that particular time or accompanied by a parent or guardian or going to school or has completed his or her school day.
- (5) Any parent or guardian who permits his child or children to violate the provisions of this ordinance shall pay a forfeiture of:
 - (a) \$25.00, plus costs for the first offense
 - (b) \$50.00 plus costs for the second offense
 - (c) \$100.00 plus costs for any subsequent offense.
 - (d) Any parent or guardian who fails to pay said forfeiture and costs shall be imprisoned in the county jail not to exceed five days.
- (6) Penalty. Any person under 17 years of age violating any provision of this ordinance or rule or regulation adopted or issued in relation to it shall be, upon conviction or plea of guilty or no contest, be subject to forfeiture of not less than \$25.00 and not more than \$100.00 and costs of prosecution.

25.09 MISDEMEANOR CRIMES

- (1) The following enumerated sections of the Wisconsin Statutes excluding all penalty provisions therein in connection with the herein described offenses are hereby incorporated by reference and any subsequent amendments thereto, are made a part of this code as if fully set forth herein, to-wit:
 - (a) 943.01(1) - Damage to Property - Less than \$200 in value
 - (b) 943.13 - Trespass to Land
 - (c) 943.14 - Trespass to Dwelling
 - (d) 943.20 - Theft-Less than \$100 value
 - (e) 943.50 - Retail Theft
 - (f) 943.61 - Theft of Library Materials
 - (g) 947.01 - Disorderly Conduct
 - (h) 947.013 - Harassment (MC#544)
 - (i) 167.32 - Safety at Sporting Events (MC#544)
 - (j) 943.21 - Fraud on Hotel or Restaurant Keeper (MC#597)
- (k) 134.66 - "Restrictions on Sale or Gift of Cigarettes or Tobacco Products"(MC#783)
- (l) 938.983 - "Purchase or Possession of Tobacco Products Prohibited" (MC#783)
- (2) Penalty. Any person, firm, or corporation violating any provision of this ordinance, except Section 25.09(1)(k), shall upon conviction be required to pay a fine of not less than \$10 nor more than \$400, together with the costs of the action, and in default of payment thereof, shall be subject to imprisonment in the county jail for a period not to exceed 30 days. (MC#744)
- (3) Enforcement. This ordinance shall be enforced in accordance with the provisions of Section 66.12 of the Wisconsin Statutes. (MC#744)
 - (a) Stipulation of guilt or no contest. Stipulation of guilt or no contest may be made by persons arrested for violations of this ordinance in accordance with Section 66.12(1)(b), Wisconsin State Statutes; and may be accepted within 10 days of the date of the alleged violation.
 - (b) Deposits. Any person stipulating guilt or no contest under subsection (1) of this section must make a deposit of 50 percent of the maximum penalty plus costs for violations of sections (a) through (g). Deposits may be brought or mailed to the office of the clerk of courts or may be received by the Wisconsin Rapids Police Department. Any deposit accepted by the police department shall be mailed or brought to the clerk of courts as soon as possible after receipt thereof. (MC#288)

25.10 NOXIOUS FUMES AND SMOKE

No person or persons, firm or corporation shall cause, permit or allow the escape from any smoke stack, chimney, or open fire, within the corporate limits of the City of Wisconsin Rapids or within one mile therefrom, into the open air, or such quantities of smoke, ash, dust, soot, cinders, acid, or other fumes, dirt or other material or noxious gases in such place or manner as to cause injury, detriment or nuisance to any person or persons or to the public, or in such manner

as to cause injury or damage to business or property and such is hereby declared to be a public nuisance and the same is hereby prohibited. If applicable the assistance of the Wisconsin Department of Natural Resources shall be utilized to assist the city in monitoring and resolving any emission problem.

25.11 GRAFFITI. (MC#711)

- (1) Definitions.
 - (a) Graffiti is defined as writing, symbols, words, pictures, or markings that are placed on a surface for which the owner of the surface has not given permission, and approval of the city authorities for compliance with the municipal sign ordinances.
 - (b) Graffiti Removal is defined as removing all traces of the graffiti from the surface it was applied.
 - (c) Graffiti Covering is defined as painting over all traces of the graffiti on the surface it was applied.
 - (d) Public Property is any property owned or under the direct care and control of a taxing authority.
 - (e) Private Property is any property not owned by or under the direct care and control of a taxing authority.
- (2) Graffiti on public property shall be removed or covered by the affected taxing authority, within 10 working days of discovery.
- (3)
 - (a) Graffiti on private property shall be removed or covered by the property owner within 10 working days of notification of discovery. Notification by an official of the City of Wisconsin Rapids may be in person or by certified United States mail, return receipt. This section, and Section 25.11(3)(b) shall not apply to owner-occupied private residences, which are exempt from this ordinance.
 - (b) Graffiti on private property not removed or covered by the property owner within the 10 working days of notification shall have the graffiti removed or covered by the City of Wisconsin Rapids. The cost of removal or covering shall include labor, transportation, and supplies. Labor shall be at the cost of municipal employees supervising and performing the work assignment in not less than one-half-hour increments. The property owner shall be invoiced for the graffiti removal or covering. Failure to pay the invoice within 30 days shall result in the invoice being added to the property tax roll of the City of Wisconsin Rapids. The City of Wisconsin Rapids shall remove or cover the graffiti on private property within 48 hours of the property owners notification and failure to remove or cover the graffiti, except if the 48 hour time falls on a Saturday, Sunday, or holiday, then the removal or covering shall be completed on the first municipal work day following that Saturday, Sunday, or holiday.
- (4) The following enumerated sections of the Wisconsin Statutes and any subsequent amendments thereto, as said statutes relate to regulations concerning property damage caused by graffiti, are hereby incorporated by reference as if fully set forth herein, to wit:
 - (a) Section 895.035 - Parental Liability for Acts of Minor Child
 - (b) Section 943.012 - Graffiti on Religious and Other Property
 - (c) Section 943.017 - Graffiti
- (5) Municipal or private property owner may have the time elements stated in this ordinance extended upon proper appeal to the clerk of the City. Under no circumstances should the extension exceed 7 days.

25.12 POSSESSION OF FIREARMS AND WEAPONS (MC#1123)

- (1) Firearms Restricted. Notwithstanding Section 25.12 (3) herein, any person who enters or remains in any building or part of a building that is owned, occupied, or controlled by the City of Wisconsin Rapids, or any of its departments, authorities, or commissions while carrying a firearm is guilty of trespassing unless:
 - (a) The person leases residential or business premises therein,
 - (b) The person is a peace officer, or
 - (c) The building is not posted in accordance with Wisconsin Statute 943.13(2).
- (2) No dealer or other person shall sell, loan or give any pistol or revolver to any minor. It shall be the duty of all police officers to take from any minor any pistol or revolver found in his or her possession.
- (3)
 - (a) Weapons Restricted . No person, except a peace officer, may carry any weapon on public land or within any buildings or vehicles owned, occupied, or controlled by the City of Wisconsin Rapids, or any of its departments, authorities, or commissions.
 - (1) For the purposes of Section 25.12(3), the following terms and phrases are defined below.
 - (a) "Public land" means land, excluding any building thereon, that is not public right of way and that is owned, occupied or controlled by the City of Wisconsin Rapids, or any of its departments, authorities, or commissions.
 - (b) "Weapon" means a firearm, knife, billy club, electronic weapon, martial arts weapon, slingshot, bow, or crossbow.
 - (2) Exceptions. Notwithstanding Section 25.12(3)(a), a person may carry a weapon on public land if:
 - (a) The weapon is a firearm, and the person is possessing the firearm is authorized to possess it pursuant to Wisconsin Statute 175.49.

- (b) The weapon is a handgun, and the person possessing the handgun is licensed pursuant to Wisconsin Statute 175.60.
- (c) The person is allowed to carry the weapon pursuant to Wisconsin Statute 167.31.
- (d) The person carrying the weapon is permitted by law to hunt on the public land and the weapon is used for hunting.

25.13 DISCHARGE OF FIREARMS UNLAWFUL

- (1) It shall be unlawful for any person to discharge or fire any shotgun, rifle, pistol, fowling piece, or firearm of any description from which shot, ball or balls, bullets or any missile of any kind is or are expelled therefrom by the force of powder or other combustible matter within the territorial limits of the City of Wisconsin Rapids, except that this section shall not apply to any officer of the City of Wisconsin Rapids or State of Wisconsin or the United States while in the performance of his duties in enforcing any ordinance of said city or law of said State or United States. (142)
- (2) It shall be unlawful for any person to hunt, injure, or destroy any kind of bird, bird nest, or animal, or to throw stones or shoot or use any implements or means with the intention of killing or injuring any animal or bird, or to discharge or shoot any airgun or airpistol of any description, or to shoot or discharge any slingshot, bow and arrow, or other similar device within the City of Wisconsin Rapids without first having obtained a permit therefore. (MC#46)
- (3) A permit for hunting animals or birds or to discharge or shoot a firearm, airgun, pellet gun, slingshot, or bow and arrow in the City of Wisconsin Rapids may be obtained from the Chief of Police upon showing that the intended use is in the public interest and under circumstances consistent with the public safety. (MC#46)
- (4) It shall be unlawful for any person to set and leave open or open any single or double spring trap larger than #1□" in size, with or without saw teeth or jagged edges at or in any place or position within the territorial limits of the City of Wisconsin Rapids, where it is possible for any person, domestic animal or fowl to be mashed or trapped and held in any manner whatsoever in such steel trap. (142-A)
- (5) Each of the articles or instruments mentioned in subsections (1), (2), and (4) is hereby declared to be a dangerous weapon and the use thereof in the manner stated in said sections is declared to be against public policy and that such use is prohibited under the power of the common council to act for the health, safety and welfare of the public within the territorial limits of said City of Wisconsin Rapids. (142)
- (6) It shall be the duty of any police officer of the City of Wisconsin Rapids to arrest, with or without warrant, any person found violating any of the provisions of this section, and to seize and confiscate, with or without warrant, any article or instrument declared herein to be a dangerous weapon which he finds being used in violation of the provision of this ordinance. Upon such seizure such officer will hold said articles or instruments until they are ordered destroyed by the court hearing the matter of the violation. (142)
- (7) Any air gun, slingshot, bow and arrow, bow gun or any firearm seized by the police department under the terms of this section may be confiscated and destroyed by the police department in any manner they see fit after the expiration of one year after the initial seizure of said article, unless an appeal is pending regarding said case; if an appeal is pending such article shall not be destroyed until the Court has ruled in the matter; and then only if the finding is in favor of the city, and not until an additional six months elapse from date of such favorable decision.

25.14 LOITERING - GENERAL AND SCHOOLS

- (1) No person shall loiter, loaf or lounge in or about any park, parkway, school ground, or other public ground or place in the City of Wisconsin Rapids between the hours of 11:00 in the evening and 6:00 the next morning and no person or persons shall idly lounge, loiter, hang about or loaf or in such manner congregate or assemble upon any street, sidewalk, corner, bridge or alley or in or about any bus or railroad depot as to obstruct, hinder or delay public travel or so as to disturb or annoy others.
- (2) It shall be unlawful for any person, not in official attendance, or on official school business, to enter into, congregate, loiter, wander, stroll, stand, or play in any school building in the City of Wisconsin Rapids or in or about any school grounds adjacent thereto, between the hours of 7:00 a.m. and 4:00 p.m. official city time, on official school days (MC#977)
- (3) It shall be unlawful for any unauthorized person to enter into, use, or congregate, loiter, wander, stroll, stand, or play in any park and recreational facility in the City of Wisconsin Rapids between the hours of 11:00 p.m. and 5:00 a.m. if it is determined by police that such person constitutes a likely threat to the safety or peace of the public. (MC#665)

25.15 ABANDONED AND DISABLED VEHICLES (MC#725)

- (1) No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any highway or private or public property for such circumstances as to cause the vehicle to reasonably appear to have been

abandoned. Whenever any vehicle has been left unattended without permission of the property owner for more than 48 hours the vehicle is deemed abandoned and constitutes a public nuisance.

- (2) Section 342.40 of the Wisconsin Statutes entitled "VEHICLE ABANDONMENT PROHIBITED; REMOVAL, DISPOSAL" is hereby incorporated by reference.
- (3) The open storage or outdoor parking of wrecked or disabled motor vehicles of more than 10 days is prohibited. For the purposes of this section, the words "wrecked or disabled motor vehicles" is defined as follows: Motor vehicles in such a state of physical or mechanical ruin as to be incapable of self-propulsion or being operated upon the public streets and highways. (MC#910)
- (4) The police department shall inspect the property for violations of this ordinance. If a violation is observed by the police, a written notice of the violation shall be served upon the owner or occupant of the property. The notice shall describe the violation, location, date, and upon whom it was served.
- (5) Failure to comply with the ordinance within 10 days of having been served the notice shall be cause for a citation to be issued to the party named on the notice. The citation shall include the penalty (deposit) amount and a court date.
- (6) Any person violating this ordinance shall pay a forfeiture of \$100.00 and in addition shall pay any cost incurred by the City of Wisconsin Rapids for towing, impounding, or disposal of the vehicle.
- (7) The remedies set forth in Sections 25.15(1) through (6) of the Municipal Code shall authorize the removal of a vehicle after following the procedure set forth therein.

25.16 RESISTING AN OFFICER

No person shall knowingly resist any police officer while engaged in the lawful execution of his duties or counsel, aid, advise or procure any person to resist any such officer so lawfully engaged. Section 946.41 of the Wisconsin Statutes and any amendments thereto is hereby incorporated by reference.

25.17 DRUG PARAPHERNALIA (MC#545)

- (1) Definitions. In this section, "drug paraphernalia" means all equipment, products, and materials of any kind that are used or solely intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following:
 - (a) Kits used or solely intended for use in planting, propagating, cultivating, growing, or harvesting of any species of plant that is a controlled substance or from which a controlled substance can be derived.
 - (b) Kits used or solely intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
 - (c) Isomerization devices used or solely intended for use in increasing the potency of any species of plant that is a controlled substance.
 - (d) Testing equipment used or solely intended for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance.
 - (e) Scales and balances used or solely intended for use in weighing or measuring controlled substances.
 - (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose used or solely intended for use in cutting controlled substances.
 - (g) Separation gins and sifters used or solely intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
 - (h) Blenders, bowls, containers, spoons, and mixing devices used or solely intended for use in compounding controlled substances.
 - (i) Capsules, balloons, envelopes, and other containers used or solely intended for use in packaging small quantities of controlled substances.
 - (j) Containers and other objects used or solely intended for use in storing or concealing controlled substances.
 - (k) Objects used or solely intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls
 - (2) Water pipes
 - (3) Carburetion tubes and devices
 - (4) Smoking and carburetion masks
 - (5) Roach clips, meaning objects used to hold burning material, such as marijuana cigarette, that has become too small or too short to be held in the hand
 - (6) Miniature cocaine spoons and cocaine vials

- (7) Chamber pipes
 - (8) Carburetor pipes
 - (9) Electric pipes
 - (10) Air-driven pipes
 - (11) Chilams
 - (12) Bongs
 - (13) Ice pipes or chillers
- (2) Exclusions. "Drug paraphernalia" excludes hypodermic syringes, needles, and other objects used or intended for use in parenterally injecting substances into the human body.
- (3) Determination. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following:
- (a) Statements by an owner or by anyone in control of the object concerning its use.
 - (b) The proximity of the object, in time and space, to a direct violation of this chapter.
 - (c) The proximity of the object to controlled substances.
 - (d) The existence of any residue of controlled substances on the object.
 - (e) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is solely intended for use as drug paraphernalia.
 - (f) Instructions, oral or written, provided with the object concerning its use.
 - (g) Descriptive materials accompanying the object that explain or depict its use.
 - (h) Local advertising concerning its use.
 - (i) The manner in which the object is displayed for sale.
 - (j) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
 - (k) The existence and scope of legitimate uses for the object in the community.
 - (l) Expert testimony concerning its use.
- (4) Possession of Drug Paraphernalia. No person may use or possess with the sole intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter. Any person who violates this section may be fined not more than \$1,500.00. Any person who violates this section, who is under 18 years of age, is subject to disposition under Section 48.344 of the Wisconsin Statutes.
- (5) Manufacture or Delivery of Drug Paraphernalia. Any person 18 years of age or over who violates Section 25.17(4) of this ordinance by delivering drug paraphernalia to a person under 18 years of age may be fined not more than \$500.00. Any person who violates this section who is under 18 years of age is subject to a disposition under Section 48.344 of the Wisconsin Statutes.
- (6) Advertisement of Drug Paraphernalia. No person may place in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects solely intended for use as drug paraphernalia in violation of this chapter. Any person who violates this section may be fined not more than \$500.00.

25.18 NOISE ORDINANCE

- (1) Declaration of Findings and Policy.
- (a) Whereas excessive noise from light motor vehicles is a serious hazard to the public health and welfare, safety, and the quality of life; and
 - (b) Whereas a substantial body of science and technology exists by which excessive noise from light motor vehicles may be substantially abated; and
 - (c) Whereas the people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health or welfare or safety or degrade the quality of life
 - (d) Now, therefore, it is the policy of the City of Wisconsin Rapids to prevent excessive noise which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.
- (2) Scope. This ordinance shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Wisconsin Rapids.
- (3) Definitions.
- (a) Terminology. All terminology used in this ordinance, not defined below, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI) or its successor body.
 - (b) A-weighted Sound Level This means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
 - (c) Noise level. This shall refer to the A-weighted sound level produced by a light motor vehicle.

- (d) Person. This means any individual, association, partnership or corporation, and includes any officer, employee, department, agency, or instrumentality of a state or any political subdivision of a state.
- (e) Residential Area. This means R-1 and R-2 zoning districts as set forth in the zoning portion of the Municipal Code.
- (f) Sound Level Meter. This means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in American National Standards Institute Standard ANSI S1.4-1971 or its successor.
- (g) Sound Pressure Level. This means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is expressed in decibels.
- (h) Noise. This means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effects on humans.
- (i) Light Motor Vehicle. For the purpose of this ordinance a "light motor vehicle" shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter; or light truck with gross vehicular weight of less than 8,000 pounds.
- (j) Modified Exhaust System. It is an exhaust system in which:
 - (1) The original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or
 - (2) The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices, or
 - (3) Devices have been added to the original noise abatement devices, such that noise levels are increased.
- (4) 80 dBA Noise limit. It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dBA at any location within the corporate limits of the City of Wisconsin Rapids. Measurement can be made at any distance greater than or equal to 15 feet from the closest approach to the vehicle at any suitable site in accordance with procedures outlined in the code of recommended practices on file with the city clerk.
- (5) Excessive Noise. It shall be unlawful for any person to operate a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving, or tire squeal, or as the result of the operation of audio devices such as but not limited to, radios, phonographs, tape players, etc.
- (6) Stationary Test. At the request of the operator of the light motor vehicle, the officer can administer a stationary motor vehicle test as outlined in the Code of Recommended Practices on file with the city clerk. If the officer cannot administer the test at the time of the request, he will notify the operator when and where the operator may have his vehicle tested. The stationary motor vehicle noise test can provide information as to the extent of defectiveness of the exhaust system or as to whether excessive noise levels were caused by improper operation of the light motor vehicle.
- (7) Signaling Devices. It shall be unlawful for any person to operate any horn or other audible signaling device on any motor vehicle except in an emergency or when required by law. Burglar alarms on light motor vehicles shall only be of the electronic signaling type which transmit a non-audible signal to a receiver which can be carried by the owner or operator of the vehicle.
- (8) Severability. If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (9) Penalties. Every person convicted of a violation of this ordinance shall be punished by a fine of not less than \$20.00 or more than \$200.00.
- (10) Stationary Noise
 - (a) In all zoning districts, noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.

OCTAVE BAND CENTER FREQUENCY (Hz)	MAXIMUM SOUND PRESSURE LEVELS (dB) AT PROPERTY BOUNDARY
31.5	72
63	71
125	65
250	57
500	51
1,000	45
2,000	39
4,000	34

"A" Scale Levels (for monitoring purposes) 55 dB(A) in residential zones.

- (11) Construction Noise. Construction equipment in any zone may be operated between the hours of 7:00 a.m. and 7:00 p.m. provided that said equipment does not exceed a maximum sound pressure level of 80 dB(A) measured at the property line of the location at which said equipment is in use.
- (12) Residential Zones. In residential zones, it shall be unlawful for any person to make or engage in any unreasonably loud and raucous noise, yelling, screaming, shouting, hooting, whistling, or singing between the hours of 9:00 p.m. and 7:00 a.m. A noise shall be presumed to be unreasonably loud and raucous, if it is plainly audible within a residence, which is not the building, structure, or property from which the sound originates, or from a distance of 50 feet in the case of noise originating on public property or a public right-of-way. There shall be excepted from this provision any organized sporting events, fairs, carnivals, or similar activities. The person(s) in violation of this ordinance shall be ordered to reduce the noise to acceptable levels immediately by the monitoring officer. (MC#625)
- (13) Lawnmowers, chain saws, powered garden equipment, electric insect killing/repelling devices, and other non-construction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.
- (14) Enforcement. Enforcement of this ordinance shall be on the basis of complaints filed with the Wisconsin Rapids Police Department.
- (15) In all other zones, the violator shall be given 30 days from written notice of his violation to reduce the sound pressure levels to acceptable levels.
- (16) Exceptions. Operation of emergency equipment shall be exempt from this ordinance. Snowblowers not operated on a commercial basis shall be exempt from this ordinance when used to gain access to a city street. (Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of Wisconsin Rapids.)
- (17) Appeals. The Common Council may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this ordinance for existing industries. (MC#920)
- (18) Failure to comply with the provisions of this ordinance shall be punished by a minimum fine of \$20.00, not to exceed \$200.00. Each day the condition exists shall constitute a new offense.

25.19 POSTING ON POLES - PROHIBITED

It shall be unlawful for any person to attach, paste or post any hand bill, poster, picture, cartoon or other advertising matter, or to print, paint or inscribe any advertising matter on any telegraph pole, telephone pole, electric light pole or lamp post or pole, or on any walk, public or private, or on any dwelling house, store, barn, shop or other building, either private, municipal or public, or on any fence, bridge, or on any other building or structure, except on a duly licensed billboard. This section shall not apply to official or public notices given by public authority.

25.20 FIRE ALARM BOXES

It shall be unlawful for any person to give or cause to be given a false alarm with intent to deceive, or to turn the key in the signal box except in case of fire, or to tamper, meddle or interfere in any manner with said boxes or any part thereof, or to cut, break, injure or deface or remove any said boxes or any of the wire or supports thereof connected with any part of the fire alarm telegraph system in the City of Wisconsin Rapids, or to make any connection or communication therewith so as to interfere with the proper working of said system or with evil intent to injure, break or destroy any machinery or fixtures connected with said system. No person shall make or cause to be made, or have in his possession, knowing it to be such, an impression or duplicate of any signal box keys of said fire alarm telegraph system without the permission of the chief of the fire department of said city. (71)

25.21 ELECTRIC POLES AND APPARATUS, TELEGRAPH AND TELEPHONE POLES

It shall be unlawful for any person to intermeddle, tamper with, injure, break, cut, take down or disarrange any telegraph, telephone or electric light tower or mast, pole, fire alarm pole or box, or any wire, cord, lamp or other apparatus or appurtenances used in operating or maintaining any telegraph, telephone, electric light or fire alarm system, or any lantern or glass used in connection with any such poles, mast or tower, or post any bills or posters of any kind whatever upon such poles or posts within the limits of the City of Wisconsin Rapids, provided, however, this section shall not apply to the owners of any such poles or apparatus, or their agents or servants, or to the officers or the employees of the City of Wisconsin Rapids in pursuance of any ordinance or regulation of said city relating to such matters. (33)

25.22 DISORDERLY CONDUCT WITH A MOTOR VEHICLE (MC#192)

No person shall, within the City of Wisconsin Rapids, on public or private property, by or through the use of a motor vehicle, motorcycle, snowmobile or minibike, under circumstances which tend to cause or provoke a disturbance or annoy one or more persons, engage in violent, abusive, unreasonably loud or otherwise disorderly conduct, including but not limited to unnecessary or deliberate or intentional: spinning of wheels, squealing of tires, revving of the engine, blowing the horn(s), causing the engine to backfire, or cause the vehicle, while commencing to move or in motion, to raise one or more of its wheels off the ground. Such conduct is hereby declared to be both unlawful and nuisance, and whosoever is adjudged guilty of such conduct shall forfeit no less than \$25.00, nor more than \$200.00 and the person or persons may also be enjoined from engaging in such conduct in the future.

25.23 PEDESTRIAN AND SCHOOL CROSSING GUARDS (MC#167)

Pedestrian and school crossing guards are authorized to direct and guide pedestrians and school children and other traffic at pedestrian and school crossings to which they may be assigned from time to time. No pedestrian or school crossing guard shall have the power of arrest. Training and supervision shall be under the direction of the Wisconsin Rapids Police Department.

25.24 HARBOR A RUNAWAY (MC#468)

- (1) No person shall knowingly allow, permit, or board any minor child at his/her residence, property, or place of business, where the person knows, or should have known, the child to be a runaway from his or her parents, guardian, or legal custodian.
- (2) Penalty. Any person who violates this ordinance shall, upon conviction, be required to forfeit not less than \$20.00 nor more than \$200.00, together with the costs of the action and in default of payment thereof shall be subject to imprisonment in the county jail for a period not to exceed 30 days.

25.25 SKATEBOARDS, ROLLER SKATES, ROLLER SKIS, INLINE SKATES AND OTHER PLAY VEHICLES (MC#948)

- (1) It shall be unlawful for any person to operate or ride a skateboard, roller skates, roller skis, inline skates or other play vehicles on any public property where signs prohibit it.
- (2) Operators or riders of skateboards, roller skates, roller skis, inline skates or play vehicles shall yield the right-of-way to other pedestrians using city sidewalks, and shall not otherwise endanger or interfere with pedestrian traffic on those sidewalks.
- (3) City Facility for skateboards, aggressive skates and BMX bicycles.
 - (a) The city has designated a facility at Witter Field for recreational use of skateboards, aggressive skates and BMX bicycles, in accord with Section 895.52 of Wisconsin Statutes.
 - (b) The facility in (a) above will be maintained and operated by the city's park and recreation commission for recreational purposes. The city may, at its discretion, specify rules or guidelines for its operation.

25.26 TRUANCY (MC#866)

- (1) Definitions:
 - (a) Truant: shall mean a pupil who is absent from school without an acceptable excuse for part or all of any day on which school is held during a school semester.
 - (b) Habitual Truant: shall mean a pupil who is absent from school without an acceptable excuse for part or all of five or more days on which school is held during a school semester.
 - (c) Dropout: shall mean a child who ceases to attend school, does not attend a public or private school, technical college, or home-based private education system on a full-time basis, has not graduated from high school, and does not have an acceptable excuse under Section 118.15(1)(b) to (d) or (3) of the Wisconsin Statutes, and who is at least 16 years of age but less than 18 years of age.
 - (d) Acceptable Excuse: shall mean an acceptable excuse as defined in Section 118.15 and Section 118.16(4) of the Wisconsin Statutes.
- (2) Any person under the age of 18 years enrolled in school or home-based private education system shall not be a truant, a habitual truant, or a dropout.
- (3) Penalty (Truant). Any person who is deemed to be a truant may be subject to one or more of the following dispositions by the court(MC#907)
 - (a) An order for the person to attend school.
 - (b) A forfeiture of not more than \$50.00 plus costs for the first violation, or a forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation subject to Section 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during the school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (4) Penalty (Habitual Truant). Any person who is deemed to be a habitual truant may be subject to one or more of the following dispositions by the court:

- (a) The suspension of the habitual truant's operating privilege for not more than one (1) year. The court shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice stating the reason for and the duration of the suspension.
 - (b) An order for the habitual truant to participate in counseling, a suspended work program, or other community service work as described in Section 938.34(5g) of the Wisconsin Statutes. The costs of any such counseling, supervised work program, or community service work may be assessed against the habitual truant, the parents or guardian of the habitual truant, or both.
 - (c) An order for the habitual truant to remain at home except during the hours in which the habitual truant 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 habitual truant to leave his or her home if the habitual truant is accompanied by a parent or guardian.
 - (d) An order for the habitual truant to attend an educational program as described in Section 938.34(7d) of the Wisconsin Statutes.
 - (e) An order for the habitual truant to be placed in a teen court program as described in Section 938.342(1g)(f) of the Wisconsin Statutes.
 - (f) An order for the habitual truant to attend school.
 - (g) A forfeiture of not less than \$25.00 nor more than \$500.00, plus costs, subject to Section 938.37 of the Wisconsin Statutes. All or part of the forfeiture, plus costs, may be assessed against the habitual truant, the parents or guardian of the habitual truant, or both.
 - (h) Any other reasonable condition consistent with this ordinance, including a curfew, restrictions as to going to or remaining on specified premises and/or restrictions on associating with other children and/or adults.
 - (i) An order placing the habitual truant under formal or informal supervision as described in Section 938.34(2) of the Wisconsin Statutes for up to one year.
 - (j) An order for the habitual truant's parent, guardian, or legal custodian to participate in counseling at the parent's, guardian's, or legal custodian's own expense, to attend school with the habitual truant, or both.
- (5) Penalty (Dropout). Any person who is deemed to be a dropout may be subject to the court suspending the person's operating privileges until the person reaches the age of 18. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice stating the reason for and the duration of the suspension.
 - (6) The court may order a school district to provide to the court a list of all persons who are known to the school district to be dropouts and who reside within the city limits of Wisconsin Rapids.
 - (7) Any parent, guardian, or other adult who knowingly allows a child to absent himself or herself from attendance at school without an acceptable excuse shall be in violation of this section of the ordinance and may be subject to a forfeiture of not less than \$50.00 or more than \$100.00 for the first offense, and not less than \$50.00 nor more than \$300.00 for any subsequent offense within a one-year period.

25.27 RESIDENTIAL PICKETING (MC#564)

- (1) Declaration. It is declared that the protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community require that members of the community enjoy in their homes and dwellings a feeling of well-being, tranquility, and privacy, and when absent from their homes and dwellings, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; that the practice of picketing before or about residences and dwellings causes emotional disturbance and distress to the occupants; obstructs and interferes with the free use of public sidewalks and public ways of travel; that such practice has as its object the harassing of such occupants; and without resort to such practice full Opportunity exists, and under the terms and provisions of this chapter will continue to exist for the exercise of freedom of speech and other constitutional rights; and that the provisions hereinafter enacted are necessary for the public interest to avoid the detrimental results herein set forth and are enacted by the Wisconsin Rapids Common Council pursuant to the provisions of Section 62.11(5) of the Wisconsin Statutes, which statute give powers to the common council to enact these regulations.
- (2) Picketing Residence or Dwelling Unlawful. It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the City of Wisconsin Rapids.
- (3) Penalty for Violations. Any person violating the provisions of this section of the municipal code of the City of Wisconsin Rapids shall, upon conviction for the first offense, forfeit not less than \$25.00 nor more than \$200.00, together with the costs of prosecution.

Any person who shall be guilty of violating this section of the municipal code of the City of Wisconsin Rapids, who has previously been convicted of a violation thereof within one year, shall upon conviction thereof forfeit not less than \$25.00 nor more than \$500.00 for each such offense, together with the costs of prosecution.

25.28 CEMETERY RESTRICTIONS (MC#592)

- (1) (a) (1) No person, except authorized personnel, shall be allowed on Forest Hill Cemetery property from one-half hour after sunset to one-half hour before sunrise. (MC#607)
- (1) (a) (2) A copy of a written authorization from the Cemetery Association to be in the cemetery after hours must be carried on the person(s) to whom the authorization was granted, and posted in the window of his/her vehicle. (MC#607)
- (b) No persons using snowmobiles, skateboards, all-terrain vehicles, or cross country skis shall be allowed in the cemetery.
- (c) No unattended pets shall be allowed on cemetery grounds and the person in control of the pet shall be responsible for clean up of any feces.
- (d) No alcoholic beverages shall be allowed on cemetery grounds.
- (e) No hunting shall be allowed on cemetery property.
- (f) Minors are not allowed in the cemetery except for the express purpose of visitation of grave sites, attendance at burials, attendance or participation in cemetery-related ceremonies, and authorized school, church, or educational projects subject to notification of Forest Hill Association Manager.
- (2) Penalty. Every person convicted of a violation of this ordinance shall be punished by a fine of not less than \$25.00 or more than \$200.00.

25.29 PUBLIC NUISANCES PROHIBITED

- (1) Public Nuisances Prohibited. No person shall erect, contrive, cause, maintain, or permit to exist any public nuisance within the City of Wisconsin Rapids. This section shall apply in all instances not enumerated in all previous sections of this chapter.
- (2) Definitions.
 - (a) Public Nuisance: A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public
 - (2) In any way render the public insecure in life or in the use of property
 - (3) Greatly offend the public morals or decency
 - (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.
 - (b) Public Nuisances Affecting Health: The following acts, omissions, places conditions and things are hereby declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of subsection (1) of this section.
 - (1) All decayed, harmfully adulterated or unwholesome food or drink.
 - (2) Carcasses of animals, birds, fish or fowl not intended for human consumption or food which is not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - (3) Accumulation of decayed animal waste or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed.
 - (4) All stagnant water in which mosquitoes, flies or other insects can multiply.
 - (5) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the city limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the city.
 - (c) Public Nuisances Affecting Peace and Safety: The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting public peace or safety coming within the provisions of subsection (1) of this section.
 - (1) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
 - (2) All trees, hedges, signs, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
 - (3) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

- (4) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- (5) All loud, discordant and unnecessary noises or vibrations of any kind.
- (6) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the city.
- (7) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the city or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- (8) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- (9) All abandoned refrigerators, freezers, or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (10) The use of semi-trailers for storage purposes for any goods, materials, supplies, merchandise or waste materials is hereby prohibited.
- (11) Unauthorized parking or driving of vehicles within public parks and athletic fields. (MC#527)
- (12) Parking of a vehicle on property designated for a senior citizen center unless as an authorized user or visitor to the center. (MC#660)
- (13)
 - (a) Installation of delivery tubes or mounting apparatuses without the owner or occupants consent shall constitute a nuisance and will be subject to the provisions for penalty and abatement listed in this code. (MC#769)
 - (b) The delivery of papers, advertisers, shoppers, or flyers in such a way that these publications accumulate (more than one) on the ground, steps, or sidewalk of any property shall constitute a nuisance and will be subject to the provisions for penalty and abatement listed in this code. (MC#769)
- (14) The placement of objects such as collection or delivery racks on city boulevards without permission of the traffic engineer or the Public Works Committee shall constitute a nuisance and will be subject to the provisions for penalty and abatement listed in this code. (MC#769) (MC#920)

(3) Abatement of Public Nuisances

- (a) Inspection of Premises. Whenever complaint is made to the mayor that a public nuisance exists within the City of Wisconsin Rapids, he shall promptly notify the chief of police, health officer, or building inspector who shall forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the mayor. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the city clerk.
- (b) Summary Abatement.
 - (1) Notice to Owner. If the inspecting officer shall determine that a public nuisance exists within the city and that there is great and immediate danger to the public health, safety, peace, morals or decency, the mayor may direct the chief of police to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the city will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
 - (2) Abatement by City. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the health officer, in case of health nuisances, and the chief of police, in other cases, shall cause the abatement or removal of such public nuisance.
- (c) Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the mayor who shall cause an action to abate such nuisance to be commenced in the name of the city in the Circuit Court of Wood County in accordance with the provisions of Section 146.14 of the Wisconsin Statutes.
- (d) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the City of Wisconsin Rapids, or its officials in accordance with the laws of the State of Wisconsin.

- (4) Cost of Abatement. In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.
- (5) Penalty Provisions.
 - (a) General Penalty. Any person who will violate any provision of this section shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (1) First Offense - Penalty. Any person who will violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$25 nor more than \$100.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 90 days.
 - (2) Second Offense - Penalty. Any person found guilty of violating this section who shall previously have been convicted of a violation of the same ordinance shall upon conviction thereof, forfeit not less than \$25 nor more than \$200 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.
 - (b) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of this section, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody issue an execution against the property of the defendant for said forfeiture and costs.

25.30 JUVENILE DISPOSITIONS/MUNICIPAL COURT (MC#758)

- (1) The Municipal Court is authorized to impose alternative juvenile dispositions and sanctions listed in Sections 938.343 and 938.344 of the Wisconsin State Statutes in accordance with the provisions of those statutes for a juvenile adjudged to have violated an ordinance.
- (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a disposition order of the court under Sections 938.343 or 938.344 of the Wisconsin State Statutes, the municipal court is authorized to impose any of the sanctions listed in Section 938.355(6)(d) of the Wisconsin Statutes in accordance with the provisions of those statutes.

25.31 POSSESSION/USE OF LASER POINTING DEVICES. (MC#847)

- (1) It shall be unlawful for any person to focus, point, or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass, annoy, or injury said person or animal.
- (2) It shall be unlawful for any person under the age of 18 years to possess a laser pointing device. A person shall not be in violation of this section if his possession of a laser pointing device is necessary for his employment, trade or occupation, and it is necessary for the pointer to be carried on his person.

25.32 EXPLOSIVE AND OTHER MATERIAL CLEANUP (MC#87)

- (1) Any person found guilty of placing an explosive, chemical or biological device without a permit and/or violating Section 943.02 of the Wisconsin Statutes or similar laws, or who falsely reports an explosive, chemical or biological device shall be charged for any and all costs incurred by the City of Wisconsin Rapids or its contractors to mediate, remove, mitigate or make safe the device or investigate the report of a device. These charges shall include all labor, equipment, vehicle and ancillary costs associated with the incident involving an actual or reported explosive, chemical or biological device.
- (2) The invoice for services shall be provided to the person(s) found guilty of such an offense or their legal guardians/representative(s).
- (3) Definitions:
 - (a) Guilty: Found to have committed or participated in the offense by a court of legal jurisdiction, or a board/commission of legal jurisdiction, i.e. school board, etc.
 - (b) Legal Guardian/Representative: Any person(s), firm(s), company(ies) or corporation(s) who has (have) legal financial responsibility, interest and/or guardianship of the guilty persons(s).
 - (c) Device: Mechanism, ruse, apparatus, appliance, plan, trick, device or symbol.

25.33 FRAUDULENT TAPPING OF ELECTRIC WIRES OR GAS OR WATER METERS OR PIPES (MC#1016)

- (1) No person may, without permission and for the purpose of obtaining electrical current, gas or water with intent to defraud any vendor of electricity, gas or water, do any of the following:
 - (a) Connect or cause to be connected by wire or any other device with the wire, cables or conductors of any such vendor.

- (b) Connect or disconnect the meters, pipes or conduits of the vendor or in any other manner tamper or interfere with the meters, pipes or conduits, or connect with the meters, pipes or conduits by pipes, conduits or other instruments.
 - (c) Knowingly take, receive, use or convert to such person's own use, or the use of another, any electricity, water, or gas which has not been measured or authorized.
 - (d) Cut, remove or in any manner make ineffective any seal, locking band or lock on an electric, gas or water meter.
- (2) The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, is presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through the meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created the conditions. The presumption does not apply to any person furnished with gas, electricity or water for less than 31 days or until there has been at least one meter reading.
 - (3) Any person violating this section may be subject to a forfeiture of not less than \$200 nor more than \$500. Each day that a violation continues is a separate violation.
 - (4) Any person violating this section will be required to make full restitution to the utility company for the cost of services obtained in violation of the ordinance, and the cost of any damage to the equipment of a utility company as a result of the violation.

25.34 DEER AND WATERFOWL FEEDING BAN (MC#1059)

- (1) Feeding of Deer Prohibited. No person may feed deer through the placement of any salt, mineral, grain, fruit, or vegetable material outdoors on any public or private property.
 - (a) Definition of Deer Feeding. The following acts shall constitute deer feeding:
 - (1) The placement of salt, mineral, grain, fruit, or vegetable material in an aggregate quantity of greater than one-half gallon at the height of less than 6 feet off the ground.
 - (2) The placement of salt, mineral, grain, fruit, or vegetable material in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder, or similar device regardless of the height of the grain, fruit, or vegetable material.
 - (3) Any other method of placing salt, mineral, grain, fruit, or vegetable material out of doors, or allowing salt, mineral, grain, fruit, or vegetable materials to remain out of doors in a manner that would encourage consumption by deer.
 - (4) Any feeder placed 50 feet or more from any deeded residence.
 - (b) Exception. This section shall not apply to the following situations:
 - (1) Hunting. The placement of bait for the purpose of hunting deer subject to all other laws, ordinances, rules, and regulations governing hunting and the discharge of hunting weapons.
 - (2) Naturally Growing Materials. Naturally growing grain, fruit, or vegetable material, including gardens.
 - (3) Bird Feeders. Unmodified commercially purchased bird feeders or their equivalent.
 - (4) Authorized by the City of Wisconsin Rapids. Deer feeding may be authorized on a temporary basis by the Common Council for a specific purpose as determined by the Common Council.
- (2) Feeding of Waterfowl Prohibited. No person may feed, provide, or give any food or edible item to any waterfowl in public parks or public property, including streets, sidewalks, rights-of-way, or public lands within the City of Wisconsin Rapids.
 - (a) Definition of Waterfowl: Any wild bird that frequents the water, or lives about rivers, lakes, ponds, etc., including but not limited to ducks, geese, and gulls.
 - (b) Exception: This Section shall not prohibit the feeding of waterfowl at the Wisconsin Rapids Zoo if there is an area or areas specifically designated and posted to allow for waterfowl feeding.

25.35 SMOKING REGULATIONS.

Section 101.123, Wisconsin Statutes, is adopted by reference and incorporated as though fully set forth herein.

101.123 Smoking prohibited.

- (1) Definitions. In this section:
 - (ab) "Assisted living facility" means a community-based residential facility, as defined in s. 50.01 (1g), a residential care apartment complex, as defined in s. 50.01 (1d), or an adult family home, as defined in s. 50.01 (1) (b).
 - (abm) "Child care center" has the meaning given in s. 49.136 (1) (ad).
 - (ac) "Correctional facility" means any of the following:
 - 1. A state prison, as defined or named in s. 302.01, except a correctional institution under s. 301.046 (1) or 301.048 (4) (b) if the institution is the prisoner's place of residence and no one is employed there to ensure the prisoner's incarceration.

2. A juvenile detention facility, as defined in s. 938.02 (10r), or a juvenile correctional facility, as defined in s. 938.02 (10p), except a juvenile correctional facility authorized under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539 (5) if the facility is a private residence in which the juvenile is placed and no one is employed there to ensure that the juvenile remains in custody.
 3. A jail, as defined in s. 165.85 (2) (bg), a Huber facility under s. 303.09, a work camp under s. 303.10, a reforestation camp under s. 303.07, or a lockup facility under s. 302.30.
- (ae) "Educational facility" means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.
- (aj) Notwithstanding s. 101.01 (5), "employment" means any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged.
- (ak) "Enclosed place" means a structure or area that has all of the following:
1. A roof.
 2. More than 2 substantial walls.
- (ar) "Immediate vicinity of the state capitol" means the area directly adjacent to the state capitol building, as determined by rule of the department of administration. "Immediate vicinity of the state capitol" does not include any location that is more than six feet from the state capitol building.
- (b) "Inpatient health care facility" means a hospital, as defined in s. 50.33 (2), a county home established under s. 49.70, a county infirmary established under s. 49.72, a nursing home, as defined in s. 50.01 (3), a hospice, as defined in s. 50.90 (1), a Wisconsin veterans home under s. 45.50, or a treatment facility.
- (bn) "Lodging establishment" means any of the following:
1. A bed and breakfast establishment, as defined in s. 254.61 (1).
 2. A hotel, as defined in s. 254.61 (3).
 3. A tourist rooming house, as defined in s. 254.61 (6).
- (d) "Person in charge" means the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this section.
- (dj) Notwithstanding s. 101.01 (11), "place of employment" means any enclosed place that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.
- (dn) "Private club" means a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.
- (e) "Public conveyance" means a mass transit vehicle as defined in s. 340.01 (28m), a school bus as defined in s. 340.01 (56), or any other device by which persons are transported, for hire, on a highway or by rail, water, air, or guidewire within this state, but does not include such a device while providing transportation in interstate commerce.
- (eg) "Public place" means any enclosed place that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.
- (f) "Restaurant" means an establishment as defined in s. 254.61 (5).
- (g) "Retail establishment" means any store or shop in which retail sales is the principal business conducted.
- (gg) "Retail tobacco store" means a retail establishment that does not have a "Class B" intoxicating liquor license or a Class "B" fermented malt beverages license and that generates 75 percent or more of its gross annual income from the retail sale of tobacco products and accessories.
- (h) "Smoking" means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:
1. A lighted cigar.
 2. A lighted cigarette.
 3. A lighted pipe.
 4. Any other lighted smoking equipment.
- (hm) "Sports arena" means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.

- (i) "State institution" means a mental health institute, as defined in s. 51.01 (12), a center for the developmentally disabled, as defined in s. 51.01 (3), or a secure mental health facility at which persons are committed under s. 980.06.
 - (id) "Substantial wall" means a wall with an opening that may be used to allow air in from the outside that is less than 25 percent of the wall's surface area.
 - (im) "Tavern" means an establishment, other than a restaurant, that holds a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license.
 - (in) "Tobacco bar" means a tavern that generates 15 percent or more of its annual gross income from the sale on the tavern premises, other than from a vending machine, of cigars and tobacco for pipes.
 - (io) "Tobacco product" means any form of tobacco prepared in a manner suitable for smoking but not including a cigarette.
 - (ip) "Treatment facility" means a publicly or privately operated inpatient facility that provides treatment of alcoholic, drug dependent, mentally ill, or developmentally disabled persons.
 - (j) "Type 1 juvenile correctional facility" has the meaning given in s. 938.02 (19).
- (2) Prohibition against smoking.
- (a) Except as provided in sub. (3), no person may smoke in any of the following enclosed places:
 - 1g. The state capitol.
 - 1m. Residence halls or dormitories owned or operated by a college or university.
 - 1r. Child care centers.
 - 2. Educational facilities.
 - 3. Inpatient health care facilities.
 - 4. Theaters.
 - 5m. Correctional facilities.
 - 5t. State institutions.
 - 7. Restaurants.
 - 7m. Taverns.
 - 7r. Private clubs.
 - 8. Retail establishments.
 - 8d. Common areas of multiple-unit residential properties.
 - 8g. Lodging establishments.
 - 8r. State, county, city, village, or town buildings.
 - 9. All enclosed places, other than those listed in subds. 1g. to 8r. that are places of employment or that are public places.
 - (d) No person may smoke at any of the following outdoor locations:
 - 1. In the immediate vicinity of the state capitol.
 - 2. Anywhere on the premises of a child care center when children who are receiving child care services are present.
 - 3. Anywhere on the grounds of a Type 1 juvenile correctional facility.
 - 4. A location that is 25 feet or less from a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System.
 - (e) No person may smoke in any of the following:
 - 1. A sports arena.
 - 2. A bus shelter.
 - 3. A public conveyance.
- (2m) Responsibility of persons in charge.
- (a) No person in charge may allow any person to smoke in violation of sub. (2) at a location that is under the control or direction of the person in charge.
 - (b) A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.
 - (c) A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:
 - 1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
 - 2. Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.
 - 3. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.

- (d) If a person refuses to leave a location after being requested to do so as provided in par. (c) 3., the person in charge shall immediately notify an appropriate law enforcement agency of the violation.
- (e) A person in charge may take measures in addition to those listed in pars. (b) and (c) to prevent persons from being exposed to others who are smoking or to further ensure compliance with this section.
- (3) Exceptions. The prohibition against smoking in sub.(2) (a) does not apply to the following:
 - (h) A private residence.
 - (i) A room used by only one person in an assisted living facility as his or her residence.
 - (j) A room in an assisted living facility in which 2 or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.
 - (l) A retail tobacco store that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.
 - (m) A tobacco bar that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.
- (4m) Local authority. This section does not limit the authority of any county, city, village or town to enact ordinances or of any school district to adopt policies that, complying with the purpose of this section, protect the health and comfort of the public. If a county, city, village, or town enacts an ordinance, or if a school district adopts a policy, regulating or prohibiting outside smoking in certain areas as authorized under this subsection, the ordinance may apply only to public property under the jurisdiction of the county, city, village, town, or school district.

Such ordinance shall provide that the person in charge of a restaurant, tavern, private club, or retail establishment located in an area subject to the ordinance may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke. Such ordinance may not define the term "reasonable distance" or set any specified measured distance as being a "reasonable distance."
- (6) Uniform signs. The department shall, by rule, specify uniform dimensions and other characteristics of the signs required under sub. (2m). These rules may not require the use of signs that are more expensive than is necessary to accomplish their purpose.
- (7) Signs for state agencies. The department shall arrange with the department of administration to have signs prepared and made available to state agencies for use in state facilities that set forth the prohibition against smoking.
- (8) Penalties.
 - (a) Any person who violates sub. (2) shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation.
 - (d) Except as provided in par. (dm) or (em), any person in charge who violates sub. (2m)(b) to (d) shall be subject to a forfeiture of \$100 for each violation.
 - (dm) For violations subject to the forfeiture under par. (d), if the person in charge has not previously received a warning notice for a violation of sub. (2m) (b) to (d), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
 - (em) No person in charge may be required under par. (d) to forfeit more than \$100 in total for all violations of sub. (2m) (b) to (d) occurring on a single day.
- (9) Injunction. Notwithstanding s. 165.60, state or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this section.

25.36 NUISANCE ORDINANCE

(a) Chronic Nuisance Premises

Findings. The Wisconsin Rapids Common Council finds that certain premises within the City require and receive a disproportionate amount of Police Department services and Community Development Department inspection and zoning services, place an undue and inappropriate burden on City taxpayers, and constitute public nuisances. Nuisance activity contributes to the general decay of an affected neighborhood and negatively impacts law-abiding residents in these neighborhoods, as well as the economic values of all properties in the vicinity of this activity. Often this disproportionate devotion of City resources is due to a property owner's own actions or failure of the property owner to accept and exercise sufficient responsibility for and over the actions of occupants, guests, agents or employees that reside in or frequent the premises. This ordinance is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their premises conform to the law and do not unduly burden the City's Police Department and Community Development Department and to provide a mechanism for the City to take action against property owners who

chronically, routinely, actively, consistently, or often fail to ensure their premises do not require a disproportionate devotion of City resources. This section is not intended to discourage crime victims or a person in legitimate need of police services from requesting them.

(b) No property owner shall maintain a chronic nuisance premises. Chronic nuisance premises means a premises that meets any of the following criteria:

- (1) Is a premises which has nuisance activity occurring on the premises three times during a one hundred twenty (120) day period and resulting in enforcement action;
- (2) Is a premises which has had one enforcement action resulting from the manufacture or delivery of controlled substance or related offenses, as defined in Chapter 961 of the Wisconsin Statutes.

(c) Definitions. The following terms shall be defined as follows in this section.

- (1) Chief. The Chief of Police or his or her designee.
- (2) Chief Inspector. The Chief Building Inspector or his or her designee.
- (3) Chronic Nuisance Abatement Plan. A plan that is required for any owner whose property has been declared a chronic nuisance premises.
- (4) Enforcement Action. An arrest, the issuance of a citation, the issuance of a summons and complaint, the issuance of a written warning, an order to abate a code violation, or a notice of violation from the City's Police Department, the City's Community

Development Department, or a local or state law enforcement agency.

(5) Nuisance Activity. Any of the following activities, behaviors, or conduct occurring on a premises:

- (A) An act of harassment, as defined in Section 947.013 of the Wisconsin Statutes.
- (B) Disorderly conduct, as defined in Section 947.01 of the Wisconsin Statutes.
- (C) Crimes of violence, as defined in Chapter 940 of the Wisconsin Statutes.
- (D) Crimes against sexual morality including, but not limited to, lewd and lascivious behavior and prostitution, as defined in Chapter 944 of the Wisconsin Statutes.
- (E) Obstructing or resisting an officer, as defined in Section 946.41 of the Wisconsin Statutes.
- (F) Damage to property, as defined in Section 943.01 of the Wisconsin Statutes.
- (G) Theft, as defined in Section 943.20 of the Wisconsin Statutes.
- (H) Receiving stolen property, as defined in Section 943.34 of the Wisconsin Statutes.
- (I) Arson, as defined in Section 943.02 of the Wisconsin Statutes.
- (J) Possession, manufacture, or delivery of controlled substance or related offenses, as defined in Chapter 961 of the Wisconsin Statutes.
- (K) Gambling, as defined in Section 945.02 of the Wisconsin Statutes.
- (L) Animal violations, as defined in Chapter 25 of the Wisconsin Rapids Municipal Code.
- (M) Trespassing, as defined in Section 943.13 and Section 943.14 of the Wisconsin Statutes.
- (N) Loitering or curfew violations, as defined in Chapter 25 of the Wisconsin Rapids Municipal Code
- (O) Weapons violations, as defined in Chapter 25 of the Wisconsin Rapids Municipal Code.
- (P) Noise violations, as defined in Chapter 25 of the Wisconsin Rapids Municipal Code.
- (Q) Any conspiracy to commit, as defined in Section 939.31 of the Wisconsin Statutes, or attempt to commit, as defined in Section 939.32 of the Wisconsin Statutes, any of the activities, behaviors, or conduct enumerated in subsections 5. (A) through (P) above.
- (R) Violations of the Building, Plumbing, and Electrical Codes, as defined in Chapters 14, 15, and 17, respectively, of the Wisconsin Rapids Municipal Code.
- (S) Violations of the Fire and Safety Code as defined in Chapter 18 of the Wisconsin Rapids Municipal Code.

- (T) Violations of the International Property Maintenance Code, as defined in Chapter 36 of the Wisconsin Rapids Municipal Code
 - (U) Public nuisance violations, as defined in Chapter 25 of the Wisconsin Rapids Municipal Code.
 - (V) Alcohol violations, as defined in Chapters 22 and 23 of the Wisconsin Rapids Municipal Code and Chapter 125 of the Wisconsin Statutes.
 - (W) Social host violations as provided in Section 23.7 of the Wisconsin Rapids Municipal Code.
 - (X) County or state health code violations.
 - (Y) Landfill Waste violations as defined in Chapter 7 of the Wisconsin Rapids Municipal Code.
- (6) Nuisance Activity. Does not include activities, behaviors or conduct that result in a call for assistance made by the owner or occupant requesting law enforcement services related to any of the following:
- (A) Domestic abuse as defined in Section 813.12(1)(am) of the Wisconsin Statutes.
 - (B) Sexual assault as described in Sections 940.225, 948.02 and 948.025 of the Wisconsin Statutes.
 - (C) Stalking as defined in Section 940.32 of the Wisconsin Statutes.
- (7) Owner. The owner of the premises and his or her agent.
- (8) Premises. An individual dwelling unit; an individual apartment in an apartment building; a unit in a mobile home park; or an individual business premises and associated common areas.
- (d) Notices and Designation of Chronic Nuisance Premises
- (1) Whenever a premises has a second nuisance activity within the previous 120 days that results in an enforcement action, the owner of the premises shall be notified via first class mail at the owner's last known address. The notice shall contain the street address of the premises and a description of the nuisance activity that has occurred at the premises. The notice shall also contain a link to the City's Chronic Nuisance Ordinance, and shall state that if the premises has three nuisance activities resulting in enforcement action during a 120 day period, the cost of future enforcement may be assessed as a special charge against the owner.
 - (2) Whenever the Chief or Chief Inspector finds that a premises meets the definition of a chronic nuisance premises, such official shall notify the premises owner in writing that the premises are declared a chronic nuisance premises. In reaching this determination, the police shall not count nuisance activities that were reported by the owner of the premises. In calculating the nuisance activities, the official may count separate qualifying nuisance activities occurring on the same day (as long as they are distinct in time) or different days. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, and a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner. The notice shall further provide a statement that the owner shall, within 10 days of receipt of the notice, provide the Chief or Chief Inspector in writing, a course of action that will be taken to abate the nuisance activities, as provided for in Section (e).
 - (3) Delivery of Notice. The notices in Section (d)(2) above shall be deemed to be properly delivered if sent either by certified mail to the property owner's last known address, or if delivered in person to the property owner. If the property owner cannot be located, the notice shall be deemed properly delivered if left at the property owner's usual place of residence in the presence of a competent family member at least 14 years of age, or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by certified mail to the last known address of the owner as identified by the records of the tax roll.
- (e) Chronic Nuisance Abatement Plan. If the owner responds to the notice in Sections (d)(2) and (d)(3) within 10 days of the receipt of notice or posting and mailing of the notice with a nuisance abatement proposal for any premises designated as chronic nuisance premises, the Chief or Chief Inspector or his or her designee may accept, reject, or work with the owner to modify the proposal in his or her discretion. The designated Chronic Nuisance abatement proposal shall include steps that shall be undertaken to mitigate chronic nuisances,

which may include, but are not limited to, landlord tenant screening, tenant education, tenant eviction procedures, property maintenance plan, ordinance education, community resource assistance, server/alcohol licensing education, and other preventative practices to improve the premises. The Chief or Chief Inspector shall provide written notice to the owner of the acceptance or rejection of the nuisance abatement proposal.

- (f) Additional Nuisance Activity. Whenever the Chief or Chief Inspector determines that additional nuisance activity has occurred at a premises for which notice has been issued pursuant to Section (d), that this nuisance activity has occurred not less than fifteen days after notice has been issued nor more than one hundred eighty days after the last enforcement action, and that reasonable efforts have not been made to abate the nuisance activity, the Chief or Chief Inspector may calculate the cost of police or other staff response and enforcement for this and any subsequent nuisance activities and cause such charges and administrative costs to be assessed against the premises as a fee for current service authorized by Wis. Stats. §§ 62.11 and 66.0628 and collected as a special charge which the City may impose as a lien against the real estate upon which the premises is located. Notwithstanding the foregoing, nothing in this section shall authorize charges for calls for assistance described in Wis. Stats. § 66.0627(7) and collected as a special charge.
- (g) Appeal. The owner of any premises determined to be a chronic nuisance premises by the Chief or Chief Inspector pursuant to Section (d) may appeal the determination, or the rejection of the owner's abatement plan submitted under Section (e), to the Common Council within 30 days of the date of notice issued pursuant to Sections (d), (e) or (f) by providing written notice to the City Clerk, with a copy to the City Attorney and Police Chief. The Common Council shall set a hearing on such appeal and provide written notice of the hearing to the owner. The Common Council shall hear any and all evidence it deems relevant and shall affirm or reverse the determination of the Chief or Chief Inspector. Chapter 68 of the Wisconsin Statutes shall not apply to such an appeal or hearing. (MC #1223)

25.37 Anti-Bullying (MC # 1254)

- (1) Definitions. As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (a) Bullying: "Bullying" is a form of harassment and is defined as an intentional course of conduct which is reasonably likely to intimidate, emotionally abuse, slander or threaten another person and which serves no legitimate purpose.
 - (b) Course of Conduct: "Course of conduct" is defined as a pattern of conduct composed of a series of acts over a period of time however short, evidencing a continuity of purpose.
 - (c) Harassment: "Harassment" is defined as any conduct, whether verbal, physical, written, or by means of any mode of communication, which:
 - (1) Is prohibited by Wis. Stats., §§ 947.01, 947.012, 947.0125, or 947.013; or
 - (2) Is any intentional course of conduct which is likely to create an intimidating, hostile or offensive environment, and which serves no legitimate purpose.
- (2) Prohibition. It shall be unlawful for any person to engage in any bullying or harassment of a person or induce another person to engage in such bullying or harassment.
- (3) Retaliation Prohibited. No person shall retaliate against any person who reports any conduct which is prohibited by this Section.
- (4) Constitutionally Protected Activity. This Section shall not be construed to apply to any constitutionally protected activity or speech.
- (5) Parental Responsibility. It shall be unlawful for any custodial parent or guardian of any un-emancipated person under eighteen (18) years of age to allow or permit such person to violate the provisions of Subsections (2) and (3) above. The fact that prior to the present offense a parent, guardian or custodian was informed in writing by a law enforcement officer of a separate violation of Subsections (2) and (3) by the same minor occurring within ninety (90) days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation.
- (6) Any person who shall violate any provision of this Section shall be subject to a forfeiture of \$50 plus costs for the first offense, \$100 plus costs for the second offense, and \$250 plus costs for subsequent offenses.

SECTION II All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION III This ordinance shall take effect upon passage and publication.