

Title 9

PEACE, SAFETY AND MORALS

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- 9.08 Peace and Good Order
- 9.12 Gambling and Lotteries
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Chapter 9.04

PUBLIC SAFETY

Sections:

- 9.04.010 Discharging and Carrying Firearms and Guns
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- 9.04.020 Arrows, Stones and Other Missiles
- 9.04.030 Private Sale and Use of Fireworks
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9.04.010 Discharging and Carrying Firearms and Guns. No person, except a Sheriff, Constable, Police Officer or their Deputies, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description within the City of Whitehall or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun in his possession or under his control **unless it is unloaded and knocked down or enclosed within a carry case or other suitable container**, provided that this Section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Common Council. This Section shall be deemed to prohibit hunting within the City, provided that the Chief of Police may issue written permits to owners or occupants of private premises to hunt or shoot on such premises if he finds such privileges necessary for the protection of life or property and subject to such safeguards as he may impose for the safety of the lives and property of other persons within the City. (Amended October 14,1997)

9.04.12 Firearms in Public Buildings.

- (a) Pursuant to Wis. Stats. § 943.13(1m)(c)4., no person shall enter or remain in any part of a building owned, occupied or controlled by the State or local governmental unit if the State or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or a specific type of firearm.
- (b) The City Administrator shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the City of Whitehall providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.
- (c) Nothing in this subsection shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building. Notwithstanding Wis. Stats. § 939.22(22), for purposes of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden.
- (d) Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. §§ 941.23 or 941.235.”

(Adopted September 13, 2011)

9.04.020 Arrows, Stones and Other Missiles. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means at any other person, or at, in or into any building, street, sidewalk, alley, highway, park, playground, or other public place within the City of Whitehall. (1960 Code, Sec. 12.01(2))

9.04.030 Private Sale and Use of Fireworks. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the City unless he shall be authorized by a firework's permit as hereinafter provided. The term “Fireworks” as used in this Section shall include those devices included in Section 167.10(1), Wis. Stats.,

and shall be deemed to include all rockets or similar missiles containing explosive fuel. (1960 Code, Sec. 12.01(4) (a))

9.04.040 Fireworks' Permits. Fireworks, as defined by 167.10 Wis. Stats., may be used and displayed in the City of Whitehall, in open areas by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups or individuals only when a permit for such display has been granted by the Mayor or by an official or employee of the City designated by the Mayor. Applications for Fireworks Permit may be referred to the Fire Chief for investigation. No permit shall be granted unless the Mayor or the Mayor's designee, determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons, and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. The approved permit shall be filed with the Clerk-Treasurer and copies of the permit shall be given to the Fire Chief and Chief of Police prior to the authorized use. Any person who violates any provision of this Ordinance or any provision of the Fireworks Permit shall be subject to the General Penalties as provided in Chapter 1.08 of this Code. (Amended August 12, 2008)

Chapter 9.08

PEACE AND GOOD ORDER

Sections:

- 9.08.010 Disorderly Conduct
- 9.08.020 Fight or Riot
- 9.08.030 Drunkenness
- 9.08.040 Noise
- 9.08.050 False Fire Alarms
- 9.08.060 Interference with City Officer
- 9.08.070 Assisting Escape of Prisoners
- 9.08.080 Impersonating Police Officers
- 9.08.090 Vagrancy and Loitering
- 9.08.100 Indecent Conduct
- 9.08.110 Curfew
- 9.08.120 Obstructing Streets and Sidewalks
- 9.08.130 Consumption of Alcoholic Beverages on Streets Prohibited
- 9.08.140 Possession or Purchase of Cigarettes or Tobacco Products by Persons Under 18
- 9.08.150 Reserved
- 9.08.160 Truancy

9.08.010 Disorderly Conduct.

a) In General. No person shall within the City of Whitehall in any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.

b) Disorderly Conduct with Motor Vehicle. No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine or by emitting unnecessary and loud muffler noise.

c) Defecating or Urinating in Public Places. It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the City, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings, or to indecently expose his person.

(Adopted May 11, 1999 and Published May 20, 1999)

9.08.020 Fight or Riot. No person shall within the City of Whitehall, intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest. (1960 Code, Sec. 12.01(1)(b))

9.08.030 Drunkenness. No person shall within the City be habitually drunk or intoxicated so as to disturb with the good order and quiet of the City or be found in any place within the City in such a state of intoxication that he is unable to care for his own safety or for the safety of others. (1960 Code, Sec. 12.02(2))

9.08.040 Noise. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence. (1960 Code, Sec. 12.02(3))

9.08.050 False Fire Alarms. No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false. (1960 Code, Sec. 12.02(4))

9.08.060 Interference with City Officer. No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the City while such officer is doing any act in his official capacity and with lawful authority. (1960 Code, Sec. 12.02(5))

9.08.070 Assisting Escape of Prisoners. No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the City. (1960 Code, Sec. 12.02(6))

9.08.080 Impersonating Police Officers. No person shall impersonate a policeman or peace officer within the City of Whitehall. (1960 Code, Sec. 12.02(7))

9.08.090 Vagrancy and Loitering. No person shall within the City loiter or loaf about any public building, place or premises or wander about the streets, alleys, parks or other public places either by day or night, whose actions give rise to a suspicion of wrong doing and who is unable to give a satisfactory account of himself, or who, having the physical ability to work, is without any visible means of support and does not seek employment or who derives part of his support from begging, prostitution, pander, fortune telling or as a similar imposter. (1960 Code, Sec. 12.03(3))

9.08.100 Indecent Conduct. No person shall use any indecent, vile, profane, or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the City. (1960 Code, Sec. 12.03(3))

9.08.110 Curfew. No person under the age of 16 shall congregate, loiter, walk, stand or play, whether on foot, in a vehicle while parked or moving, or on a bicycle, in any public building, place of amusement or entertainment, or on any public street, sidewalk, park, or any other public area within the City of Whitehall between the hours of 10:00 p.m. and 6:00 a.m., unless such person is accompanied by a parent or legal guardian. In addition, no person who has reached the age of 16 but is under the age of 18 shall congregate, loiter, walk, stand or play, whether on foot, in a vehicle or any public building, place of amusement or entertainment, or on any public street, sidewalk, park or any other public area within the City of Whitehall between the hours of 12:00 a.m. (midnight) and 6:00 a.m. unless such person is accompanied by a parent or legal guardian.

a) Exceptions. This subsection shall not apply to a person under the age of 18 who is:

- 1) Returning directly to his/her home from a school or church event that the person did actually attend.
- 2) Returning directly to his/her home or going directly to the person's place of bona fide employment, which place of employment is known to and approved by his/her parent or legal guardian.
- 3) Who meets the exceptions as authorized by Section 343.085(am), Wis. Stats.

b) Responsibilities of Adults. No parent, spouse or guardian, shall permit, or by inefficient control, allow such person to violate the provisions of this Ordinance. A parent, spouse, guardian, or person having legal care or custody of a person under the age of 18 shall not be considered responsible if that person has filed a missing person or runaway juvenile report to the Police.

c) Penalties. Any person who violates any provision of this Ordinance shall forfeit not less than \$25.00 or more than \$250.00 plus court costs where applicable. First offense will be \$25.00 plus court costs for a juvenile, or \$50.00 plus court costs for an adult.

d) The parent or guardian will be contacted at the time of the violation in person, or if that is not practicable, at the earliest opportunity in writing. If a juvenile continues to exhibit disregard for the provisions of this Ordinance, a referral shall be made to the Court under jurisdiction of Chapter 48 of the Wis. Stats.

(Adopted August 13, 2002)

9.08.120 Obstructing Streets and Sidewalks. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place. (1960 Code, Sec. 12.01(5))

9.08.130 Consumption of Alcoholic Beverages on Streets Prohibited. No person shall consume or have in his possession for consumption any alcoholic beverage on any of the streets, alleys, sidewalks or parking lots in the Business Zoned Districts of the City of Whitehall. Possession of an opened container or poured drink shall be evidence that the person is in violation of this Ordinance. First violation of this Section shall be a fine of \$20.00 plus costs of prosecution. Second and subsequent violations of this Section shall be a fine of \$100.00 plus costs of prosecution.

9.08.140 Possession or Purchase of Cigarettes or Tobacco Products by Persons Under 18 Prohibited. Wisconsin Statute 254.92 (2002) as may be amended from time to time, is hereby adopted and made a part of the City of Whitehall's Ordinances and, by this adoption, a child's possession of cigarettes or a tobacco product, as that term is defined in Wis. Stats. 139.75 (12) (2002), is a violation of the City of Whitehall's Ordinances. Whoever violates this Section 9.08.140 of this Ordinance shall be required to forfeit not more than \$10.00 if the child is under 12 years of age or not more than \$10.00 plus court costs and assessments if the child is 12 years of age or older. (Adopted March 8, 2005)

9.08.160 Truancy. This Ordinance is adopted pursuant to the authority granted under Section 118.163 , Wis. Stats. (2003-04).

1) Definitions. In this Section:

- a) "Habitual Truant" means a pupil who is absent from school without an acceptable excuse under Sections 118.15 and 118.16(4) Wis. Stats. (2003-04) for part or all of five (5) or more days on which school is held during a school semester.
- b) "Acceptable Excuse" shall mean an acceptable excuse as defined in Sections 118.15 and 118.16(4), Wis. Stats. (2003-04).
- c) "Truant" means a pupil who is absent from school without an acceptable excuse under Sections 118.15 and 118.16(4) Wis. Stats. (2003-04) for part or all of any day on which school is held during a school semester.

2) Truancy Prohibited. No person under 18 years of age shall be truant as defined in Subsection 1) c) above. Upon finding that a person is truant, the following dispositions are available to the court:

- a) An order for the person to attend school.
- b) A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Section 938.37 Wis. Stats. (2003-04) and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school

semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

3) Habitual Truancy Prohibited. No person under 18 years of age shall be a habitual truant as defined in Subsection 1) a) above. Upon finding that a person is a habitual truant, the Court shall enter an order making one (1) or more of the following dispositions:

- a) Suspension of the person's operating privilege, as defined in Section 340.01 (40) Wis. Stats. (2003-04) for not less than 30 days or more than 90 days. The Court shall immediately take possession of any suspended license and forward it to the Wisconsin Department of Transportation together with a notice stating the reason for and the duration of the suspension.
- b) An order for the person to participate in counseling, community service or a supervised work program as provided under Section 938.34(5g), Wis. Stats. (2003-04).
- c) 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 home if the person is accompanied by a parent or guardian.
- d) An order for the person to attend an educational program under Section 938.34(7d) Wis. Stats. (2003-04).
- e) A forfeiture of not more than \$500.00 plus costs, subject to Section 938.37 Wis. Stats. (2003-04). All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- f) Any other reasonable conditions consistent with Section 118.163 Wis. Stats. (2003-04), including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associated with other children or adults.

4) Compulsory School Attendance and Contributing to the Truancy of a Child.

The City of Whitehall does hereby adopt by reference Sections 118.15 and 948.45 Wis. Stats. (2003-04), relative to compulsory school attendance and contributing to the truancy of a child. A violation of these Sections shall be punishable pursuant to General Penalty provisions of the City of Whitehall Code of Ordinances in Chapter 1.08. (Adopted October 11, 2005)

Chapter 9.12

GAMBLING AND LOTTERIES

Section:

9.12.010 Gambling, Lotteries, Fraudulent Devices and Practice Prohibited

9.12.010 Gambling, Lotteries, Fraudulent Devices and Practices Prohibited. All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the limits of the City. Any peace officer or policeman of the City is hereby authorized to seize anything devised solely for gambling or found in actual use for gambling within the City and to dispose thereof after a judicial determination that said device was used solely for gambling or found in actual use for gambling. (1960 Code, Sec. 12.03(1))

Chapter 9.14

DRUG PARAPHERNALIA THE COMMON COUNCIL OF THE CITY OF WHITEHALL DO
ORDAIN AS FOLLOWS:

Chapter 9.14 of the Whitehall Municipal Code in regard to Prohibiting Possession, Manufacture, or Delivery of Drug Paraphernalia is hereby repealed and recreated to read as follows:

CHAPTER 9.14

DRUG PARAPHERNALIA

Sections:

- 9.14.010 Definitions
- 9.14.020 Possession of drug paraphernalia
- 9.14.030 Manufacture or delivery of drug paraphernalia
- 9.14.040 Delivery of drug paraphernalia to a minor
- 9.14.050 Dispositions

9.14.010 Definitions. As used in this Chapter 9.14, the following terms shall have the following meanings:

- a) Drug Paraphernalia shall have the meaning set forth in Wis. Stats. 961.571(1) (2002), as amended from time to time thereafter.
- b) Controlled substance shall have the meaning set forth in Wis. Stats. 961.01(4) (2002), incorporating Wis. Stats. 961.14, 961.16, 961.18, 961.20 and 961.22 (2002), all as the same may be amended from time to time thereafter.
- c) Controlled substance analog shall have the meaning set forth in Wis. Stats. 961.01(4m) (2002), incorporating Wis. Stats. 961.14 and 961.16 (2002), all as the same be amended from time to time thereafter.

9.14.020 Possession of Drug Paraphernalia. No person 12 years of age or older may use, or possess with the primary 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 or controlled substance analog in violation of Wis. Stats. ch. 961. Wis. Stats. 961.573(1) (2002), as amended, is hereby adopted and made a part of this Ordinance.

9.14.030 Manufacture or Delivery of Drug Paraphernalia. No person 12 years of age or older may deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Wis. Stats. ch. 961 (2002) as amended. Wis. Stats. 961.574(1) (2002), as amended, is hereby adopted and made a part of this Ordinance.

9.14.040 Delivery of Drug Paraphernalia to a Minor. Any person 12 years of age or older who violates Section 9.14.030 by delivering drug paraphernalia to a person who is a least 3 years younger than the violator violates this Section 9.14.040. Wis. Stats. 961.575(1) (2002) as amended, is hereby adopted and made a part of this Ordinance.

9.14.050 Dispositions. Any such use, or possession with the primary intent to use, is a violation of the City of Whitehall's Ordinances. Whoever violates Section 9.14.020, Section 9.14.030, or Section 9.14.050 of this Ordinance shall be subject to the penalties provided by Wisconsin Law and is subject to disposition under laws of Wisconsin Statutes and under City of Whitehall Ordinances.

This Ordinance shall take effect upon passage and publication as provided by law.

Adopted this 14 day of June, 2005


Keith Joh Mayor

Attest:



Karen Witte, Clerk-Treasurer

Chapter 9.16

PROPERTY, PUBLIC AND PRIVATE

Sections:

- 9.16.010 Littering
- 9.16.020 Destruction of Property
- 9.16.030 Restitution of Destroyed Property
- 9.16.040 First Offense for 17 Year Olds

9.16.010 Littering. No person shall deposit, place or throw any glass, rubbish, garbage, junk, debris, refuse, or any other type of waste material upon the streets, alleys, highways, public parks or other property of the City or upon any private property not owned by him or upon the surface of any body of water within the City of Whitehall. Any person, firm or corporation who violates, or disobeys this Section shall be issued a Wisconsin Uniform Municipal Court Citation with a Fine of \$50.00 plus Court costs, plus any clean-up costs. (Amended December 12, 1989)

9.16.020 Destruction of Property. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the City or its departments or to any private person without the consent of the owner or proper authority. (1960 Code, Sec. 12.04(1))

9.16.030 Restitution of Destroyed Property. In addition to any penalty imposed for violation of Section 9.16.010 of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 9.16.010 of this chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Section 331.035 of the Wis. Stats. (1960 Code, Sec. 12.05(3))

9.16.040 First Offense for 17 Year Olds. The penalties provided in Chapter 1.08 shall not apply for a first offense for any violation of Section 9.08.110 of any person 17 years of age or under who shall be found guilty of violating the provisions of that Section and instead of the penalties provided in Chapter 1.08 the said persons shall be warned of the penalties for such violation by any police officer of the City and shall be taken and delivered to the custody of the person having legal custody over him and for a second or subsequent offense he shall be dealt with according to the provisions of Chapter 48 of the Wis. Stats.

Chapter 9.18

TRESPASS

Sections:

- 9.18.010 Trespass to Land
- 9.18.020 Trespass to Dwellings
- 9.18.030 Trespass to Construction Site
- 9.18.040 Penalties

9.18.010 Trespass to Land. Wis. Stats. Section 943.13 regarding trespass to land, exclusive of penalty, is hereby adopted by reference and made an offense punishable as a violation of this Chapter.

9.18.020 Trespass to Dwellings. Wis. Stats. Section 943.14 regarding trespass to dwellings, exclusive of penalty, is hereby adopted by reference and made an offense punishable as a violation of this Chapter.

9.18.030 Trespass to Construction Site. Wis. Stats. Section 943.15 regarding trespass to a construction site, building, dwelling, or room, exclusive of penalty, is hereby adopted by reference and made an offense punishable as a violation of this Chapter.

9.18.040 Penalties. Any adult person violating this Ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, exclusive of costs, and upon failure to pay the same shall be confined in the county jail for not more than 30 days.

(Adopted August 14, 2007)

Chapter 9.20

PUBLIC NUISANCES

Sections:

- 9.20.010 Public Nuisances Defined
- 9.20.020 Public Nuisances Prohibited

9.20.010 Public Nuisances Defined. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to: Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; In any way render the public insecure in life or in the use of property; Greatly affect the public morals or decency; Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property. (1960 Code, Sec. 13.02(1))

9.20.020 Public Nuisances Prohibited. No person shall erect, contrive, cause, continue, maintain or permit to exist on any public nuisance within the City of Whitehall. (1960 Code, Sec. 13.01)

Chapter 9.24

PUBLIC NUISANCES AFFECTING MORALS

Sections:

- 9.24.010 Definition
- 9.24.020 Disorderly Houses
- 9.24.030 Gambling Devices
- 9.24.040 Selling Liquor without License
- 9.24.050 Repeated Law Violations
- 9.24.060 Drinking Liquor in Violation of Law

9.24.010 Definition. As defined in Sections 9.24.020 through 9.24.060 the following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 9.20.010. (1960 Code, Sec. 13.02(3))

9.24.020 Disorderly Houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling. (1960 Code, Sec. 13.02(3) (a))

9.24.030 Gambling Devices. All gambling devices and slot machines. (1960 Code, Sec. 13.02(3) (b))

9.24.040 Selling Liquor without License. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the Ordinances of the City of Whitehall. (1960 Code, Sec. 13.02(3) (c))

9.24.050 Repeated Law Violations. Any place or premises within the City of Whitehall where City Ordinances or State Laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated. (1960 Code, Sec. 13.02(3) (d))

9.24.060 Drinking Liquor in Violation of Law. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or Ordinances of the City. (1960 Code, Sec. 13.02(3) (e))

Chapter 9.28

PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

Sections:

- 9.28.010 Definition
- 9.28.020 Signs and Billboards
- 9.28.030 Buildings in Fire Limits
- 9.28.040 Unauthorized Signs
- 9.28.050 Obstructions of View
- 9.28.060 Overhanging Limbs
- 9.28.070 Unlawful Use of Fireworks
- 9.28.080 Dilapidated Buildings
- 9.28.090 Wires over Streets
- 9.28.100 Loud Noises
- 9.28.110 Keeping of Habitually Noisy Animals
- 9.28.120 Obstructions of Streets
- 9.28.130 Open Pits, Wells
- 9.28.140 Abandoned Refrigerators
- 9.28.150 Unlawful Use of Property Attracting Crowds
- 9.28.160 Repeated Violation Laws Storage Flammable Liquids
- 9.28.170 Non Removal of Snow and Ice

9.28.010 Definition. As defined in Sections 9.28.20 through 9.28.170 the following acts, omissions, places, conditions, and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of Section 9.20.010. (1960 Code, Sec. 13.02(4))

9.28.020 Signs and Billboards. 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. (1960 Code, Sec. 13.02(4) (a))

9.28.030 Buildings in Fire Limits. All buildings erected, repaired or altered within the fire limits of the City of Whitehall in violation of the provisions of the Ordinances of the City, relating to materials and manner of construction of buildings and structures within said district. (1960 Code, Sec. 13.02(4) (b))

9.28.040 Unauthorized Signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation,

interferes with the effectiveness of any such device, sign or signal. (1960 Code, Sec. 13.02(4) (c))

9.28.050 Obstructions of Views. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian walk. (1960 Code, Sec. 13.02(4) (d))

9.28.060 Overhanging Limbs. All limbs of trees which project out less than 14 feet above the surface of a public street, or less than eight (8) feet above the surface of a public sidewalk or any other public place. (Adopted October 11, 2005)

9.28.070 Unlawful Use of Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the City. (1960 Code, Sec. 13.02(4) (f))

9.28.080 Dilapidated Buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use. (1960 Code, Sec. 13.02(4) (g))

9.28.090 Wires Over Streets. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof. (1960 Code, Sec. 13.02(4)(h))

9.28.100 Loud Noises. All loud, discordant, and unnecessary noises or vibrations of any kind. (1960 Code, Sec. 13.02(4)(i))

9.28.110 Keeping of Habitually Noisy Animals. The keeping of harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the City. (1960 Code, Sec. 13.02(4)(j))

9.28.120 Obstructions of Streets. 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. (1960 Code, Sec. 13.02(4)(k))

9.28.130 Open Pits, Wells. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk. (1960 Code, Sec. 13.02(4)(l))

9.28.140 Abandoned Refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside. (1960 Code, Sec. 13.02(4)(m))

9.28.150 Unlawful Use of Property Attracting Crowds. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks. (1960 Code, Sec. 13.02(4)(n))

9.28.160 Repeated Violation Laws Storage Flammable Liquids. Repeated or continuous violations of the Ordinances of the City or laws of the State of Wisconsin relating to the storage of flammable liquids. (1960 Code, Sec. 13.02(4)(o))

9.28.170 Non Removal of Snow and Ice. All snow and ice not removed or sprinkled with ashes, sawdust or sand as provided in Sections 12.24.010 to 12.24.020 both inclusive. (1960 Code, Sec. 13.02(4)(p))

Chapter 9.32

ABATEMENT OF PUBLIC NUISANCES

Sections:

- 9.32.010 Inspection of Premises
- 9.32.020 Summary Abatement – Notices to Owner
- 9.32.030 Summary Abatement – Abatement by City
- 9.32.040 Abatement by Court Action
- 9.32.050 Other Methods
- 9.32.060 Costs of Abatement

9.32.010 Inspection of Premises. Whenever a complaint is made to the Mayor that a public nuisance exists within the City of Whitehall, 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 the photographs to be made of the premises and shall file the same in the office of the City Clerk. (1960 Code, Sec. 13.03(1))

9.32.020 Summary Abatement – Notices to Owner. If the inspecting officer shall determine that a public nuisance exists within the City and that there is a 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 nuisances is so abated the City will cause 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. (1960 Code, Sec. 13.03(2)(a))

9.32.030 Summary Abatement – 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 the case of health nuisances, and the Chief of Police, in other cases, shall cause the abatement or removal of such public nuisance. (1960 Code, Sec. 13.03(2)(b))

9.32.040 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 cause an action to abate such nuisance to be commenced in the name of the City in the Circuit Court of Trempealeau County in accordance with the provisions of Chapter 823 of the Wis. Stats.

9.32.050 Other Methods. Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the City of Whitehall or its officials in accordance with the laws of the State of Wisconsin. (1960 Code, Sec. 13.03(4))

9.32.060 Costs 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 the notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge. (1960 Code, Sec. 13.04)

Chapter 9.36

SHOPLIFTING – A VIOLATION OF CITY ORDINANCES

Sections:

- 9.36.010 State Statutes Adopted
- 9.36.020 Evidence of Shoplifting
- 9.36.030 Penalties

9.36.010 State Statutes Adopted. Section 943.50, Wisconsin Statutes is hereby adopted and made a part of this Code and by this adoption, shoplifting is thereby a violation of City Ordinances.

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

9.36.030 Penalties. Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without his consent and with intent to deprive the merchant permanently of possession, or the full purchase price of such merchandise may be penalized upon conviction thereof by forfeiting not more than \$500.00 plus the cost of prosecution.

(Chapter Adopted February 12, 1980)

Chapter 9.40

ORDINANCE REGULATING THE OCCUPATION OF THE CITY CENTER BY
PERSONS NOT HAVING BUSINESS TO CONDUCT THEREIN

9.40.010 No person may occupy, or be present within the Whitehall City Center except for one or more of the following reasons:

- a. The person is an employee of the City of Whitehall or an employee of an office located within the City Center.
- b. The person is transacting business with one or more of the offices located in the City Center during business hours of the office.
- c. The person is invited into the building to perform maintenance work or other service for the City or other offices located in the City Center.
- d. The person is attending an authorized meeting or other authorized function taking place in the City Center.
- e. The person has a paid membership to use the City Center Exercise Room or Open Gym functions during the hours that such facilities are open for public use.

9.40.020. No person shall enter or occupy the basement or the second or third floors of the City Center, unless such person has uses as listed in Section 9.40.010, which use is specifically on the basement or the second or third floors of the City Center, and such use shall be limited to the specific area or office on the specific floors during hours that the office or uses is open.

9.40.030. The use of hallways, lobbies, entryways, public telephones and vending machines or sitting areas within these places shall be limited to the persons as listed in Section 9.40.010 above.

9.40.040. For the purposes of this Ordinance the City Center is defined as the structure known as the Whitehall City Center (“old high school building”) and located at Whitehall, Wisconsin.

9.40.050. Any person violating the provisions of this Ordinance shall forfeit not less than \$25.00 nor more than \$250.00 plus court costs. First offense will be \$25.00 plus court costs for a juvenile, or \$50.00 plus court costs for an adult.

(Chapter Adopted on March 11, 1997)

Chapter 9.42

AN ORDINANCE PROHIBITING TOBACCO USE WITHIN CITY PROPERTIES

Sections:

- 9.42.010 Tobacco Use Prohibited
- 9.42.020 Definitions
- 9.42.030 Penalties

9.42.010 Tobacco Use Prohibited. No person shall engage in smoking or other use of tobacco products within the following City of Whitehall municipal properties:

- a) The Whitehall City Center building located at 18620 Hobson Street, Whitehall, and shall mean the entire building including entryways and hallways.
- b) The Whitehall City Garage building (City Shop) located at 18460 Kelley Street, Whitehall, and shall mean the entire building including entryways and hallways.
- c) Within any City owned enclosed vehicle or equipment, while either an operator or passenger.

9.42.020 Definitions:

- a) "Use" shall have the meaning as stated in Section 139.75(13) Wis. Stats.
- b) "Smoking" means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
- c) "Tobacco products" shall have the meaning as stated in Section 139.75(12) Wis. Stats.
- d) "Cigarettes" shall have the meaning as stated in Section 139.30(1) Wis. Stats.

9.42.030 Penalties. Any person violating this Ordinance shall be issued a Municipal Citation with a fine of \$25.00 plus Court Costs for each offense.

(Chapter Adopted April 11, 2006)