

Chapter 9

PUBLIC PEACE AND GOOD ORDER

- 9.29.288 to 9.961.573(1)** Offenses Against State Laws Subject to Forfeiture
- 9.02** Firearms
- 9.03** Throwing Stones and Other Missiles Prohibited
- 9.04** Regulation of Fireworks
- 9.05** Obstructing Streets and Sidewalks Prohibited
- 9.06** Loud and Unnecessary Noise Prohibited
- 9.07** Care, Custody and Control of Animals
- 9.08** Neglected or Abandoned Animals
- 9.09** Storage of Junk, Etc., Regulated
- 9.10** Littering Prohibited
- 9.11** Obedience to Officers
- 9.12** Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited
- 9.13** Abandoned or Unattended Refrigerators, Etc., Prohibited
- 9.14** Vandalism
- 9.15** Concealed Weapons
- 9.16** Hunting in City Prohibited
- 9.17** Curfew
- 9.18** Unlawful Assemblies
- 9.19** Sale, Distribution and Possession of Iso-Butyl Nitrate
- 9.20** Peanut, Popcorn and Crackerjack Stands
- 9.21** Drinking
- 9.22** Disorderly Conduct
- 9.23** Theft; Refusal to Pay for A Vehicle Ride
- 9.24** Truancy
- 9.25** Unlawful Sheltering of Minors
- 9.26** Purchase or Possession of Tobacco Products By Children Prohibited
- 9.27** Loitering Prohibited
- 9.28** Theft or Destruction of Library Materials
- 9.29** Alarm Systems; False Alarms
- 9.30** Penalties
- 9.31** Sexual Offender Residency Restrictions

9.29.288 to 9.961.573(1) Offenses Against State Laws Subject to Forfeiture¹

The following statutes following the prefix "9" defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the City, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Section 25.04 of this Municipal Code.

9.29.288	Throwing Refuse in Waters/Abandoning Vehicles
9.50.58	Careless Smoking
9.110.075(7)	Producing/Using Inspection Sticker Fraudulently
9.134.06	Motor Vehicles Sales/Bonus to Chauffeur Prohibited
9.134.66	Restrictions on Sale or Gift of Cigarettes or Tobacco Products ²
9.144.42(2)	Pollution by Motor Vehicle/Failure to Repair
9.175.25	Illegal Storage of Junked Vehicles
9.194.21	Accepting or Receiving Transportation Rebates
9.218.01(7a)	Used Cars/Prohibited Acts
9.218.01(7b)	Motor Vehicles/Sale to Minor
9.254.92	Purchase or Possession of Cigarettes or Tobacco Products by Person Under 18 Prohibited ³
9.346.935	Drinking In Motor Vehicles On Highway
9.939.05	Aiding and Abetting
9.939.22	Words and Phrases Defined
9.940.19	Battery to Police Officer ⁴
9.940.20	Battery
9.941.03	Highway Obstruction
9.941.10	Negligent Handling of Burning Materials
9.941.12	Interfering With or Failing to Assist In Fire Fighting
9.941.13	False Alarms and Interference With Fire Fighting
9.941.20	Reckless Use of Weapon
9.941.23	Carrying Concealed Weapon
9.941.24	Possession of Switch Blade Knife
9.943.01	Criminal Damage to Property (Less than \$200.00)
9.943.06	Molotov Cocktails
9.943.13	Criminal Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.20	Theft (Less than \$100.00)
9.943.21(3)(a)	Fraud on Innkeeper \$200.00 ⁵
9.943.24	Issue of Worthless Checks
9.943.45	Theft of Telecommunications Service 100.00 ⁶
9.943.50	Shoplifting

¹ Secs. 9.29.288-9.951.01-16 Amended by Ordinance No. 9-1989-90, Enacted _____, 1989.

² Added by Ordinance No. _____-2007-08, Enacted _____, 2007.

³ Added by Ordinance No. _____ - 2007-08, Enacted _____, 2007.

⁴ Amended by Ordinance No. 12-1983-84, Enacted _____, 19__.

⁵ Added by Ordinance No. 9-1989-90, Enacted _____, 1989.

⁶ Added by Ordinance No. 9-1989-90, Enacted _____, 1989.

9.944.15	Fornication
9.944.20	Lewd and Lascivious Behavior
9.944.21	Lewd, Obscene or Indecent Matter, Pictures and Performances
9.944.22	Possession of Lewd, Obscene or Indecent Matter
9.944.23	Making Lewd, Obscene or Indecent Drawings
9.944.30	Prostitution
9.944.31	Patronizing Prostitutes
9.944.33	Pandering
9.944.34	Keeping Place of Prostitution
9.945.01	Definitions Relating to Gambling
9.945.02	Gambling
9.945.03	Commercial Gambling
9.945.04	Permitting Premises to Be Used for Commercial Gambling
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.42	Escape
9.946.44	Assisting or Permitting Escape
9.946.65	Obstructing Justice
9.946.70	Personating Peace Officer
9.946.72	Tampering with Public Records and Notices
9.947.01	Disorderly Conduct
9.947.015	Bomb Scares
9.947.047	Littering Shores
9.947.06	Unlawful Assemblies
9.947.08	Crime Comics
9.951.01-16	Crimes Against Animals (First Offense \$100.00, Second Offense Within 5 Years \$250.00) ⁷
9.961.41(3g)(e)	Possession of Marijuana ⁸
9.961.573(1)	Possession of Drug Paraphernalia ⁹

9.02 Firearms

No person, except an authorized police officer, shall discharge any firearm within the City or have any firearm in his possession within the City unless it is unloaded and knocked down and enclosed in a carrying case or other suitable container, provided the Council may issue permits to an organized gun club to engage in target practice within the City at times and places designated by the Chief of Police.

9.03 Throwing Stones and Other Missiles Prohibited¹⁰

- (1) No person shall throw or shoot any object, stone, snowball, or other missile or projectile by hand or by any other means at any person or at, in, or into any building, street, sidewalk, alley, highway, vehicle, park, playground, or other public place within the City, except that this section shall not apply to athletic contests, nor to organized miniature golf courses or events.
- (2) It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, air gun, BB gun, bow and arrow, or any other means within 150

⁷ Sec. 9.48 Renumbered by Ordinance No. 9-1989-90, Enacted _____, 1989.

⁸ Repealed and Recreated by Ordinance No. 7 - 2009/2010, Enacted November 3, 2009.

⁹ Repealed and Recreated by Ordinance No. 7 - 2009/2010, Enacted November 3, 2009.

¹⁰ Repealed and Recreated by Ordinance No. ___-1998-99, Enacted April 6, 1999.

feet of any inhabited dwelling or building, park enclosure, except this section shall not apply to the following:

- (a) The shooting or discharging of toy arrows (suctioned cupped);
 - (b) The use of a bow with 20 pound pull or less;
 - (c) A supervised archery or BB gun range approved by the Common Council;
 - (d) Organized school district and Department of Natural Resources activities; and
 - (e) Within the interior of a single-family dwelling.
- (3) No person shall cause or permit arrows, BBs, or any other missiles from crossing property lines.

9.04 Regulation of Fireworks

- (1) Definition --¹¹

In this section, "fireworks" means anything manufactured, processed, or packaged for exploding, emitting sparks, or combustion, which does not have another common use, but does not include any of the following:

- (a) Fuel or a lubricant;
- (b) A firearm cartridge or shotgun shell;
- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft, or motor vehicle;
- (d) A match, cigarette lighter, stove, furnace, candle, lantern, or space heater;
- (e) A cap containing not more than one-quarter grain or explosive mixture, if the cap is used or possessed or sold for use in a device, which prevents direct bodily contact with a cap when it is in place for explosion;
- (f) A toy snake, which contains no mercury;
- (g) A model rocket engine;
- (h) Tobacco and a tobacco product;
- (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects;
- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture;
- (k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture;

¹¹ Sec. 9.04(1) Repealed and Recreated by Ordinance No. ___-1997-98, Enacted December 16, 1997.

- (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects;
 - (m) A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50;
 - (n) A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50; and
 - (o) Those devices or items set forth in subparagraphs (a) - (n) immediately above shall be referred to as "Exempt Firework Items."
- (2) Application for Permit -
- (a) Uses Allowed -

Fireworks or other devices included under subsection (1) may be used and displayed in open fields, public parks, private parks, or on rivers, lakes or ponds or as a part of a play, opera, circus or similar entertainment, by public authorities or by private persons or organizations that have been granted a permit for such display by the Mayor.
 - (b) Inspection and Fee -

Each application for such a permit shall be referred to the Fire Chief and Building Inspector, who shall inspect the location. If the Fire Chief and Building Inspector report that the location is not objectionable from the standpoint of fire hazards and safety, the Mayor may issue the permit upon the receipt of a permit fee of \$5.00.
 - (c) Length of Permit -

Such permit may be granted for a period of not to exceed six (6) days and shall specify the name and address of the applicant or applicants, or the principal officers thereof if a corporation or association; the location where the fireworks are to be used and the nature of the occasion; together with a list of the fireworks to be used. A copy of each permit shall be filed in the office of the City Clerk.
- (3) Bond -
- The issuing officer of a permit under this section may require an indemnity bond in the sum of \$5,000.00 with good and sufficient sureties for payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit. Such bond shall be taken in the name of the City and any person injured may bring an action on such bond in his own name to recover the damage sustained to persons or property.
- (4) Place of Storage and Discharge -
- Fireworks to be used under a permit granted under this section shall not be stored, kept, sold or discharged within 300 feet of any gasoline pump, gasoline filling station or gasoline bulk station or any structure other than motor vehicles in which gasoline or other volatile liquids are kept in quantities in excess of one gallon.

(5) Minimum Age --¹²

- (a) No person under fourteen (14) years of age shall purchase, possess, or use Exempt Firework Items unless such purchase, possession, or use is subject to parental or legal guardian supervision.
- (b) No person shall sell Exempt Firework Items to any customer who is under fourteen (14) years of age, unless such customer is accompanied by a parent or legal guardian.

(6) Exceptions -

This section shall not apply to articles used by railroads or transportation companies, nor to high explosives used for blasting or similar purposes, when used solely for the necessary conduct of constructions, transportations, manufacturing or industry nor to the conduct of the affairs of the Army, Navy or Militia.

9.05 Obstructing Streets and Sidewalks Prohibited

- (1) No person shall stand, sit or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress to or egress from any place of business or amusement or any church, public hall or meeting place.
- (2) No person may use skateboards, scooters, roller blades or stunt bicycles on municipal building grounds, including entrances to the Police Department, Fire Department and the Municipal Auditorium. Signs indicating this prohibition shall be posted in a conspicuous place on municipal building grounds.

9.06 Loud and Unnecessary Noise Prohibited

(1) Generally -

No person shall make, or cause to be made, any loud disturbing or unnecessary sounds or noises which may annoy or disturb a person or ordinary sensibilities in or about any public street, alley or park or private residence.

(2) With Motor Vehicles -

No person shall make unnecessary or annoying noise with a motor vehicle by squealing tires or the excessive acceleration of the engine.

9.07 Care, Custody and Control of Animals

- (1) All persons owning or having charge, custody, care or control of any cat, dog or other animal shall keep such animal exclusively upon their own premises by personal and direct supervision, except as hereinafter provided.

¹² Sec. 9.04(5) Amended by Ordinance No. ___-1997-98, Enacted December 16, 1997.

- (2) Any person taking any animal off their premises shall keep such animal in an appropriate retaining enclosure or such animal shall be restrained by a leash not exceeding 8 feet in length in the hands of the person directly in control of such animal.
- (3) Any person who owns or has charge, custody, care of control of any animal shall be responsible for the appropriate care of the structure or enclosure within which such animal is kept. Failure to daily maintain a clean structure or enclosure shall be in violation of this section.
- (4) No animals shall be allowed in City parks and playgrounds.
- (5) No animal shall be upon the private property of others, except in cases where the presence of such animal is with the express consent of the owner of the premises or the parties in control of such premises.
- (6) Any person owning or having charge, control, care of custody of any animal shall clean up any feces of such animal immediately and dispose of it in a sanitary manner.

9.08 Neglected or Abandoned Animals

- (1) Prohibited -

No person shall willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat any animal, including any act or omission or neglect whereby unnecessary or unjustifiable pain, suffering or death shall be caused, whether belonging to himself or another, except that reasonable force may be employed to drive off vicious or trespassing animals. No person shall fail, refuse or neglect to provide any animal in his charge with food, potable water, shade or shelter or cruelly expose any animal in hot, stormy, cold or inclement weather or to carry any animal in or upon any vehicle in a cruel or inhumane manner.

- (2) Defined -

- (a) "Shade" shall mean protection from the direct rays of the sun, during the months of June to September, inclusive; and
- (b) "Shelter" shall mean a moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat, made of durable material with a solid floor raised at least 2 inches from the ground and with the entrance covered by a flexible windproof materials. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

- (3) Police Powers -

- (a) Any police officer or officer of any humane society whose appointment has been approved by the Governor may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved, neglected or abandoned and deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary; but the owner, if known, shall be immediately notified and such officer or other person having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

- (b) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or shall not within seven (7) days after notice redeem such animal by paying the expenses incurred as aforesaid, the animal shall be treated as a stray and dealt with as such.
- (c) Whenever in the opinion of any such officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, such officer shall kill the animal and the owner thereof shall not recover damages for the killing of the animal unless he shall prove such killing unwarranted.

9.09 Storage of Junk, Etc., Regulated

(1) Generally -

(a) Restricted --¹³

No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris, which substantially depreciates property values in the neighborhood, except in an enclosure which screens such property from public view.

(b) Order for Compliance -

The Building Inspector may require by written order any premises in violation of this subsection to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

(2) Abandoned Vehicles -

(a) Vehicle Abandonment Prohibited -

No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway, or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any City street or highway or on any public or private property within the City without the permission of the owner for more than fifteen (15) days, the vehicle is deemed abandoned and constitutes a public nuisance.

(b) Removal and Impoundment of Abandoned Vehicles -

Any vehicle in violation of this subsection shall be impounded until lawfully claimed or disposed of under subparagraph (c), except if the Chief of Police or his authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the City prior to expiration of the impoundment period upon determination by the Chief of Police or his authorized representative that the vehicle is not wanted for evidence or any other reason.

¹³ Sec. 9.09(1)(a) Repealed and Recreated by Ordinance No. ____-1994-95, enacted _____, 1994.

(c) Disposal of Abandoned Vehicles -

1. Vehicles Exceeding \$100.00 In Value -

- a. If the Chief of Police, or his authorized representative, determines that the value of an abandoned vehicle exceeds \$100.00, he shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the City and may be reclaimed within thirty (30) days upon payment of accrued towing, storage and notice charges and, if not so reclaimed, shall be sold. See also subparagraph (d).
- b. If an abandoned vehicle exceeding \$100.00 in value is not reclaimed within the period and under the conditions provided in subparagraph a. above, it may be sold by sealed bid or at auction. If, in the opinion of the Chief of Police, no satisfactory bid is received, the vehicle may be sold at private sale.
- c. After deducting the expenses of impoundment and sale, the balance of the proceeds, if any, shall be paid to the City treasury.

2. Vehicles of Less Than \$100.00 In Value -

Any abandoned vehicle which is determined by the Chief of Police, or his authorized representative, to have a value of less than \$100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

(d) Owner Responsible for Impoundment and Sale Costs -

The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle, provided no such costs shall be imposed without notice thereof to the owner and an opportunity for the owner to be heard thereon. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the City against the owner.

(e) Notice of Sale or Disposition -

With five (5) days after the sale or disposal of a vehicle as provided in subparagraph (c), the Chief of Police, or his authorized representative, shall advise the State Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such form shall be given to the purchaser of the vehicle, and a copy shall be retained on file in the City.

(3) Junked Motor Vehicles --¹⁴

(a) Storage of Junked Motor Vehicles Restricted -

It shall be unlawful to store or allow to remain in the open, upon any public or private property within the City, any disassembled, inoperable, unlicensed, junked or wrecked motor vehicles for a period in excess of fifteen (15) days unless such storage is in connection with an automotive sale or repair business located in a properly zoned area and on premises duly licensed therefor.

¹⁴ Sec. 9.09(3) Amended by Ordinance No. ___-2002-03, Enacted _____, 2002.

(b) Notice -

Whenever any such vehicle is stored in violation of this subsection, the Chief of Police, or his designee, shall give written notice of the violation to the owner of the real property upon which such vehicle is stored and shall mail notice to the last known address of the vehicle owner, if different than the owner of the real property. If the party so notified does not remove the vehicle within fifteen (15) days of the date of such notice, a municipal ordinance citation shall be issued to the vehicle owner. If the vehicle is not removed within fifteen (15) days of the issuance of the citation, subsequent citations shall be issued for every fifteen (15) days the vehicle is not removed.

(c) Removal -

Upon failure of the party notified, as herein provided, to remove the vehicle within thirty (30) days of the first notice, the Chief of Police, or his designee, shall remove the vehicle to such location as the Chief of Police may designate. Such vehicle shall be retained for a period of not less than thirty (30) days after certified mail notice has been sent to the last known address of the vehicle owner and lienholders of record to permit reclamation of the vehicle.

Such notice shall inform the owner and lienholders that the vehicle may be reclaimed at any time within said thirty (30) days of the date of the notice by paying the cost of accrued towing, storage, and notice charges. The notice shall further set forth the year, make, model and serial number of the vehicle and the place where the vehicle is being held. The notice shall further inform the owner and/or lienholders that failure to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to the sale of the vehicle. If the vehicle is not reclaimed as provided herein, the City may dispose of the vehicle as set out in Section 9.09(2) of this Code of Ordinances. The City shall retain all proceeds from the sale of such vehicle after payment of expenses.

(d) Any person who shall violate any provision of this Ordinance shall be subject to a fine of \$150.00 for the first offense and \$200.00 for second and subsequent offenses, 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 such forfeiture and costs are paid, but not exceeding ninety (90) days.

9.10 Littering Prohibited

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

9.11 Obedience to Officers

No person shall resist or interfere with any officer of the City while such officer is doing any act in his official capacity and with lawful authority, nor shall any person refuse to assist an officer in carrying out his duties when so requested by the officer.

9.12 Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited

No person shall have or permit on any premises owned or occupied by him, any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person; and any cover shall be of such design, size and weight that the same cannot be removed by small children.

9.13 Abandoned or Unattended Refrigerators, Etc., Prohibited

No person shall leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container, which has an airtight door or lid, snap lock or other locking device, which may not be released from the inside, unless such door or lid, snap lock or other locking device has been removed from such ice box, refrigerator or container, or unless such container is displayed for sale on the premises of the owner of his agent and is securely locked or fastened.

9.14 Vandalism

(1) Defined -

Any person who shall willfully damage any property within the City shall be deemed to have committed vandalism.

(2) Disposition of Funds -

One-half of fines collected for violations of this section shall be paid to the owner of the property destroyed or injured and the other half shall be paid to any person who shall give information leading to the discovery and conviction of any person violating the provisions of this section as a reward for such information.

9.15 Concealed Weapons

No person, except a police officer or any officer authorized to serve process, shall carry or wear concealed about the person any pistol, sling shot, cross knuckles, knuckles of lead, brass or other metal or Bowie knife, dirk knife or dagger or any other dangerous or deadly weapon within the limits of the City.

9.16 Hunting in City Prohibited

No person shall trap, shoot or hunt any wild animals or birds within the City limits.

9.17 Curfew¹⁵

(1) Curfew -

Minors under the ages hereinafter set forth shall not, either on foot or in a vehicle, be upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places in the City of Sheboygan Falls between the hours of:

- (a) For minors under sixteen (16) years of age: 11:00 p.m. to 5:00 a.m.
- (b) For minors sixteen (16) through seventeen (17) years of age: 12:00 a.m. to 5:00 a.m.

This section shall not apply to a minor:

- 1. Accompanied by his or her parent, legal guardian, or other adult person having care and legal custody of the minor;
- 2. Traveling directly to or from an organized adult-supervised school or other locally recognized function, if such minor is en route directly from said function or directly home; or
- 3. Traveling either en route directly to said employment or directly home.

(2) Penalty -

Any minor violating this section shall, upon conviction thereof, forfeit \$25.00.

9.18 Unlawful Assemblies

(1) Defined -

An unlawful assembly is an assembly, which consists of three (3) or more persons, and which causes such a disturbance of public order that it is reasonable to believe that the assembly shall cause injury to persons or damage to property unless it is immediately dispersed.

An unlawful assembly includes an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by any other person or persons of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building or dwelling place or any portion thereof and which blocks or obstructs the lawful use by any other persons of any such private or public thoroughfares, property or any position of access or exit to or from any private or public building or dwelling place or any portion thereof.

(2) Duty of Police -

The City Police shall order all persons who are part of an unlawful assembly to disperse.

¹⁵ Amended by Ordinance No. 16-1989-90, Enacted November 6, 1989.

9.19 Sale, Distribution and Possession of Iso-Butyl Nitrate

No person shall sell, distribute or permit to be sold or distributed or possessed, use or cause to be used, any product containing as its principal or sole ingredient Iso-Butyl Nitrate, whether under the trade name of Ban Apple, Locker Room, Rush or any other.

9.20 Peanut, Popcorn and Crackerjack Stands

No person shall operate a public peanut, popcorn or crackerjack stand in or upon any public street or sidewalk in the City and no person shall sell peanuts, popcorn and crackerjacks therefrom. The Chief of Police shall remove all such stands and vehicles from the streets and sidewalks of the City.

9.21 Drinking

(1) Prohibited On Public Streets -

No person shall drink or carry, for the purpose of immediate consumption, any alcoholic or fermented malt beverage upon the streets, sidewalks, alleys or any municipal parking lots in the City.

(2) Violation -

Any person carrying any opened cup, can, glass, bottle or similar drinking vessel containing alcoholic or fermented malt beverages upon the streets, sidewalks or alleys of the City shall be in violation of this section.

(3) Drinking By Minors -

No person under eighteen (18), unless accompanied by a parent or legal guardian, shall have in his possession or consume any intoxicating liquor or fermented malt beverage. Any minor between sixteen (16) and eighteen (18) years who violates this section shall forfeit not less than \$25.00 for each such offense.

9.22 Disorderly Conduct

(1) Prohibited -

(a) In a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or

(b) With intent to annoy another, make a telephone call, whether or not conversation ensues; or

(c) Become so intoxicated that he is unable to care for his own person or safety and is found in a public place in such condition; or

(d) Indecently exposes his person; or

(e) Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner; or

- (f) Urinate in any public street, alley, municipal or private parking lot or any park, other than in a facility specifically built and maintained for such purpose.

(2) Trespass On Municipal Parking Lot -

No person not engaged in parking an automobile for the purpose of leaving such automobile for the conduct of business in City Hall or other business place shall trespass on any municipal parking lot owned and operated by the City. Such prohibition shall not apply to persons walking through the municipal parking lot surrounding City Hall for the purpose of going to and from the River Park, nor to persons directly engaged in launching or removing boats at the boat launching dock in the parking lot.

9.23 Theft; Refusal to Pay for A Vehicle Ride¹⁶

(1) Theft -

Whosoever does any of the following shall be guilty of theft:

- (a) Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.
- (b) By virtue of his or her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals, or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his or her authority, and with intent to convert to his or her own use or to the use of any other person except the owner. A refusal to delivery any money or a negotiable security, instrument, paper or other negotiable writing, which is in his or her possession or custody by virtue of his or her office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is *prima facie* evidence of an intent to convert to his or her own use within the meaning of this paragraph.
- (c) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property.
- (d) Obtains title to property of another person by intentionally deceiving the person with a false representation, which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
- (e) Intentionally fails to return any personal property, which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement, within ten (10) days after the lease or rental agreement has expired.

¹⁶ Repealed and Recreated by Ordinance No. ___-1995-96, Enacted _____, 1995.

(2) Refusal to Pay for A Vehicle Ride -

Whoever intentionally enters a motor vehicle or a horse-drawn vehicle that transports persons for hire and refuses to pay, without delay, upon demand of the operator or other person in charge of the motor vehicle or horse-drawn vehicle, the prescribed transportation fair, is subject to a penalty as provided in section 9.30.

(3) Definitions -

In this section:

- (a) "Property" means all forms of tangible property, whether real or personal, without limitation, including electricity, gas and documents, which represent or embody a chose in action or other intangible rights.
- (b) "Movable property" is property whose physical location can be changed, without limitation, including electricity and gas, and documents, which represent or embody intangible rights, and things growing on, affixed to or found in land.
- (c) "Value" means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.
- (d) "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.
- (e) "Motor vehicle" includes, but is not limited to, taxicabs and buses.

9.24 Truancy¹⁷

(1) Authority -

Wis. Stat. § 118.163 (2001-2002) authorizes City of Sheboygan Falls to adopt municipal truancy and drop-out ordinances.

(2) Definitions -

For purposes of this Ordinance:

- (a) "Drop-out" means a child who ceased to attend school, does not attend a public or private school, technical college, or home-based private educational program on a full-time basis, has not graduated from high school, and does not have an acceptable excuse.

¹⁷ Created by Ordinance No. 2-2001-02, Enacted August 7, 2001.

- (b) "Habitual truant" means a pupil who is absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester.
 - (c) "Operating Privilege" means, in the case of a person who is licensed under Wis. Stat. ch. 343, the license, including every endorsement and authorization to operate vehicles of specific vehicle classes or types, instruction permit, and temporary, restricted, or occupational license granted to such person; in the case of a resident of this state who is not so licensed, it means the privilege to secure a license under Wis. Stat. ch. 343.
 - (d) "Truant" means 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.
 - (e) "Acceptable Excuse" has the meaning as defined in Wis. Stat. §§ 118.15 and 118.16(4) (2001-2002).
- (3) Prohibitions Against Truancy -
- (a) No person under eighteen (18) years of age may be a truant.
 - (b) No person under eighteen (18) years of age may be a habitual truant.
- (4) Disposition -
- (a) Upon a determination that a person is a truant, the following dispositions are available to the Court:
 - 1. An order for the person to attend school.
 - 2. A forfeiture of not more than Fifty Dollars (\$50.00) plus costs for a first violation, or a forfeiture of not more than One Hundred Dollars (\$100.00) for any second or subsequent violation committed within twelve (12) months of a previous violation, subject to Wis. Stat. § 938.37 (2001-2002) and subject to a maximum cumulative forfeiture amount of not more than Five Hundred Dollars (\$500.00) for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
 - (b) Upon a determination that a person is a habitual truant, the following dispositions are available to the Court:
 - 1. Suspension of the person's operating privilege for not fewer than thirty (30) days nor more than one (1) year. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.
 - 2. An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. § 938.34(5g) (2001-2002). The costs of any such counseling, supervised work program, or other community service work may be assessed against the person, the parents or guardian of the person, or both. The County Health and Human Services Department, any community agency or public agency, or nonprofit charitable

organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this subsection acting in good faith has immunity from any civil liability in excess of Twenty-five Thousand Dollars (\$25,000.00) for any act or omission by or impacting on that person.

3. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
 4. An order for the person to attend an educational program as describe in Wis. Stat. § 938.34(7d) (2001-2002).
 5. An order for the Department of Workforce Development to revoke, under Wis. Stat. § 103.72 (2001-2002), a permit under Wis. Stat. § 103.70 (2001-2002) authorizing the employment of the person.
 6. An order for the person to be placed in a teen court program as described in Wis. Stat. § 938.342(1g)(f) (20012002) if the conditions of that statute apply.
 7. An order for the person to attend school.
 8. A forfeiture of not more than Five Hundred Dollars (\$500.00) plus costs, subject to Wis. Stat. § 938.37 (2001-2002). All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
 9. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restriction on associating with other children or adults.
 10. An order placing the person under formal or informal supervision, as described in Wis. Stat. § 938.34(2) (2001-2002).
 11. An order for the person's parent, guardian, or legal custodian to participate in counseling at the parent's, guardian's, or legal custodian's own expense or to attend school with the person, or both.
- (5) Powers Granted to Courts to Suspend Operating Privileges Of A Drop-Out -
- (a) The Circuit Courts of Sheboygan County, and any municipal courts within Sheboygan County, are empowered and permitted to suspend the operating privilege of a person who is at least sixteen (16) years of age but less than eighteen (18) years of age whom the Court determines to be a drop-out. The Courts shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.
 - (b) The Courts are empowered to order any school district to provide to the Court a list of all persons residing within Sheboygan County who are known to be drop-outs. The Courts may require, upon request, the Department of Transportation to assist the Courts to determine which drop-outs have operating privileges.

(6) Prevention Efforts -

Before a proceeding for habitual truancy may be brought, the school attendance office shall provide evidence that appropriate school personnel have within the school year during which the truancy occurred have taken the steps required by Wis. Stat. § 118.16(5) (2001-2002).

(7) Enforcement Procedure -

Except as hereafter provided, the City of Sheboygan Falls Police Department may enforce the provisions of Section 9.24 of this Code through the issuance of citations as provided by law. The citation is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation. Pursuant to Wis. Stat. § 938.17(2)(b) (2001-2002), only persons twelve (12) years of age or older may be issued citations. Persons under the age of twelve (12) should be referred to intake for determination whether a petition should be filed.

(8) Severability -

If any Section or part of this Ordinance is adjudged unconstitutional or invalid by any Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

9.25 Unlawful Sheltering of Minors¹⁸

No person shall, unless duly licensed under the Wisconsin Statutes or without first having obtained the permission of the parents or legal guardian of any minor, or without first notifying the police department of the existence of a minor described in section (1) herein on premises owned or operated by or under the control of such person:

- (1) By any means conceal or shelter, or assist in the concealing or sheltering of any minor under the age of eighteen (18) years, while the minor is under the legal custody of the parents or legal guardian and while the minor is on report with any law enforcement agency as a "Missing Person," a "Runaway" or a "Wanted" person; or
- (2) Supply false information to or obstruct any law enforcement officer in the performance of his duty to locate or to take into custody any minor described in this section.

9.26 Purchase or Possession of Tobacco Products By Children Prohibited¹⁹

(1) Definitions -

- (a) "Child" means a person who is less than eighteen (18) years of age.
- (b) "Cigarette" has the meaning given in Wisconsin Statute § 139.30(1) (1999-2000).
- (c) "Law enforcement officer" has the meaning given in Wisconsin Statute § 30.50(4s) (2001-2002).
- (d) "Tobacco products" has the meaning given in Wisconsin Statute § 139.75(12) (2001-2002).

¹⁸ Created by Ordinance No. 5-1984-85, Enacted _____, 19__.

¹⁹ Created by Ordinance No. 7-1994-95, Enacted October 3, 1994.

(2) Prohibition Against the Purchase or Possession of Tobacco Products By Children -

Except as provided in subsection (3), no child may do any of the following:

- (a) Buy or attempt to buy any cigarette or tobacco product.
- (b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
- (c) Possess any cigarette or tobacco product.

(3) Retail Purchase or Possession -

A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Wisconsin Statute § 134.61(1) (2001-2002).

(4) Seizure of Cigarette or Tobacco Product -

A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of subsection (2) committed in his or her presence.

(5) Penalty -

Any child who violates the provisions of this Section shall be subject to a forfeiture of not more than \$25.00.

9.27 Loitering Prohibited²⁰

(1) Loitering Prohibited -

No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this subsection, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this subsection, if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

(2) Private Property Loitering Prohibited -

- (a) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use including, but not limited to, business or industry parking lots or shopping malls, without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps, or entrance of any business place or private residence without the express consent of the owner thereof, or at any time other than

²⁰ Created by Ordinance No. 1-1994-95, Enacted June 6, 1994.

usual business hours. Under this subsection, business place shall include public buildings at such times that the same shall be closed for the usual and normal business conduct thereat.

- (b) Upon being requested to move by any such person in authority or by any law enforcement officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
 - (c) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the express consent of the owner thereof, whether such motor vehicle be parked upon a public street, alley, parking lot, driveway, or private premises.
 - (d) No person shall stand or loiter on any roadway other than a safety zone if such act interferes with the lawful movement of traffic.
- (3) It shall be unlawful for any unauthorized person to enter into, congregate, loiter, wander, stroll, stand, or in any other way create a disturbance in any public school building in the City or in or about any school grounds under the jurisdiction of any school.²¹
- (4) Unauthorized persons shall include, but not limited to, any of the following:
- (a) Any student who is under suspension, expulsion, or other discipline excluding him or her from attending any class or school.
 - (b) Non-students, which shall include students from schools other than the school which has jurisdiction over the property in question.
 - (c) Any person not an employee of such school.
 - (d) Any person not a parent or guardian of a student presently enrolled in such school.
 - (e) Any other person who is present within any school building or upon any school grounds under the jurisdiction of such school without having first obtained authorization to be there from the administrative staff of that school or their designated representative, excluding persons while on direct route to secure such authorization.

9.28 Theft or Destruction of Library Material²²

- (1) No person shall fail, on demand, to return any book, periodical, pamphlet, picture or other article or property belonging to or in the charge of the Sheboygan Falls Public Library, according to the rules and regulations duly made and adopted by the Library Board, and no person shall remove from the Library any book, periodical, pamphlet, picture or other article or property without first having it charged as provided by such rules and regulations.
- (2) No person shall mar, deface, or in any other way damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the Library.
- (3) Any person convicted of a violation of the provisions of this section shall forfeit not less than \$20.00 and no more than \$500.00 and the costs of prosecution. Where there is more than

²¹ Sections (3) and (4) (a-e) added by Ordinance No. 14-1999-00, Enacted April 4, 2000.

²² Created by Ordinance No. 16-1980-81, Enacted November 17, 1980.

one book, periodical, pamphlet, picture or other article or property involved in any violation, each such item shall constitute a separate offense.

- (4) Wisconsin Statute § 943.60 (2001-2002), relating to theft of library material, exclusive of the penalties provided therein, is hereby adopted by reference.

9.29 Alarm Systems; False Alarms²³

- (1) Purpose -

This ordinance is enacted to establish control of security, fire and other emergency alarms located on property within the City that require police or fire response, investigation and safeguarding of property; to control and regulate the incidence of false alarms which increasingly consume police and fire resources; and to provide penalties for the generation of false alarms.

- (2) Definitions -

For the purpose of this ordinance, the following definitions shall apply:

- (a) Alarm System -

Any device or system which, when set off by unauthorized entry, fire or other emergency, produces an audible or visible signal, or which electronically transmits a signal or message to a central alarm station.

- (b) False Alarm -

Any report received by the Police or Fire Department from any source resulting in a response by the Police or Fire Department to the premises on which an alarm is located, where an emergency situation does not exist.

- (c) Responsible Party -

Any person who owns, operates or leases premises within the City on which an alarm system is installed or maintained, or the agents or representatives of said person.

- (3) Duty to Maintain -

All responsible parties shall maintain the alarm system in good working order.

- (4) Duty to Provide Information -

All responsible parties shall file and keep updated with the City Police Department the name, address and telephone number of no more than two (2) individuals authorized to respond to the location of the alarm.

²³ Created by Ordinance No. 10-2003/04, Enacted April 6, 2004.

(5) Duty to Respond -

The responsible party, or other individuals designated pursuant to subsection (4), above, shall be available at all times and shall respond in case the alarm is activated for the purpose of providing access to the building and resetting the alarm; such persons shall be at the property for such purpose as soon as possible.

(6) False Alarms -

No responsible party shall have or permit a false alarm at their premises. The Police or Fire Department shall notify the responsible party of the existence of a false alarm within five (5) days of its occurrence or it shall be deemed not to be a false alarm. The following forfeitures shall be imposed for each false alarm generated from each premise:

- (a) For the first three false alarms in any twelve (12) month period, a written warning shall be issued and no forfeiture shall be imposed.
- (b) For the fourth false alarm in any twelve (12) month period, a forfeiture of \$100 shall be imposed.
- (c) For the fifth and subsequent false alarms in any twelve (12) month period, a forfeiture of not less than \$100, nor more than \$500, shall be imposed for each violation.

(d) Exceptions -

1. Penalties under this section for false alarms shall not apply to systems installed less than 90 days.
2. The Police Chief or the Fire Chief, or their designees, may waive any penalties under this subsection if the responsible party shows that the alarm system was maintained properly and the false alarm was not the result of his or her negligence.

(7) No person shall deliberately activate any alarm system for purposes other than emergency, maintenance, drills or prescribed testing.

(8) System Resetting -

- (a) No person other than a fire official, shall cause a fire alarm system to be reset once it has been activated. This subsection will not apply to alarms generated for maintenance, drills or prescribed testing.
- (b) Alarm system audio warning devices may be silenced by the responsible person, but only after a thorough search of the building has been conducted and it is determined that no fire or other emergency exists.

(9) Penalty -

Any person who violates any provision of this ordinance shall be subject to a penalty as provided in Section 25.04 of this Code, unless another penalty is herein provided. Penalties imposed pursuant to this section and not paid within 60 days thereafter may be considered special charges, billed to the owner of the property involved, and placed on the tax roll pursuant to Wis. Stat. § 66.0627.

9.30 Penalties

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 25.04 of this Municipal Code. In addition to any penalty imposed for violation of Wis. Stat. § 9.943.01(1) (2001-2002), any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any emancipated minor child who violates Wis. Stat. 9.943.01(1) (2001-2002) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with Wis. Stat. § 895.035 (2001-2002).

9.31 Sexual Offender Residency Restrictions²⁴

(1) Finding and Issue -

- (a) Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) It is the intent of this section not to impose a criminal penalty but rather to serve the City's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

(2) Definitions -

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

- (a) Child means a person under the age of 18 for the purpose of this section.
- (b) Designated Offender means any person who is required to register under Wis. Stat. § 301.45 for any sexual offense against a child or any person who is required to register under Wis. Stat. § 301.45 for whom a bulletin to law enforcement agencies has been issued under Wis. Stat. § 301.46(2m).
- (c) Loitering means whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle.
- (d) Permanent Residence means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
- (e) Temporary Residence means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

²⁴ Amended by Ordinance No. 4-2014/2015. Enacted October 21, 2014.

- (f) Adult Child for the purposes of this section means a person who is 18 years of age or older.
- (3) Sexual Offender and Sexual Predator Residence; Prohibition; Penalties; Exceptions -
- (a) Prohibited Location of Residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, licensed day care center, park, recreational trail, playground or place of worship.
- (b) Prohibited Loitering. It is unlawful for any designated offender to loiter within 500 feet of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the City as a place where children are known to congregate.
- (c) Prohibited Activity. It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.
- (d) Measurement of Distance.
1. For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, licensed day care center, park, recreational trail, playground, place of worship or any other place designated by the City as a place where children are known to congregate.
 2. The City Clerk shall prepare an official map showing prohibited locations as defined by this section. The City Clerk shall maintain the map on file at the City Hall and update the map at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as child safety zones.
- (e) Penalties. A person who violates any provision of this section shall be punished by a forfeiture not exceeding \$500.00. Each day a person maintains a residence in violation of this section constitutes a separate violation. The City of Sheboygan Falls may also seek equitable relief.
- (f) Exceptions. A designated offender residing within a prohibited area as described in Paragraph (3) does not commit a violation of this section if any of the following apply:
1. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45 before the effective date of this ordinance.
 2. The school, licensed day care center, park, recreational trail or playground within 2,000 feet of the person's permanent residence was opened after the person established and the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45.
 3. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or adult children, provided that such parent, grandparent, sibling,

spouse or adult child established the residence at least two years before the designated offender established residence at the location.

(4) Property Owners Prohibited from Renting Real Property to Certain Sexual Offenders and Sexual Predators; Penalties -

- (a) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this article, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in Paragraph 3(a), and not subject to an exception set forth in Paragraph 3(f) above.
- (b) A property owner's failure to comply with this section shall constitute a violation of this ordinance and shall subject the property owner to the penalties set forth in Paragraph 3(e).

(5) Appeal -

- (a) Sex Offender Residence Board. The above 2,000 foot requirement may be waived upon approval of the Sex Offender Residence Board through appeal by the affected party. Such appeal shall be made in writing to the City Clerk's Office, who shall forward the request to the Sex Offender Residence Board, which shall receive reports from the City of Sheboygan Falls Police Department on such appeal. The Board shall convene and consider the public interest, as well as the affected party's presentation and concerns. After deliberation, the Board shall forward its decision in writing via the minutes or otherwise to the Sheboygan Falls Police Department for their information and action. A written copy of the decision shall be provided to the affected party.
- (b) Membership. The Sex Offender Residence Board shall consist of five citizen members, three of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint, in writing to be filed with the secretary of the Board, one member for a term of five years, subject to confirmation by the Council. The Mayor shall appoint the initial board members, subject to confirmation by the Council, for staggered terms so that one board member's term expires each year.

(6) Harassment Prohibited -

It is a violation of this ordinance for any person to use the information gathered or disseminated by the City under this Ordinance to injure, harass, or commit any civil forfeiture or criminal act against any designated offender or any other person within the City of Sheboygan Falls. Anyone who violates this Section of the Ordinance shall be subject to a forfeiture of not less than \$50.00 and not more than \$500.00. Each instance of such prohibited conduct constitutes a separate violation.