Chapter 10

PUBLIC PEACE AND GOOD ORDER

Article I. In General

Sec. 10-01. Offenses against state laws subject to forgeiture.
Sec. 10-02. Penalties.
Secs. 10-3--10-29. Reserved.

Article II. Offenses Against Public Peace, Health and Safety

Sec. 10-30. Firearms.
Sec. 10-31. Throwing or shooting missiles and projectiles.
Sec. 10-32. Sale and discharge of fireworks restricted.
Sec. 10-33. Regulation of noise and vibrations.
Sec. 10-34. Animals running at large prohibited.
Sec. 10-35. Storage of junk, etc.
Sec. 10-36. Open cisterns, wells, basements or other dangerous excavations prohibited.
Sec. 10-37. Abondoned or unattended refrigerators, etc., prohibited.
Sec. 10-38. Hunting; dogs prohibited in certain places.
Sec. 10-39. Possession and use of marijuana, synthetic marijuana and drug paraphernalia
Sec. 10-40. Disposal of abandoned property.
Sec. 10-41. Unnecessary use of railroad whistles, horns and bells.
Sec. 10-42. Feeding of Deer Prohibited
Sec. 10-43. Social Hosting
Secs. 10-44--10-65. Reserved.

Article III. Offenses Against Property

Sec. 10-66. Littering prohibited.
Sec. 10-67. Posting bills.
Sec. 10-68. Taking water from hydrants.
Sec. 10-69. Use of cemetery.
Sec. 10-70. Urinating or defecating on property without owner's consent.
Sec. 10-71. Refusal to pay for a taxicab ride.
Sec. 10-72. Vehicular trespass.
Sec. 10-73. Trespass by Use of Alcohol
Secs. 10-74--10-100. Reserved.

Article IV. Minors

Sec. 10-101. Curfew.
Sec. 10-102. Truancy.
Sec. 10-103. Harboring of minor runaways.
Secs. 10-104--10-130. Reserved.

Article V. Streets and Sidewalks

Sec. 10-131. Obstructing streets and sidewalks prohibited.

Sec. 10-132. Use of sidewalks.
Sec. 10-133. Use of streets.
Sec. 10-134. Funeral processions.

Article I. In General

Sec. 10-01. Offenses against state laws subject to forgeiture.

The statutory provisions describing and defining regulations with respect to offenses against peace and good order of the city and state laws in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made part of this Code in order to secure uniform statewide regulations. Citation to the following statutes shall be made by adding the prefix "10" to the applicable statute. Offenses under this chapter shall be subject to forfeitures imposed under section 1-05 of this Code.

Wis. Stats.	
10.134.06	Bonus to chauffeurs for purchases, forbidden
10.134.66	Restrictions on sale or gift of cigarettes or tobacco products
10.173.10	Investigation of cruelty complaints
10.175.25	Storage of junked automobiles
10.218.0146	Motor vehicles
10.218.0147	Purchase or lease of motor vehicle by minor
10.254.76	Causing fires by tobacco smoking
10.254.92	Purchase or possession of cigarettes or tobacco products by persons under 18 years of age
10.285.30	Motor vehicle emissions
10.939.05	Parties to a crime
10.939.22	Words and phrases defined
10.940.20	Battery, special circumstances
10.941.10	Negligent handling of burning material
10.941.13	False alarms
10.941.20	Endangering safety by use of a dangerous weapon
10.941.23	Carrying concealed weapon
10.941.24	Possession of switch blade knife
10.943.01	Damage to property
10.943.13	Trespass to land
10.943.14	Criminal trespass to dwellings
10.943.145	Criminal trespass to a medical facility

10.943.15	Entry onto a construction site or into a locked building, dwelling or room
10.943.017	Graffiti
10.943.20	Theft (value not greater than $2,500.00)
10.943.21	Fraud on hotel or restaurant keepers
10.943.215	Absconding without paying rent
10.943.24	Issue of worthless checks
10.943.45	Theft of telecommunication service
10.943.455	Theft of commercial mobile service
10.943.46	Theft of cable television service
10.943.50	Retail theft
10.943.61	Theft of library materials
10.944.15	Public fornication
10.944.20	Lewd and lascivious behavior
10.944.23	Making lewd, obscene or indecent drawings
10.944.30	Prostitution
10.944.31	Patronizing prostitutes
10.944.33	Pandering
10.945.01	Definitions
10.945.02	Gambling
10.945.03	Commercial gambling; up to five video gambling machines
10.945.04	Permitting premises to be used for commercial gambling
10.946.40	Refusing to aid officer
10.946.41	Resisting or obstructing officer
10.946.42	Escape
10.946.49	Bail jumping
10.946.70	Impersonating peace officer
10.946.72	Tampering with public records and notices
10.947.01	Disorderly conduct
10.947.012	Unlawful use of telephone
10.947.0125	Unlawful Use of Computerized Communications
10.947.013	Harassment
10.947.06	Unlawful assemblies and their suppression

10.951.01—10.951.15	Crimes against animals
10.961.14(4)(t)	THC
10.961.41	Prohibited acts A—penalties

(Code 1982, § 9.01; Ord. No. 1198, § 1, 4-12-2011)

Sec. 10-02. Penalties.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-05 of this Code, except as otherwise provided. In addition to any penalty imposed for violation of § 10.943.01(1)Wis. Stats., 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 unemancipated minor child who violates § 10.943.01(1) Wis. Stats. may also be held liable for the cost of repairing such damaged or destroyed property in accordance with § 895.035 Wis. Stats.

(Code 1982, § 9.50)

Secs. 10-3—10-29. Reserved.

Article II. Offenses Against Public Peace, Health and Safety

Sec. 10-30. Firearms.

(1) Unless prohibited by state and federal law, persons may carry exposed firearms or dangerous weapons in the City of Marshfield, and they may further carry concealed firearms or dangerous weapons in the City of Marshfield with a valid permit or license.

(a) Dangerous weapon means:

a. A firearm, meaning a weapon designed to fire a projectile by force of gunpowder.

b. An air gun, meaning a weapon designed to emit a solid projectile through use of compressed air or other gas propellant.

c. A chemical weapon such as mace, pepper spray or similar chemical designed to incapacitate a human.

d. A stun gun, cattle prod or similar electronic control device (EDC) designed to incapacitate a human through the use of electrical charge or current.

e. Blunt impact weapons designed to strike a human, including but not limited to a sap, brass knuckles, baton or nun-chukkas.

f. Any other item, instrument or device specifically designed to cause bodily harm to another.

(b) The following restrictions shall apply to the carrying of firearms or dangerous weapon:

a. School Property: No person may carry any exposed or concealed firearm, ammunition for any firearm, or dangerous weapon onto school poperty. No person may carry a folding, retractable, or fixed blade knife of any kind while on school property unless otherwise aurthorized by school administration.

b. Courtrooms: No person may carry any exposed or concealed dangerous weapon or bladed weapon of any kind into any courtroom while court is in session, unless otherwise permitted by the Wisconsin Statutes.

c. Public Building: No person may enter or remain in a public building which is properly signed and while in possession of a firearm or dangerous weapon; exposed or concealed.

d. Private Buildings: No person may carry any exposed or concealed firearm into a private business which is properly signed or has been personally instructed to remove such firearm from the premises by the person in control of the premises.

e. Private Residence: No person may carry a concealed or exposed firearm into a private residence when properly signed or personally instructed not to do so by the owner or person having the legal right of control the premises.

f. Special Events: No person may carry any exposed or concealed firearm into any event which lasts no longer than three weeks and is properly signed prohibiting such possession and has controlled access points or admission is charged.

g. Establishments Serving Alcoholic Beverage: No person may carry any exposed or concealed firearm into any establishment that serves alcohol for consumption on premises and that party partakes in such consumption.

h. Trespass with weapon: Any person entering properly signed areas or failing to remove any dangerous weapon from any location described in § 10-30(1)(b) 1-7, after having been instructed to do so specifically by the person(s) in control or having legal interest, may be cited for trespass under this section.

(c) "Properly Signed".

a. For purposes of this Section, "Properly signed" shall mean signs not less than 5 inches by 7 inches notifying any individual not to enter or remain in a part of that building, or on the grounds of that building while carrying a firearm, dangerous weapon or any particular type of firearm or dangerous weapon and the posting of such signs shall be in accordance with §943.13 of the Wisconsin Statutes.

(d) The following individuals shall be exempted from the prohibitions against the carrying of firearms under this section:

a. Sworn law enforcement personnel.

b. Former law enforcement officers with proper picture identification and certification within the past 12 months in accordance to 18 U.S.C. 926

c. Armed forces personnel acting in the line of their duties.

(e) Ordinance officers and Auxiliary officers of the Marshfield Police Department will be exempt of the following under this section:

a. The carrying of pepper spray or other crowd control aerosols in otherwise restricted locations when doing so in the course of their official duties.

b. The carrying of an electronic control device, ("ECD"), in otherwise restricted locations; if that officer is a certified law enforcement officer of the State of Wisconsin or is a valid Carrying Concealed Weapons license holder, and has been properly trained and authorized by the Marshfield Police Chief to do so.

(2) It shall be unlawful for any person, except a police officer in the line of duty, to fire or discharge, within the City of Marshfield, any rifle, shotgun, pistol, air gun or weapon using gas or other propellant, bow and arrow, or any other weapon of any kind or nature, except as provided in this section.

(a) Subsection (2) of this section does not apply and may not be enforced if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in §939.45.

(b) Subsection (2) of this section shall not apply to target practice, aerial clay, or archery practice or contests, where such activities are regular activities of a club or association of adult persons, organized for that purpose, and where, before engaging in such activities, there shall be issued by the chief of police, in writing, a certificate stating that he or his designee has examined the premises on which such activities are proposed to be conducted, and the rules and regulations of such club purposes, according to ordinance standards.

(c) The chief of police shall have the authority to determine, in any given case, whether a weapon or device may be used for any other purpose than permitted in this section, and may issue a written permit for such use.

(d) Penalty. Any person who shall violate the provisions of this section shall be subject to a penalty as provided by section 1-05 of this Code.

(e) Subsection (2) of this section shall not apply to Controlled Hunts. A Controlled Hunt within the City of Marshfield corporate limits shall satisfy all of the following requirements:

a. Every person who participates in a Controlled Hunt shall:

i. Possess a current valid archery deer hunting license issued by the Wisconsin Department of Natural Resources;

ii. Possess a Municipal Deer Tag issued by the Marshfield Police Department or its designated agent;

iii. Satisfactorily complete a bow hunter's proficiency test as designated by the Deer Management Plan from time to time;

iv. Hunt only within areas designated by the Deer Management Plan and only on the dates and at the times specified by the Deer Management Plan;

v. Hunt only with a bow and arrow;

vi. Harvest antlerless deer only; and

vii. Comply with all state and local laws, rules and regulations and the directions set forth in the Deer Management Plan.

2. All Controlled Hunts shall be conducted on dates and at times and locations as specified by the Deer Management Plan. Controlled Hunts shall not be conducted at any time between April 15 and September 15 of each calendar year.

(Code 1982, § 9.02; Ord. No. 1145, § 1, 11-25-2008; Ord. No. 1215, § 1, 11-8-2011; Ord. No. 1219, § 1, 5-8-2012)

Sec. 10-31. Throwing or shooting missiles and projectiles.

No person shall throw, shoot or otherwise propel any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the city.

(Code 1982, § 9.03)

Sec. 10-32. Sale and discharge of fireworks restricted.

The provisions of § 167.10 Wis. Stats. regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this chapter as though set forth in full. A person convicted of violation of this section, in addition to such forfeiture as is ordered by the court, shall pay all costs incurred in regard to destruction of such fireworks, including any administrative expenses and storage costs in regard thereto as determined by the police department.

(Code 1982, § 9.04)

Sec. 10-33. Regulation of noise and vibrations.

(1) *Declaration of policy*. The City of Marshfield, finding that excessive levels of sound and vibrations are detrimental to the physical, mental and social well-being of the citizens of the City of Marshfield, as well as to their comfort, living conditions, general welfare and safety, hereby declares it to be necessary to provide for the greater and more effective regulation of excessive

sounds through the adoption of this section.

(2) *Scope.* This section shall apply to all sound and vibration originating within the limits of the City of Marshfield.

(3) *Definitions.* All terminology used in this section, not defined in this subsection, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Airblast means an airborne shock wave resulting from detonation of explosives.

Continuous sound means and denotes a sound the intensity of which remains essentially constant during a given period of time. Continuous sound shall be measured by the slow response setting of a sound level meter.

Decibel (dB) means a unit measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Department means the Marshfield Police Department.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Equivalent A-weighted sound level (Leq) means the constant sound level that, in a given situation, and time period, conveys the same sound energy as the actual time varying A-weighted sound.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means any sound which (i) endangers or injures the safety or health of humans or animals; or (ii) any loud or unusual noise which would tend to annoy or disturb a reasonable person of normal sensitivities; or (iii) endangers or injures personal or real property; or (iv) exceeds the applicable maximum permissible sound levels as they appear in the tables at subsection (6)(b) of this section.

Person means any individual, association, partnership or corporation.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

Public space means any real property or structures thereon which are owned or controlled by a governmental entity.

Real property boundary means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4 - 1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Stationary source means any sound source operating or occurring on any public or private property, not including a public right-of-way.

Unreasonable annoyance means an excessive, repeated noise, action or other disturbance that is not justified by reason.

Vibration means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to given reference point.

(4) *Administration.* The noise control program established by this section shall be administered by the Marshfield Police Department.

(5) *Noise disturbances prohibited.* No person shall make, continue or cause to be made or continued within the city, any noise disturbance as defined in subsection (3) of this section. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

(a) *Radios, television sets, musical instruments and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound. The using, operating or permitting to be played, used or operated between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to create a noise disturbance across a real property boundary.

(b) *Loudspeakers/public address systems.* Using or operating or permitting the operation of any loudspeaker, public address system, or similar device, such that the sound therefrom creates a noise disturbance.

(c) *Noisy animals.* The keeping or harboring of any animal which by frequent or habitual howling, yelping, barking, crowing, or making of other noises, substantially annoys, disturbs or inconveniences a person living nearby or passing by upon the public streets, alleys or sidewalks.

(d) *Construction and tool use.* Operating or permitting the operating of any tools or equipment between the hours of 9:00 p.m. and 7:00 a.m. the following day, such that sound therefrom creates a noise disturbance, except for emergency work of public service utilities.

(e) *Emergency signaling devices.* The sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar signaling device such that the sound therefrom creates a noise disturbance, except for actual emergency purposes. Testing a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7:00 a.m. or after 7:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed three minutes.

(f) *Yelling, shouting.* Yelling, shouting, whistling, hooting or generally creating a racket between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to annoy or disturb the quiet comfort or repose of persons in any business or residence or in such a manner as to create a noise disturbance.

(6) *Measurement and control of noise.* Measurement and control of noise shall be in accordance with the following:

(a) *Noise prohibited.* No person shall make, continue or cause to be made or continued any noise in excess of the noise levels set forth in this subsection unless such noise is reasonably necessary to the preservation of life, health, safety or property.

(b) *Measurement and control.* It shall be unlawful for any person to cause a sound from a stationary source which exceeds any sound level as set forth in the applicable column in the following table titled "Maximum Permissible Sound Levels" when measured at the real property line of the offending source. Measurement shall be made by a duly authorized individual who is knowledgeable in the proper use of the measurement equipment. Measurement shall be made in the slow response, A-weighting of the sound meter.

Maximum Permissible Sound Levels

Zones	Time of Day	dB
All	7:00 a.m. to 10:00 p.m.	80

All 10:00 p.m. to 7:00 a.m. 65

(c) *Exemptions.* Exemptions shall be as follows:

1. Operations of emergency equipment shall be exempt from this section. Equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety and protection of the citizens of the city.

2. Snow blowers not operated on a commercial basis shall be exempt from this section when used to gain access to a city street.

3. Lawn mowers, chainsaws, powered garden equipment and other nonconstruction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 10:00 p.m. unless within the specified noise levels measured at the property line of the location at which such equipment is in use.

(7) *Variances.* Procedures for granting variances shall be as follows:

(a) The council may issue variances for special circumstances such as, but not limited to:

1. Special public events such as parades, Fourth of July celebrations, fairs, school band playing and similar public, community events which are limited in duration. The variances may limit the hours and duration of the variance and may be conditioned upon the applicant taking technologically reasonable steps to minimize the noise.

2. Existing business operations and equipment which produce excessive noise if it is found that it is not technologically or economically feasible to alter such operation to reduce noise to the standard prescribed by this section. Such variance permit may be of indefinite duration.

3. The variance may be granted upon application stating the name of the applicant, address of the event, date and times of operation, what technologically reasonable steps will be taken to minimize the noise and a noise impact statement. The contents of the noise impact statement shall be determined by the city clerk.

(b) In determining whether to grant or deny an application, the council shall balance the hardship to the applicant, the community, and other persons of denying the special waiver against the adverse impact of granting the variance on the health, safety and welfare of persons affected.

(8) *Vibrations.* Vibrations shall be regulated as follows:

(a) Except as otherwise specifically provided in this section, the provisions of SPS chapter 307, subchapter VII of the Wisconsin Administrative Code, as amended from time to time, are hereby adopted by reference and made a part of this Code as though fully set forth in this section, exclusive of provisions relating to penalties. Any act required to be performed or prohibited by COMM chapter 7, subchapter VII is required or prohibited by this section.

(b) In addition to preblast notice required by SPS chapter 307, the contractor shall notify the department in advance of all blasting.

(9) *Emergency exception.* The provisions of this section shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

(10) *Conflict.* If this section or parts of this section conflict with any prior ordinance, or part of a prior ordinance, this section repeals all prior ordinances or parts thereof.

(Code 1982, § 9.06; Ord. No. 1014, § 1, 4-13-2004; Ord. No. 1086, § 1, 11-14-2006; Ord. No. 1220, § 1, 2-28-2012; Ord. No. 1220, § 1, 2-28-2012)

Sec. 10-34. Animals running at large prohibited.

(1) *Generally.* General provisions for animals running at large are as follows:

(a) It shall be unlawful to own, keep or harbor a dog or cat or other animal and permit such animal to run at large in the City of Marshfield at any and all times.

(b) The animal shall be deemed to be running at large when found on any of the public streets, alleys, parks, or other public grounds of the city, or when off the premises of the owner or person having custody and control of such animal unless held in leash.

(c) Any person who allows any such animal owned by him to defecate on property of another or on any public property or on any public terrace, defined as that area between the sidewalk and curbline, shall cause the feces to be removed immediately.

(d) "Animal" includes every living warm-blooded creature except a human being.

(2) *Female animals in season.* Any female animal in season shall be kept confined in a building or secure kennel enclosure, veterinary hospital or boarding kennel during the duration of such season.

(3) *Vicious animals.* The owner of any vicious animal shall keep it securely enclosed on the owner's premises away from the proximity of sidewalks, paths, or alleys, and shall keep it muzzled when exercising it. Where there is evidence that any such animal intimidates any person to the extent that such person is unable to use or enjoy any property, the animal control officer or any law enforcement officer may order the animal muzzled, leashed or restrained.

(4) *Nuisance, inhumane treatment.* No person shall keep or harbor or own any dog, cat or any other animal, which by loud or infrequent or habitual barking, meowing, yelping orhowling, or by constant threat of attack and/or biting shall cause annoyance to the neighborhood or to people passing upon the street. No person shall refuse to deliver up to a police officer or animal control officer a dog, cat or other animal when properly requested to do so under the provisions of this section. No person shall be cruel to a dog, cat or other animal, such cruelty consisting of beating, torturing, mutilating, killing, or of clear failure to provide food, drink or shelter. No person may abandon any animal.

(Code 1982, § 9.08)

Sec. 10-35. Storage of junk, etc.

(1) *Generally.* Storage of junked or discarded property shall be restricted as follows:

(a) *Restricted.* 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 or upon license issued by the council.

(b) *Order for compliance.* The building services supervisor 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.* Procedures for abandoned vehicles shall be as follows:

(a) *Vehicle abandonment prohibited.* No person shall leave unattended any motor vehicle, trailer, semitrailer 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 48 hours, 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 subsection (2)(c) of this section. 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 stolen or otherwise wanted for evidence or any other reason.

(c) *Disposal of abandoned vehicles.* Disposal of abandoned vehicles shall be in accordance with the following:

1. *Vehicles exceeding $250.00 in value.* Vehicles exceeding $250.00 in value shall be disposed of in accordance with the following:

a. If the chief of police or his authorized representative determines that the value of an abandoned vehicle exceeds $250.00, 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 15 days upon payment of accrued towing, storage and notice charges and if not so reclaimed shall be sold. See also subsection (2)(d) of this section.

b. If an abandoned vehicle exceeding $250.00 in value is not reclaimed within the period and under the conditions provided in subsection (2)(c)1.a of this section, it 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 into the city treasury.

2. *Vehicles of less than $250.00 in value.* Any abandoned vehicle which is determined by the chief of police or his authorized representative to have a value of less than $250.00 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, storing 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.* Within five days after the sale or disposal of a vehicle as provided in subsection (2)(c) of this section, 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 with the city.

(Code 1982, § 9.09)

Sec. 10-36. 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 cover cannot be removed by small children.

(Code 1982, § 9.12)

Sec. 10-37. Abondoned 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 icebox, 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 icebox, refrigerator or container or unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

(Code 1982, § 9.13)

Sec. 10-38. Hunting; dogs prohibited in certain places.

(1) *Hunting.* No person shall kill, hunt, push, drive or pursue any game animals or birds within the corporate limits of the City of Marshfield unless specifically permitted pursuant to section 10-30(3) of this Code.

(2) *Pets.* No person, except persons with assistance animals as provided in § 174.056 Wis. Stats., shall allow dogs or other animals to enter any public building, picnic grounds, playgrounds, athletic facilities, or the zoo within the city park; provided, however, this prohibition shall not apply to personal assistance animals or animals escorted by a police officer or ordinance control officers as provided under § 174.056 Wis. Stats. In public areas where pets are permitted, they shall at all times be effectively restrained or under the owner's control as provided in section 10-34 of this Code. Nonresidents who are patrons of the city-owned camping facilities may have pets, provided they are within the camping section, leashed or in enclosures.

(Code 1982, § 8.18; Ord. No. 1139, § 1, 2, 10-14-2008)

Sec. 10-39. Possession and use of marijuana, synthetic marijuana and drug paraphernalia

(1) M*arijuana Possession Or Use Prohibited.* No person shall possess or use marijuana, except as otherwise authorized herein or by Chapter 961 Wis. Stats.

(2) *Synthetic Marijuana Possession, Use and Sale Prohibited.* No person shall use, possess, transport, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give, trade or barter any one or more of the following chemicals whether under the common street or trade names of "Spice", "K2", "Genie", "Yucatan Fire", "fake" or "new" marijuana, or by any other name, label, or description:

(a) Salviadivinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;

(b) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol some trade or other names: HU-210;

(c) 1-Pentyl-3-(1-naphthoyl) indole-some trade or other names: JWH-018\spice;

(d) 1-Butyl-3-(1naphthoyl) indole-some trade or other names: JWH-073;

(e) 1-(3{trifluoromethylphenyl}) piperazine-some trade or other names: TFMPP; or

(f) any similar structural analogs.

(3) *Drug Paraphernalia Possession Or Use Prohibited.* No person 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 Chapter 961 of the Wisconsin Statutes.

(4) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drug paraphernalia means all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of Chapter 961 of the Wisconsin Statutes and as further specifically defined in section 961.571, Wis. Stats.

Marijuana means all parts of the plant cannabis sativa L., whether growing or not, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds and resins, and shall further include tetrahydrocannabinols, commonly known as "THC", in any form including tetrahydrocannabinols contained in marijuana, obtained from marijuana or chemically synthesized or a derivative thereof.

Practitioner means a physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research.

(5) *Exception.* Acts otherwise prohibited under this section shall not be unlawful if done by or under the direction or prescription of a licensed practitioner as defined herein.

(6) *Penalty.* Any person violating this ordinance shall be subject to a forfeiture of not less than $100.00 nor more than $500.00, exclusive of costs.

(Code 1982, § 9.23; Ord. No. 1195, § 2, 12-21-2010)

Sec. 10-40. Disposal of abandoned property.

Any personal property which has been abandoned, or which remains unclaimed for a period of 30 days after taking of possession of the property by city officers may be disposed of as provided in this section.

(1) *Auction.* Personal property, other than that personal property described in subsection (3) or (4) of this section, may be disposed of by sale at public auction. Such auction shall be held by the

Marshfield Police Department, and the terms, conditions and advertisement thereof shall be as determined by the chief of police.

(2) *Private disposition.* If the personal property described above is not sold at auction, it may be disposed of by the Marshfield Police Department in either of the following ways:

(a) *Return to finder*. If the finder of the personal property is known, the personal property may be returned to such finder.

(b) *Sale.* If the finder is not known, the personal property may be appraised and sold to any person under such terms and conditions as may be deemed reasonable and appropriate by the chief of police.

(c) Disposed of as junk.

(d) In any of the cases described in subsection (2)(a)—(c) of this section, the Marshfield Police Department shall maintain an inventory of such property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession thereof. Such inventory shall be kept as a public record for a period of not less than two years from the date of the disposal of such property. If the disposal is by sale, all receipts therefrom, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the city treasury.

(3) *Dangerous substances, materials or devices.* Abandoned or unclaimed flammable, explosive of incendiary substances, materials or devices posing danger to life or property in their storage, transportation or use may be safely disposed of immediately after taking possession thereof without a public auction, as follows:

(a) The Marshfield Police Department shall make a reasonable attempt to return such property to the rightful owner if the property has a commercial value in normal business usage and if the property does not pose an immediate threat to life or property, or if such property appears to be or has been reported as stolen.

(b) If such an attempt is unsuccessful, or if the property poses an immediate threat to life or property, in the determination of the chief of police, such property may be disposed of in any safe manner.

(4) *Firearms or ammunition.* Firearms or ammunition which have been abandoned, or remained unclaimed, for a period of 30 days after the taking of possession by city officers, may be disposed of only by return to the rightful owner, destruction, or transfer to the state crime laboratory under § 165.75 Wis. Stats., the Division of Law Enforcement Services of the Department of Justice; the Federal Bureau of Investigation; or the Alcohol, Tobacco and Firearms Bureau of the United States Department of Treasury.

(Code 1982, § 9.26)

Sec. 10-41. Unnecessary use of railroad whistles, horns and bells.

(a) No railroad company or any of its agents, servants or employees, shall blow or cause to be blown any whistle or horn, or use any bell, within the limits of the city, between the hours of 11:00 p.m. and 6:00 a.m., except in those cases prescribed and designated by Federal and/or State Law, but nothing in this section shall be construed as forbidding or prohibiting the blowing of any whistle or horn, or the use of any bell, as a signal or warning in case of peril, fire, collision or other imminent danger to life and/or property.

(b) No train horn, whistle or warning bells shall be sounded at a distance greater than 1,100 feet from any private crossing within the City, except as required by Federal and/or State Law.

(Ord. No. 1045, § 1, 3-8-2005; Ord. No. 1068, § 1, 2, 5-23-2006)

Sec. 10-42. Feeding of Deer Prohibited

(1) *Feeding of Deer Prohibited.* It shall be unlawful to feed deer in the City of Marshfield through the placement of any salt, mineral, grain, fruit or vegetable material outdoors on any public or private property.

(a) *Definition of Deer Feeding.* The following acts shall constitute unlawful deer feeding:

1. The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of more than one-half gallon at a height of less than 7 feet above the ground.

2. The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of more than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the grain, fruit or vegetable material above the ground.

3. Any other method of placing salt, mineral, grain, fruit or vegetable material out of doors, or allowing salt, mineral, grain, fruit or vegetable materials to remain out of doors for consumption by deer.

4. Any feeder placed 50 feet or more from any deeded residence.

(b) *Exception.* This section shall not apply to the following situations:

1. *Hunting.* The placement of bait for the purpose of hunting deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.

2. *Naturally Growing Materials.* Naturally growing grain, fruit or vegetable material, including gardens.

3. *Compost.* Compost shall be defined as a mixture of various decaying organic substances which shall be predominately comprised of, but not necessarily limited to, dead leaves, grass, tree and shrub chippings and trimmings and other forms of usual and customary lawn/yard/garden waste and may incidentally include minimal

quantites of grain, fruit or vegetable material.

4. *Wildwood Zoo.* Feeding deer legally confined within Wildwood Zoo, licensed deer farms and all other similarly licensed facilities.

5. *Bird Feeders.* Unmodified commerically purchased bird feeders or their equivalent.

6. *Authorized by the Common Council.* Deer feeding may be authorized on a temporary basis by the Common Council for a specific purpose as determined by the Common Council.

(2) *Penalties.* Any person who shall violate any provision of this section shall be subject to a penalty as provided below. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.

(a) First Offense. Shall be not less than $30, nor more than $100, plus court costs and the costs of prosecution;

(b) Second/Subsequent Offense. Committed within one year shall be not less than $100, nor more than $500, plus court costs and the costs of prosecution;

(c) As additional penalties, the court may impose upon any person who violates this section, all costs of abating the nuisance, including costs incurred by City employees, agents, and contractors.

(Ord. No. 1082, § 1, 11-14-2006)

Sec. 10-43. Social Hosting

(a) Definitions. For purpose of this section, the following terms have the following meanings:

(1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

(2) "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

(3) "Event or gathering" means any group of three or more underage persons who have assembled or gathered for a social occasion or other activity.

(4) "Host" or "allow" means to organize, supervise, control, or permit a gathering which is prohibited under section (b).

(5) "Parent" means any person having legal custody of a juvenile:

(A) As a natural, adoptive parent or step-parent;

(B) As a legal guardian; or

(C) As a person to whom legal custody has been given by order of the court.

(6) "Residence", "premises", or "public or private property" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.

(7) "Underage person" is any individual under twenty-one (21) years of age.

(8) "Present" means being at hand or in attendance.

(9) "In control" means the power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.

(10) "Possession" means the fact of having or holding property in one's power, the exercise of dominion over property.

(b) Prohibited acts.

(1) No person may procure for, sell, dispense or give away any alcoholic beverage to any underage person not accompanied by his or her parent, guardian or spouse who has not attained the legal drinking age.

(2) No adult may knowingly permit, host, or fail to take action to prevent the illegal consumption or possession of alcoholic beverage by an underage person on premises owned by the adult or under the adult's control.

(3) No adult may intentionally encourage or contribute to a violation of (b) 1 or 2.

(c) Exceptions.

(1) This chapter does not apply to conduct solely between an underage person and his or her parent or spouse of legal drinking age and while that parent or spouse is present and in control of the underage person.

(2) This chapter does not apply to legally protected religious observances.

(3) This chapter does not apply to situations where the underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(d) Penalties. A person who commits a violation may be:

(1) Required to forfeit not more than $500 plus court costs if the person has not committed a previous violation within 30 months of the current violation.

(2) Be required to forfeit not more than $1,000 plus court costs if the person has committed a previous violation within 30 months of the current violation.

(3) Be required to forfeit not more than $2,500 plus court costs if the person has committed 2 previous violations within 30 months of the current violation.

(4) Be required to forfeit not more than $5,000 plus court costs if the person has committed 3 or more previous violations within 30 months of the current violation.

Secs. 10-44—10-65. Reserved.

Article III. Offenses Against Property

Sec. 10-66. 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.

(Code 1982, § 9.10)

Sec. 10-67. Posting bills.

No person shall post or paint a bill, notice or advertisement upon any building, fence, wall, door or gate without first securing the consent of the owner thereof, or upon any public building, curbstone, crosswalk, lamppost, sidewalk, street or hydrant. The word "post" shall not be construed to mean the delivery of materials to private residences by nonprofit organizations including church-oriented organizations, or political campaign material for a period of not more than 90 days prior to an election, except as otherwise provided in section 18-111 et seq. of this Code, or the public utilities, or the depositing of newspapers, telegrams, mail or packages delivered by any acknowledged delivery service.

(Code 1982, § 9.14)

Sec. 10-68. Taking water from hydrants.

No unauthorized person shall take or release water from any hydrant within the city for private purposes.

(Code 1982, § 9.17)

Sec. 10-69. Use of cemetery.

(1) *Hours of use.* No person except authorized persons shall occupy or be in any portion of the city cemetery or park a motor vehicle therein between 8:30 p.m. and 6:00 a.m.

(2) *Defined.* The city cemetery includes the cemetery owned and occupied by the city and those portions thereof owned and occupied by the Catholic and Lutheran congregations of the city.

(3) *Injury to property prohibited.* No person shall cause injury to any monument, headstone or other marker in the city cemetery or destroy or take and remove flowers, flower containers, shrubs or parts of shrubs therefrom.

(Code 1982, § 9.22)

Sec. 10-70. Urinating or defecating on property without owner's consent.

Whoever urinates or defecates on any public way, public street, sidewalk, boulevard, parkway, safety zone, alley, public parking lot, or on any private property without consent of the owner or occupant, is subject to a forfeiture not to exceed $100.00 and in lieu of payment assessed imprisoned for not more than 30 days in the county jail.

Sec. 10-71. Refusal to pay for a taxicab ride.

It shall be unlawful for any person to intentionally enter a taxicab that transports persons for hire and refuse to pay, without delay, upon demand of the operator or other person in charge of the taxicab, the prescribed transportation fare.

(Code 1982, § 9.27)

Sec. 10-72. Vehicular trespass.

(1) The use of privately owned property in the City of Marshfield, to include driveways, parking lots, or other commercial or residential property, for through traffic, after having been notified by the owner or occupant not to use the property for such purpose, is hereby prohibited.

(2) For the purpose of this section, through traffic on private property is defined as driving a motor vehicle through or onto privately owned property, with no intention of stopping thereon to conduct business or use any facilities on the property or to exit the vehicle for legal purposes.

(3) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the property is posted. Property is considered to be posted under this subsection if a sign is placed at each entrance or access point

to the property, indicating "no through traffic" or "no turn around," and indicated at the bottom of the sign, "by order of the City of Marshfield, section 10-72 Municipal Code." Such sign shall be at least 18 inches high by 12 inches wide, with block lettering at least two inches high.

(4) It shall not be a defense to a charge of vehicular trespass that the property posted is otherwise a public place.

(5) Violation of this section shall be subject to a forfeiture of $30.00 for each offense, and, if prosecuted on information and belief, and if the driver cannot be specifically identified, then the vehicle owner may be held liable for such offense.

(Code 1982, § 9.30; Ord. No. 1140, § 2, 10-28-2008)

Sec. 10-73. Trespass by Use of Alcohol

1) No person shall possess or consume any amount of an alcoholic beverage, whether in an open or closed container, on the property of another without the permission of a person lawfully upon the premises.

(2) If any underage alcohol citation charging a violation of Section 9-45(1) of the Municipal Code is amended to a violation under this Section, a conviction under this Section shall be treated as a violation under Section 9-45(1) of the Marshfield Municipal Code for purposes of computing prior violations under Section 9-45(3)(a) of the Marshfield Municipal Code.

(Ord. No. 1156, § 1, 8-11-2009)

Secs. 10-74—10-100. Reserved.

Article IV. Minors

Sec. 10-101. Curfew.

(1) *Loitering of minors (ages 16 and 17).* Persons under the age of 18, who have reached their 16th birthday, shall not loiter, idle, wander or play upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the city between 10:00 p.m. and 6:00 a.m. each day, from Sunday evening to Friday morning, inclusive, and between 12:00 midnight and 6:00 a.m. each day from Friday evening to Sunday morning, unless accompanied by a parent, guardian or group supervised by an adult for whom the parent or guardian has given the minor permission to associate with during the hours of curfew, or unless the minor is engaged in the performance of a necessary errand or duty directed by a parent, guardian or other adult having supervision, or in the course of the minor's employment, or if the minor is returning directly home from an activity which had prior approval of the parent or guardian such as family or school activities, church programs or approved organizational activities.

(2) *Loitering of minors (ages 13, 14 and 15).* Persons under the age of 16, who have reached their 13th birthday, shall not loiter, idle, wander or play upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the city between 10:00 p.m. and 6:00 a.m. each day, from Sunday evening to Friday morning, inclusive, and between 10:30 p.m. and 6:00 a.m. each day from Friday evening to Sunday morning, unless accompanied by a parent, guardian or group supervised by an adult for whom the parent or guardian has given the minor permission to associate with during the hours of curfew, or unless the minor is engaged in the performance of a necessary errand or duty directed by a parent, guardian or other adult having supervision, or in the course of the minor's employment, or if the minor is returning directly home from an activity which had prior approval of the parent or guardian such as family or school activities, church programs, or approved organizational activities.

(3) *Loitering of minors (ages 12 and under).* Persons who have not reached their 13th birthday shall not loiter, idle, wander or play upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the city between 9:00 p.m. and 6:00 a.m. each day, unless accompanied by a parent, guardian or group supervised by an adult for whom the parent or guardian has given the minor permission to associate with during the hours of curfew, or unless the minor is engaged in the performance of a necessary errand or duty directed by a parent, guardian or other adult having supervision, or if the minor is returning directly home from an activity which had prior approval of the parent or guardian such as family or school activities, church programs or approved organizational activities.

(4) *Responsibility of adults.* No parent, guardian or other adult person having the care and custody of a minor under 18 shall knowingly permit a minor to violate subsection (1), (2) or (3) of this section unless the minor is accompanied by his parent, guardian or another adult person having care or custody of the minor, or unless the minor is engaged in an activity as prescribed in this section.

(Code 1982, § 9.19)

Sec. 10-102. Truancy.

(1) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Acceptable excuse means an acceptable excuse as defined in § 118.15 Wis. Stats.

Dropout means a child who ceased to attend school, does not attend a public or private school, technical college or home-based private educational system on a full-time basis, has not graduated from high school and does not have an acceptable excuse under § 118.15(1)(b)—(d) or (3) Wis. Stats. and who is at least 16 years of age but less than 18 years of age.

Habitual truant means a pupil who is absent from school without an acceptable excuse for part or all of five or more days on which school is held during a school semester.

Truant means a pupil who is absent from school without an acceptable excuse for part or all of the day on which school is held during a semester. The definition of "pupil who is absent from school" shall also include a pupil, who, while remaining on school property, fails to attend and/or who is absent without an acceptable excuse from a part or all of any class or other school activities said pupil had previously been assigned to attend.

(2) Any person under the age of 18 years enrolled in school is prohibited from being either a habitual truant or a truant or a dropout.

(3) *Penalty (truant).* Any person who is deemed to be a "truant" may be subject to one or more of the following dispositions by the court:

(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 subsequent violation committed within 12 months of a previous violation, subject to § 938.37 Wis. Stats. 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 truant, the parents or guardian of the truant or both.

(4) *Penalty (habitual truant).* Any person who is deemed to be a "habitual truant" may be subject to one or more of the following dispositions by the court:

(a) The suspension of the habitual truant's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of the suspended license and forward it to the department of transportation of the State of Wisconsin, together with a notice stating the reason for and the duration of the suspension.

(b) An order for the habitual truant to participate in counseling, a suspended work program or other community service work as described in § 938.34(5g) Wis. Stats. The costs of any such counseling, supervised work program or community service work may be assessed against the habitual truant, the parents or guardian of the habitual truant, or both.

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

(d) An order for the habitual truant to attend an education program as described in § 938.34 (7d) Wis. Stats.

(e) An order for the habitual truant to be placed in a teen court program as described in § 938.342(1g)(f) Wis. Stats.

(f) An order for the habitual truant to attend school.

(g) A forfeiture of not more than $500.00 plus costs, subject to § 938.37 Wis. Stats. All or part of the forfeiture plus costs may be assessed against the habitual truant, the parents or guardians of the habitual truant, or both.

(h) Any other reasonable conditions consistent with this section, including a curfew, restrictions as to going to or remaining on specified premises and/or restrictions on associating with other children and/or adults.

(i) An order placing the habitual truant under formal or informal supervision as described in § 938.34(2) Wis. Stats., for up to one year.

(j) An order for the habitual truant's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the habitual truant, or both.

(5) *Penalty (dropout).* Any person who is deemed to be a "dropout" may be subject to the court suspending the person's operating privileges until the person reaches the age of 18. The court shall immediately take possession of any suspended license and forward it to the department of transportation of the State of Wisconsin, together with a notice stating the reason for and the duration of the suspension.

(6) *Furnishing list of dropouts to municipal court.* The municipal court may order a school district to provide to the court a list of all persons who are known to the school district to be dropouts and who reside within the corporate boundaries of the City of Marshfield.

(7) *Penalty for parent, guardian or other adult.* Any parent, guardian or other adult who knowingly allows a child to absent himself or herself from attendance at school without an acceptable excuse shall be in violation of this section and may be subject to a forfeiture of not less than $50.00 nor more than $100.00 for the first offense, and not less than $50.00 nor more than $300.00 for any subsequent offense within a one-year period.

(Code 1982, § 9.19A)

Sec. 10-103. Harboring of minor runaways.

It shall be unlawful for any person to knowingly allow, assist, permit, or board any minor child at his or her residence, property, or place of business, or in any other manner whatsoever, where the person knows or should have known the child to be a runaway from his or her parent, guardian, or legal custodian. A runaway is any minor child away from home without permission from his or her parent or legal custodian.

(Code 1982, § 9.28)

Secs. 10-104—10-130. Reserved.

Article V. Streets and Sidewalks

Sec. 10-131. Obstructing streets and sidewalks prohibited.

(1) *Generally.* No person shall stand, sit, loaf, 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 to or egress from any place of business or amusement or any church, public hall or meeting place.

(2) *Obstruction of entryways by loitering.* No person shall loiter upon the public streets, private driveways or sidewalks or in adjacent doorways or entrances so as to obstruct the free entry of persons to the adjacent property, driveways, or other entrances to such property. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after being requested to do so by a police officer.

(3) *Loitering in places of public assembly or use.* No person shall by loitering interfere with the free use of any place of public assembly or public use by others using such place of public assembly. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after a request to do so by a police officer or by the person in charge of the place of public assembly.

(4) *Loitering on private premises without invitation.* No person shall loiter on any private premises without invitation from the owner or occupant. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after being requested to do so by a police officer or by the owner or occupant.

(Code 1982, § 9.05)

Sec. 10-132. Use of sidewalks.

(1) *Policy established.* The board of public works shall establish a policy governing temporary sidewalk closing. The city engineer shall administer the policy. No person shall close, block or cause to be blocked any sidewalk in the City of Marshfield with vehicles, equipment, material storage, dumpsters, excavation, scaffolding, or any other item without a permit from the city engineer.

(2) *Sale of merchandise on festival days.* Persons displaying or selling merchandise on city sidewalks shall be permitted only in compliance with the following:

(a) Such person displays or sells merchandise customarily sold by him or her on or from the sidewalk immediately adjacent to his or her regular place of business, or and with the consent of the owner or occupant of the business place adjacent to the sidewalk. Sales shall only be permitted on days specified and authorized by the chief of police or his designee.

(b) A clear space is provided for pedestrian travel of not less than one-half of the width of the sidewalk or a minimum of four feet, whichever is greater.

(c) The sidewalk shall be cleared of all merchandise, produce and other wares, and all paper and debris within one hour after the close of business on each day and left in a clean, sanitary condition, and such sidewalk shall be cleared entirely and left in a clean, sanitary condition within one hour after the close of business on the last day concerned. No merchandise, produce, other wares, paper or debris shall be swept, shoveled or dumped into the street.

(d) Such displays or sales shall be restricted as to the number of days in each year, designated by the department of public works, at the request of the mayor or the Marshfield Area Chamber of Commerce and Industry.

Sec. 10-133. Use of streets.

(1) *Parades.* The use of city streets for any parade or procession is prohibited unless a permit is issued by the chief of police or his designee.

(a) The application for the permit required by this subsection shall set forth the following information regarding the proposed parade:

1. The name, address and telephone number of the applicant.

2. If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

3. The name, address, driver's license number and telephone number of the person who will be responsible for conducting the parade.

4. The date and time when the parade will be conducted and its duration.

5. The assembly area, the starting point, the route to be traveled and the termination point.

6. The number and size of participants or units comprising the parade.

7. If the parade is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the police chief a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on such person's behalf.

8. Any additional information the police chief finds reasonably necessary for a fair determination as to whether a permit should be issued.

(b) *Grounds for discretionary denial.* The application for the permit required under this subsection may be denied if:

1. It is for a parade that is to be held on a workday during hours when and at places where, in addition to the proposed parade, the flow of vehicular traffic is usually delayed by its own volume;

2. It is for a parade that is to commence between the hours of 9:00 p.m. and 9:00 a.m.;

3. Sufficient supervision is not provided to reasonably ensure the orderly conduct of the parade;

4. The proposed route for conducting the parade involves a street or highway under construction or a detour route;

5. The policing of the parade will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the city;

6. The parade will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property;

7. The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or

8. The parade is so poorly organized that participants are likely to engage in aggressive or destructive activity.

(c) *Mandatory denial.* The application for the permit required under this subsection shall be denied if:

1. It is a parade that is primarily for private or commercial economic gain;

2. It is for a parade that would involve violation of federal, state and local laws relating to use of highways or of other applicable regulation of the city;

3. The granting of the permit would conflict with another permit already granted or for which application is already pending;

4. More than one assembly area or more than one dispersal area is proposed; or

5. The applicant fails to receive the permit under § 84.07(4) Wis. Stats.

(d) *Actions for grant or denial of permit.* Actions for the grant or denial of the permit are the following:

1. The chief of police shall act as promptly to review every application for a permit required under this subsection, and may consult with other government agencies directly affected and with the applicant, if necessary. The chief of police shall, by the most reasonable means of communication, promptly notify the applicant of the chief's decision on the application and, if the application is denied, shall give the reasons for denial of the permit.

2. Modifications. In lieu of denying a permit, the chief of police may authorize the changing of assembly areas or dispersal areas or the conducting of the parade at a date or time or over a route different than applied for. The applicant may accept such modification by immediately notifying the chief of police in writing of such acceptance.

(e) *Littering or other acts prohibited.* No person taking part in any permitted parade shall throw or deposit upon any city street or sidewalk any objects or materials of any kind, or jump off of or onto any vehicle or other unit which is a part of the parade, procession or other similar use described in this section.

(2) *Other uses prohibited.* Except as provided in this section, no person shall park or allow to stand upon any of the public streets, alleys or public grounds within the city, except in market places, any wagon, automobile, truck, trailer or other vehicle for the purpose of selling or advertising or offering for sale therefrom any merchandise to consumers. This shall not apply to the vending of newspapers on city streets.

Sec. 10-134. Funeral processions.

No person shall use or occupy Central Avenue between Arnold Street and 7th Street for the purpose of having or conducting a funeral procession with the exception of a funeral procession originating from a church located on Central Avenue between Arnold Street and 7th Street, in which case the funeral procession will be permitted in the block in which the church is located.