

**Title 9**

**PUBLIC PEACE, MORALS AND WELFARE**

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**I. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT**

**Chapter 9.02**

**ASSISTING ESCAPE OF PRISONERS**

**Sections:**

**9.02.010**      **Assisting escape prohibited.**

**9.02.020**      **Violation—Penalty.**

**9.02.010**      **Assisting escape prohibited.**

No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the city. (Prior code § 12.02(6))

**9.02.020**      **Violation—Penalty.**

Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord. A-135 (part), 1976: prior code § 12.02(a))

**Chapter 9.04**

**FALSE FIRE ALARMS**

**Sections:**

- 9.04.010**      **False alarms prohibited.**
- 9.04.020**      **Violation—Penalty.**
- 9.04.040**      **Charges for false alarms.**

**9.04.010**      **False alarms prohibited.**

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. (Prior code § 12.02(4))

**9.04.020**      **Violation—Penalty.**

Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided in the graduated fee schedule found in Section 9.04.040. (Ord.9C-02, 2002)

**9.04.040**      **Charges for false alarms.**

A. “False alarm” means an alarm signal which elicits a response by the police department or the fire department when a situation requiring a response by either does not in fact exist.

B. Any person having a burglar, hold-up or any type of intrusion alarm shall be charged the following fees for the indicated number of false alarms responded to by the police department or the fire department within a calendar year:

<b>Number of False Alarms</b>	<b>Fee</b>
Up to 4	No fee
5 to 10	\$50.00 for each false alarm
11 and up	\$100.00 for each false alarm

C. If the possessor of the alarm shows to the satisfaction of the Director of Public Safety that such false alarm was not the result of negligence or improper maintenance, or other good and sufficient cause beyond the reasonable control of the possessor of the alarms, such fee may be waived and the response shall not count as a false alarm in computing the fee established under Section 9.04.040. (Ord. 9C-02, 2002)

## Chapter 9.06

### IMPERSONATION OF AND INTERFERENCE WITH OFFICERS

**Sections:**

- 9.06.010**      **Obedience to officers required.**
- 9.06.020**      **Impersonating police officer prohibited.**
- 9.06.030**      **Violation of Section 9.06.020—Penalty.**

**9.06.010**      **Obedience to officers required.**

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. (Prior code § 12.02(5))

**9.06.020**      **Impersonating police officer prohibited.**

No person shall impersonate a policeman or peace officer within the city. (Ord. A-132 (part), 1976; prior code § 12.02(7) (part))

**9.06.030**      **Violation of Section 9.06.020—Penalty.**

Any person who shall violate Section 9.06.020 shall, upon conviction, incur a penalty as provided in Chapter 1.08. (Ord. 5C- 93, 1993; Ord. A-132 (part), 1976; prior code § 12.02(7) (part))

## Chapter 9.08

### REGULATIONS PERTAINING TO LIBRARY MATERIALS

#### Sections:

**9.08.010 Failure to return library materials—Removal of materials.**

**9.08.010 Failure to return library materials—Removal of materials.**

A. No person shall fail, on demand from any city official, to return any library material belonging to or in the charge of the Altoona public library according to the rules and regulations promulgated by the library board, and no person shall remove from the library any library material without first having it checked out or charged as provided by the rules, regulations or other procedures of the library.

B. No person shall mar, deface, or in any other way damage or mutilate any library material belonging to or in charge of the library.

C. Any person convicted of a violation of the provisions of this chapter shall incur a penalty as provided in Chapter 1.08. (Ord. 5B-93, 1993: Ord. 11E-86, 1986)

**Chapter 9.10**

**(RESERVED)**

## II. OFFENSES AGAINST THE PERSON

### Chapter 9.12

#### TRESPASS TO LAND AND DWELLINGS

##### Sections:

- |                 |   |
|-----------------|---|
| <b>9.12.010</b> | <b>Trespass to Land and Dwellings.</b>  |
| <b>9.12.020</b> | <b>Trespassing on railroad</b>          |
| <b>9.12.030</b> | <b>Getting on and off railroad cars</b> |
| <b>9.12.040</b> | <b>Violation—Penalty.</b>               |

##### **9.12.010 Trespass to Land and Dwellings.**

Except as otherwise specifically provided in this title, all provisions of Ch. 943.13 of the Wisconsin Statutes, and amendments thereto, describing and defining regulations with respect to trespass are adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any statute is incorporated herein by reference.

To assist in enforcing this ordinance, any business or property owner may file a written statement with the Police Department indicating that the Department has the approval to enter onto the property for enforcement purposes. By granting consent to the Department, the Department may serve as the landowner's agent and does not need to receive prior authorization for entry onto the premises for purposes of enforcement of this section. (Ord 1A-03, 2003)

##### **9.12.020 Trespassing on railroad.**

No person, other than a licensee, authorized newspaper reporter or person connected with or employed upon the railroad, may walk, loiter or be upon or along the track of any railroad. The provisions of this subsection are set forth in Wis. Stat. §192.32.

##### **9.12.030 Getting on and off railroad cars.**

Any person who shall get upon, attempt to get upon, cling to, jump or step from any railroad car or train while the same is in motion shall forfeit not less than \$100 nor more than \$200, provided that this section shall not apply to the employees of any railroad company.

##### **9.12.040 Violation—Penalty.**

The penalty for violating the provisions of this Chapter shall be as set forth in Ch. 1.08. (Ord. 40 part, 1979) (Ord 11E-15, 2015)

**Chapter 9.14**

**(RESERVED)**

### III. OFFENSES AGAINST HEALTH AND SAFETY

#### Chapter 9.16

#### AIRCRAFT LANDINGS

**Sections:**

**9.16.010           Landing in Altoona Lake prohibited where.**

**9.16.020           Violation—Penalty.**

**9.16.010           Landing in Altoona Lake prohibited where.**

Seaplanes or other aircraft capable of landing on water shall be and are prohibited from landing on Lake Altoona, where said Lake Altoona adjoins or lies in the corporate limits of the city. Such prohibited areas shall be designated by standard marking devices for aircraft. (Prior code § 12.01(6))

**9.16.020           Violation—Penalty.**

Any person who shall violate any provision of this chapter shall upon conviction be subject to a penalty as provided in Chapter 1.08. (Ord. A-135 (part), 1976: prior code § 12.01(a))

## Chapter 9.18

## Chapter 9.18

### BOATING

#### Sections:

<b>9.18.010</b>	<b>Intent of provisions.</b>
<b>9.18.020</b>	<b>Definitions.</b>
<b>9.18.030</b>	<b>Applicability and enforcement.</b>
<b>9.18.035</b>	<b>Severability.</b>
<b>9.18.040</b>	<b>State provisions adopted by reference.</b>
<b>9.18.045</b>	<b>Slow No Wake</b>
<b>9.18.046</b>	<b>Posting Requirements</b>
<b>9.18.050</b>	<b>Violation—Penalty.</b>

#### **9.18.010 Intent of provisions.**

The intent of this chapter is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource. (Ord. A-113 § 1, 1975)

#### **9.18.020 Definitions.**

The following terms shall have the meanings respectively ascribed to them:

- A. “Designated anchorage” means an area of water established and marked as an anchorage by lawful authority.
- B. “Navigation lane” means an area designated by authorized aids to navigation.
- C. “Public access” means any access to the water by means of public property.
- D. “Shore zone” means all surface water within two hundred feet of the shoreline.
- E. “Slow-no-wake” is defined as the slowest possible speed so as to maintain steerage.
- F. “Swimming zone” means an authorized area marked by regulatory markers to designate a swimming area. (Ord. A-113 § 4, 1975)

#### **9.18.030 Applicability and enforcement.**

The provisions of this chapter shall apply to the waters of Lake Altoona within the jurisdiction of the City of Altoona. The provisions of this chapter shall be enforced by any peace officer as described in WI State Statute 939.22(22). (Part Ord 10A-20, 2020, Ord. A-113 § 2, 1975)

#### **9.18.035 Severability.**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the City of Altoona would have passed the other provisions of this ordinance irrespective or whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affect. (Part Ord 10A-20, 2020)

#### **9.18.040 State provisions adopted by reference.**

The statutory provisions describing and defining regulations in Wis. Stat. §§ 30.07, 30.29, and 30.50-30.71 with respect to water traffic, boats, boating, and related water activities and safety, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are adopted and by reference made a part of this chapter. (part, Ord 10A-20, 2020, Ord. 2B-15, 2015; Ord. A-113 § 3, 1975)

**9.18.045 Slow No Wake.**

No person shall operate a boat faster than slow-no-wake in the waters of Lake Altoona between the Lake Altoona Dam and Lake Altoona and that waters between Lake Altoona and the high line extending over the river at any time. These areas shall be appropriately marked by The Altoona Lake District with regulatory buoys to reflect this speed restriction. (Part Ord 10A-20, 2020).

**9.18.046 Posting Requirements.**

The Lake Altoona District shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the City of Altoona pursuant to the requirements of NR 5.15, WI Adm. Code. (Part Ord 10A-20, 2020).

**9.18.050 Violation—Penalty.**

Forfeitures for violation of any of the provisions of Chapters 30.07, 30.29 and 30.50 through 30.71 of the Wisconsin Statutes adopted by reference in Section 9.18.030 shall conform to the forfeitures for violation of comparable state offenses, including any variations or increases for second offenses. (Part Ord 10A-20, 2020, Ord. A-113 § 5, 1975)

## Chapter 9.20

### SALE AND DISCHARGE OF FIREWORKS

#### Sections:

<b>9.20.010</b>	<b>Definition.</b>
<b>9.20.020</b>	<b>Prohibited.</b>
<b>9.20.022</b>	<b>Sale of fireworks</b>
<b>9.20.025</b>	<b>Discharge of fireworks.</b>
<b>9.20.026</b>	<b>Fire Inspection fees.</b>
<b>9.20.030</b>	<b>Violation—Penalty.</b>

#### **9.20.010 Definition.**

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

- A. Fuel or a lubricant;
- B. A firearm cartridge or shotgun shell;
- C. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, water craft or motor vehicle;
- D. A match, cigarette lighter, stove, furnace, candle, lantern or space heater;
- E. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion;
- F. A toy snake which contains no mercury;
- G. A model rocket engine;
- H. Tobacco and a tobacco product;
- I. A sparkler on a wire or wood stick not exceeding thirty- six inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate;
- J. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture;
- K. A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three grams in total weight;
- L. A device that emits smoke with no external flame and does not leave the ground;
- M. A cylindrical fountain not exceeding one hundred grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke;
- N. A cone fountain not exceeding seventy-five grams in total weight, designed to sit on the ground and emit only sparks and smoke. (Ord. 5D-97 (part), 1997)

#### **9.20.020 Prohibited.**

No person may possess, sell or use fireworks within the city unless permitted under Sections 9.20.022 and 9.20.025. However, nothing in this section shall be construed to prohibit city council from authorizing pyrotechnic displays of fireworks in parks and other public places, whenever so authorized by resolution of the council. Provided however, pyrotechnic displays of fireworks in conjunction with City sponsored events does not require resolution of the Council. Further, nothing in this section shall be construed to prohibit the lawful possession, custody or control of the above-named articles by wholesale dealers when held in transit, or for sale or delivery to places for lawful pyrotechnic displays. (Ord. 5D-97 (part), 1997). (part Ord 12C-17, 2017)

#### **9.20.022 Sale of Fireworks**

**A. Pyrotechnic composition device vendor permit.** It shall be unlawful for any person, firm or corporation to sell any of the devices described in Section 9.20.010 (F) and (I) through (N), without first

obtaining a permit from the city clerk. (Ord. 5D-97 (part), 1997)

**B. Permit fee—Conditions—Term.** The annual fee for a permit to sell pyrotechnic composition devices under Section 9.20.022 shall be established by ordinance of the Common Council each year. The entire permit fee shall be charged for every license for the whole or fraction of a year, and shall be paid when application is made for such permit. (Ord. 10D-03, 2003).

The city clerk shall provide appropriate application forms, as approved by the fire department, before a permit is issued and shall maintain adequate record of the issuance thereof.

The applicant shall particularly describe the location where the permit will be used and shall at all times publicly and continuously display such permit at such location. Such permit may be transferred to a new location upon payment of a transfer fee as stated in the City of Altoona Fees and Licenses Schedule in Chapter 3.08.

All vendors shall comply with all local ordinances and federal and state regulations and statutes regarding the sale, transport or storage of flammable, explosive or hazardous materials. (Ord. 5D-97 (part), 1997).

If authorized to sell fireworks, the applicant agrees to indemnify, hold harmless and defend the city, its officers, agents and employees from any and all claims, losses or liability of whatever nature that may arise out of or in any way connected to the applicant's operation.

**C. Sale to minors.** It is unlawful for any person, firm or corporation to sell any type of pyrotechnic composition device, as described in Section 9.20.010 (F), (G), (I), (J) and (L) through (N), to any minor under the age of eighteen years. (Ord. 5D-97 (part), 1997)

#### **9.20.025 Discharge of fireworks.**

**A. Pyrotechnic discharge permit.** No person shall discharge any fireworks within the city unless permitted under Section 9.20.020 and by filling out an application form.

The city clerk shall provide appropriate application forms, as approved by the fire department, before a permit is issued and shall maintain adequate record of the issuance thereof.

**B. Permit fee—Conditions.** The fee for a permit to discharge pyrotechnic composition devices under Section 9.20.025 shall be established by ordinance of the Common Council each year. The permit fee shall be paid when application is made for such permit.

If authorized to discharge fireworks in conjunction with Section 9.20.020, the applicant agrees to indemnify, hold harmless and defend the city, its officers, agents and employees from any and all claims, losses or liability of whatever nature that may arise out of or in any way connected to the applicant's event.

Applicant shall provide written proof of insurance coverage or other surety satisfactory to the city prior to obtaining said permit.

The applicant shall particularly describe the location where the permit will be used and shall publicly display such permit at such location.

All vendors shall comply with all local ordinances and federal and state regulations and statutes regarding the sale, transport or storage of flammable, explosive or hazardous materials.

#### **9.20.026 Fire Inspection Fees.**

All applicants as stated in Sections 9.20.022 and 9.20.025 shall be subject to a fire inspection and be assessed a fee as stated in the City of Altoona Fees and Licenses Schedule in Chapter 3.08. (part Ord 12C-17, 2017)

#### **9.20.030 Violation—Penalty.**

Any person who shall violate any provisions of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord. 5D-97 (part), 1997).

## Chapter 9.21

### DRUG PARAPHERNALIA

#### Sections:

<b>9.21.010</b>	<b>Defined.</b>
<b>9.21.020</b>	<b>Prohibited Acts.</b>
<b>9.21.030</b>	<b>Exemptions.</b>
<b>9.21.040</b>	<b>Penalty for Violation.</b>

#### **9.21.010 Defined.**

In this chapter, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed 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, as defined in Wis. Stats. ch. 961. Such term includes, but is not limited to:

A. Kits used, intended for use or designed for use in planting, propagating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

C. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.

D. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

E. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.

F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.

G. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

H. Blenders, bowls, containers, spoons or mixing devices used, intended for use or designed for use in compounding controlled substance.

I. Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.

K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.

L. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls.

2. Water pipes.

3. Carburetion tubes and devices.

4. Smoking and carburetion masks.

5. Roach clips, meaning objects used, intended for use or designed for use to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.

6. Miniature cocaine spoons and cocaine vials.

7. Chamber pipes.

8. Carburetor pipes.
9. Electric pipes.
10. Air-driven pipes.
11. Chillums.
12. Bongs.
13. Ice pipes or chillers.

In determining whether an object is drug paraphernalia, the following shall be considered, in addition to all other logical relevant factors:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of any owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.
3. The proximity of the object in time and space to a direct violation of this division.
4. The proximity of the object to controlled substances.
5. The existence of any residue or controlled substances on the object.
6. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation Wis. Stats. §961.
7. Oral or written instructions provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depict its use.
9. The existence and scope of legitimate uses for the object in the community.
10. Expert testimony concerning the use of the object.

**9.21.020 Prohibited Acts.**

A. No person shall use, or possess with 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.

B. No person shall sell, deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be 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.

C. Any person 18 years of age or over who violates subsection (b) of this section by delivering drug paraphernalia to a person under 18 years of age is guilty of a special offense.

D. No person may place in any newspaper, magazine, handbill or other publication, or upon any outdoor billboard or sign, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

**9.21.030 Exemptions.**

This division does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Wis. Stat. Ch. 961. This division does not prohibit the possession, manufacture, delivery or use of hypodermics when such act is in accordance with Wis. Stats. Ch. 961. (part, Ord. 2B-15, 2015)

**9.21.040 Penalty for Violation.**

A. Upon conviction, any person found to be in violation of §8.34.020 A., B. or D. shall incur a penalty as provided in Chapter 1.08.

B. Upon conviction, any person found to be in violation of §8.34.020 C. shall incur a penalty as provided in Chapter 1.08.

C. Upon arrest or issuance of a citation under this division, any drug paraphernalia relating to the arrest or citation shall be seized, and, disposed of in accordance to Wisconsin State Statute. (Ord 1C-20, (part), 2020, Ord. 11A-02, 2002).

## Chapter 9.22

### MARIJUANA

#### Sections:

- 9.22.010**      **Defined.**
- 9.22.020**      **Prohibited.**
- 9.22.030**      **Penalty.**

#### **9.22.010**      **Defined.**

For purposes of this chapter, the definition of “marijuana” as set forth in Wis. Stat. § 961.01(14) is adopted by reference and incorporated in this chapter. (part, Ord. 2B-15, 2015; Ord. 43 (part), 1979)

#### **9.22.020**      **Prohibited.**

No person shall own, possess, ingest, buy, sell, trade, use, give away, or otherwise control marijuana within the city. (Ord. 43 (part), 1979)

#### **9.22.030**      **Penalty.**

Persons violating the provisions of this chapter shall be subject to the penalty provisions as set forth in Chapter 1.08. The provisions of the Altoona Municipal Code pertaining to sixteen- and seventeen-year old juveniles may be followed in appropriate cases. (Ord. 43 (part), 1979)

## Chapter 9.23

### PUBLIC INTOXICATION

#### Sections:

<b>9.23.010</b>	<b>Requirements and prohibitions generally.</b>
<b>9.23.020</b>	<b>Exemptions.</b>
<b>9.23.030</b>	<b>Consumption of alcoholic beverages near school activities.</b>
<b>9.23.035</b>	<b>Public Excessive Intoxication.</b>
<b>9.23.040</b>	<b>Penalties.</b>

#### **9.23.010 Requirements and prohibitions generally.**

A. No person shall consume alcohol beverages, as defined by Section 125.02, Wisconsin Statutes, which are incorporated herein by reference, while in or upon any public street, alley, sidewalk, City Park, public parking lot or other public way, unless otherwise provided herein.

B. All purchases of alcohol beverages by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed to any public street, alley or sidewalk, city park, public parking lot or other public way, unless otherwise provided herein.

C. No person shall be in possession of any glass or open container containing an alcohol beverage on any public street, alley or sidewalk, City Park, public parking lot or other public way, unless otherwise provided herein. (Ord.9A-84 (part), 1984)

#### **9.23.020 Exemptions.**

Exemptions to this chapter are as follows:

##### A. Lake Altoona County Park

1. Fermented malt beverages and wine are permitted pursuant to county policies governing Lake Altoona County Park.

##### B. Cinder City Park

1. Activities which are authorized or directly supervised by the Altoona Parks and Recreation Department; (Ord. 4C-15, 2015, Ord. 9A-84 (part), 1984)

##### C. River Prairie Park.

1. A person, 21 years or older with valid government issued identification, may possess or consume limited quantities of fermented malt beverages and wine, as noted below, within the boundaries of River Prairie Park, in pavilions per rental agreement and in designated areas as approved by special event agreement.

2. Fermented malt beverages and wine in River Prairie Park are only allowed in limited quantities. Persons are limited to 48 ounces (a total of 4 individual 12 ounce cans) of fermented malt beverages or 750 milliliters (25 ounces) of wine.

3. Kegs are not allowed unless being served in conjunction with a special event.

4. No hard liquor will be permitted in River Prairie Park unless permitted in conjunction with special event permits.

5. Alcohol may be prohibited from specific areas within River Prairie Park in conjunction with a special event.

6. Possession of alcoholic beverages in River Prairie Park shall be limited to park hours, unless otherwise extended in conjunction with a special event permit.

7. Littering shall be strictly prohibited in River Prairie Park. River Prairie Park patrons or event organizers shall properly dispose of all refuse. This requirement is further described in chapter 9.50.010 of the Altoona Municipal Code.

8. Public intoxication shall be strictly prohibited within River Prairie Park.

##### D. Altoona City Park

1. Fermented malt beverages and wine are only permitted in the Fish House and adjoining patio space in conjunction with facility rentals.

2. Fermented malt beverages and wine in the Fish House are only allowed in limited “carry-in” quantities. Persons are limited to 48 ounces (a total of 4 individual 12-ounce cans) of fermented malt beverages or 750 milliliters (25 ounces) of wine. “Carry-in” fermented malt beverage and wine limits do not strictly apply if provided by the host of a facility rental.

3. Kegs are only allowed (total maximum of two ½ barrels) through approved permitting in conjunction with a facility rental.

4. Sales of alcohol are not allowed within the Fish House unless specifically allowed in conjunction with a permitted special event. (Ord 2A-21, 2021)

**E. Altoona Block Parties**

1. Alcoholic beverages are allowed in conjunction with a permitted Altoona Block Party as is provided in chapter 5.52 of the Altoona Municipal Code. (Ord 12I-17, 2017)

**9.23.030 Consumption of alcoholic beverages near school activities.**

A. No person shall possess or consume alcohol beverages, as defined by the Wisconsin Statutes, which definitions are incorporated herein by reference, at or near any school sponsored activities being conducted in the city, whether public or parochial, and whether upon public or private premises, and whether in or upon buildings or parking lots or other areas adjacent to such buildings.

B. No person shall possess or consume alcohol beverages in or upon any school buildings and adjoining parking lots or other public areas, during school days. (Ord. 9A-84 (part), 1984) (Ord5E-17, 2017).

**9.23.035 Public Excessive Intoxication.**

A. It is unlawful for any person to enter into or remain upon any public place while clearly and demonstrably under the excessive influence of alcohol or having used a controlled substance, and such person is or is reasonably likely to become vulnerable to harm, has caused or is reasonably likely to cause harm to themselves or others, or is causing or is reasonably likely to cause a public disturbance.

1. Excessive influence of alcohol or use of controlled substances shall be established through observable indicators, including but not limited to vomiting, public urination, disorientation, incapability of making rational decisions, bloodshot or glassy eyes, slurred speech, an odor of intoxicants or controlled substance, stumbling or staggering, or the failure of standardized field sobriety tests.

2. Public place shall include a place to which the public has access and includes but is not limited to: streets, sidewalks, parking lots, parks and places of business. Places of business include premises open to the public where alcohol is consumed, including alcohol establishment.

3. Controlled substance shall be defined as those substances included in 340.01(50m), of the Wisconsin State Statutes. (Ord 8D-19, 2019)

**9.23.040 Penalties.**

The penalty for violation of this chapter shall be as provided in chapter 1.08 of the Altoona Municipal Code.

**Chapter 9.24**

**TOBACCO PRODUCT AND E-CIGARETTE USE BY MINORS PROHIBITED**

**Repealed 02-25-2021. References moved to Chapter 8.06 “Smoking Prohibited”. (Ord 2E-21, 2021).**

## Chapter 9.25

### SYNTHETIC CANNABINOID PROHIBITED

#### Sections:

- 9.25.010 Possession, use, and sale are illegal.**
- 9.25.020 Medical or dental use allowed.**
- 9.25.030 Penalties.**

#### **9.25.010 Possession, use, and sale are illegal.**

It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give, 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. (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;
- B. 1-Pentyl-3-(1-naphthoyl) indole-some trade or other names: JWH-018\spice;
- C. 1-Butyl-3-(1naphthoyl) indole-some trade or other names: JWH-073;
- D. 1-(3 {trifluoromethylphenyl}) piperazine-some trade or other names: TFMPP;
- E. or any similar structural analogs.

#### **9.25.020 Medical or dental use allowed.**

Acts otherwise prohibited under s. 9.25.010 shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

#### **9.25.030 Penalties.**

Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided in Chap. 1.08. (Ord. 2C-11, 2011)

## IV. OFFENSES AGAINST THE PUBLIC DECENCY

### Chapter 9.26

#### GAMBLING, LOTTERIES AND FRAUDULENT DEVICES

**Sections:**

- 9.26.010**        **Prohibited within city limits—Police officer authority.**  
**9.26.020**        **Violation—Penalty.**

**9.26.010**        **Prohibited within city limits—Police officer authority.**

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 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 such device was used solely for gambling or found in actual use for gambling. (Prior code § 12.03(1))

**9.26.020**        **Violation—Penalty.**

Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord. A-135 (part), 1976: prior code § 12.03(a))

## Chapter 9.28

### INDECENT CONDUCT AND LANGUAGE

**Sections:**

**9.28.010            Indecent conduct and language prohibited.**

**9.28.020            Violation—Penalty.**

**9.28.010            Indecent conduct and language prohibited.**

No person shall use any indecent, vile, profane or obscene language or conduct himself in an indecent, lewd, lascivious or obscene manner within the city. (Prior code § 12.03(3))

**9.28.020            Violation—Penalty.**

Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord. A-135 (part) , 1976: prior code § 12.03(a))

**Chapter 9.30**

**(RESERVED)**

**Chapter 9.32**

**(RESERVED)**

## V. OFFENSES AGAINST THE PUBLIC PEACE

### Chapter 9.34

#### DISORDERLY CONDUCT

**Sections:**

- 9.34.010**      **Disorderly conduct prohibited.**  
**9.34.020**      **Use of telephone as disorderly conduct.**  
**9.34.030**      **Violation—Penalty.**

**9.34.010**      **Disorderly conduct prohibited.**

No person shall within the city:

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

B. Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest. (Ord. A-133, 1976: prior code § 12.02(1))

**9.34.020**      **Use of Telephone as Disorderly Conduct.**

A person who uses a telephone in any of the following manners shall be guilty of disorderly conduct:

A. With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.

B. With intent to frighten, intimidate, threaten, abuse, harass or offend another and uses obscene, lewd or profane language or suggests any lewd or lascivious act.

C. Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

D. Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

E. Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse, threaten, or harass any person at the called number.

F. Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section. (Ord. 1B-05, 2005).

**9.34.030**      **Violation—Penalty.**

Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord. A-135 (part), 1976: prior code § 12.02(a))

## Chapter 9.36

### NOISE PROHIBITIONS

**Sections:**

**9.36.010 Loud and unnecessary noise prohibited.**

**9.36.020 Violation—Penalty.**

**9.36.010 Loud and unnecessary noise prohibited.**

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. (Prior code § 12.02(3))

**9.36.020 Violation—Penalty.**

Any person who shall violate any provision of this section shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord. A-135 (part), 1976: prior code § 12.02(a))

## Chapter 9.38

### OBSTRUCTIONS

**Sections:**

**9.38.010           Obstructing streets and sidewalks prohibited.**

**9.38.020           Violation—Penalty.**

**9.38.010           Obstructing streets and sidewalks prohibited.**

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. (Prior code § 12.01(5))

**9.38.020           Violation—Penalty.**

Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord. A-135 (part), 1976: prior code § 12.01(a))

## Chapter 9.40

### VAGRANCY

#### Sections:

- 9.40.010 Prohibited—Opportunity to explain required before arrest.**
- 9.40.020 Violation—Penalty.**
- 9.40.030 Loitering on school property.**

#### **9.40.010 Prohibited—Opportunity to explain required before arrest.**

No person shall loiter or prowl in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm. (Ord. A-134, 1976: prior code § 12.03(2))

#### **9.40.020 Violation—Penalty.**

Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided for in Chapter 1.08. (Ord. A-135 (part), 1976: prior code § 12.03(a))

#### **9.40.030 Loitering on school property.**

No person, after first being warned by a law enforcement officer or a school official, shall remain, loiter, or idle on public school grounds or in public school buildings unless the individual is currently enrolled in the school, conducting business with school officials, or attending a special function open to the general public. (Ord. § 44, 1979)

## Chapter 9.42

### TRUANCY

#### Sections:

<b>9.42.010</b>	<b>Purpose</b>
<b>9.42.020</b>	<b>Definitions</b>
<b>9.42.030</b>	<b>Penalty</b>
<b>9.42.040</b>	<b>Sanctions</b>
<b>9.42.050</b>	<b>Contribution to Truancy</b>

#### **9.42.010 Purpose.**

A child who is seventeen (17) years of age or under is prohibited from being truant.

#### **9.42.020 Definitions.**

The following definitions apply to all following sections:

A. "Truant" shall mean a pupil who is absent from school without an acceptable excuse for part or all of any day, on which school is held during a school semester.

B. "Acceptable excuse" shall mean an acceptable excuse as defined in Wis. Stats. §118.15 and 118.16(4).

#### **9.42.030 Penalty.**

Upon finding that a child is truant, the court shall enter an order making one or more of the following dispositions:

A. An order for the child to attend school.

B. Children ages 16 and under shall upon conviction incur a penalty as provided in Chapter 1.08 for each offense. Children ages 17 shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord 1C-20, (part), 2020).

#### **9.42.040 Sanctions.**

Upon finding that a child violates a condition of his or her court order under this section, the court may impose as a sanction on the child, any combination of the following:

A. Suspend the child's operating privilege, as defined in Wis. Stats. § 340.01(40), for not less than thirty (30) days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

B. Order the child to attend school.

C. Order the child to participate in counseling or a supervised work program or other community service work as described in Wis. Stats. § 938.34(5g). The costs of any such counseling, supervised work program or other community service work may be assessed against the child, the parents or guardian of the child, or both.

D. Order the child to remain at home except during hours in which the child 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 child to leave his or her home if the child is accompanied by a parent or guardian.

E. Order the child to attend an educational program as described in Wis. Stats. § 938.34(7d).

F. Order the Department of Workforce Development to revoke, under Wis. Stats. § 103.72, a permit under Wis. Stats. § 103.70, authorizing the employment of the child.

G. Order the child to be placed in a teen court program as described in Wis. Stats. § 938.342(1g)(f).

H. Order a forfeiture of not more than five hundred dollars (\$500.00) plus costs, subject to Wis. Stats. § 938.37. All or part of the forfeiture plus costs may be assessed against the child, the parents or guardian of the child, or both.

I. Order reasonable conditions consistent with Wis. Stats. § 118.163(2), including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

J. Place the child under formal or informal supervision, as described in Wis. Stats. § 938.34(2) for up to one year.

K. Order the child's parent, guardian or legal custodian to participate in counseling at the parents, guardians or legal custodian's own expense or to attend school with the child, or both.

**9.42.050 Contribution to Truancy.**

A. Any person of the age of 18 or older who contributes to or causes a child to be a truant, habitual truant, or dropout shall upon conviction incur a penalty as provided in Chapter 1.08. Each day a violation continues shall constitute a separate offense. (Ord 1C-20, (part), 2020.)

B. If any section or part of this section is adjudged unconstitutional or invalid by any Court of competent jurisdiction, the remainder of this section shall not be affected thereby. (Ord 7A-06, 2006)

**Chapter 9.44**

**PANHANDLING**

**Sections:**

- 9.44.010 Purpose.**
- 9.44.020 Definitions.**
- 9.44.030 Panhandling prohibited.**
- 9.44.040 Aggressive panhandling prohibited.**
- 9.44.050 Activities consistent with direct sellers.**
- 9.44.060 Violation – Penalty.**

**Repealed July 25, 2019 – Ordinance 7G-19**

## Chapter 9.46

### SIMPLE BATTERY

#### Sections:

- 9.46.010**      **Definitions.**
- 9.46.020**      **Simple Battery Prohibited.**
- 9.46.030**      **Violation—Penalty.**

#### **9.46.010**      **Definitions.**

The following definitions apply to all following sections:

A. “Bodily harm” shall mean physical pain or injury, illness, or any impairment of physical condition.

B. “Without consent” shall mean no consent in fact or that consent is given for one of the following reasons:

1. Because the actor put the victim in fear by the use or threat of imminent use of physical violence on the victim, or on a person in the victim’s presence, or on a member of the victim’s immediate family;

2. Because the actor purports to be acting under legal authority;

3. Because the victim does not understand the nature of the thing to which the victim consents, either by reason of ignorance or mistake of fact or of law other than criminal law or by reason of youth or defective mental condition, whether permanent or temporary.

C. “With intent to” shall mean that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result.

D. Intent does not require proof of knowledge of the existence or constitutionality of the section under which the actor is prosecuted or the scope or meaning of the terms used in that section.

#### **9.46.020**      **Simple Battery Prohibited.**

No person shall within the city:

A. In any public or private place, cause bodily harm to another by an act done with the intent to cause bodily harm to that person or another without the consent of the person so harmed.

B. In any public or private place, cause bodily harm to an unborn child by an act done with intent to cause bodily harm to that unborn child, to the woman who is pregnant with that unborn child or another.

#### **9.46.030**      **Violation—Penalty.**

Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08 (Ord. A-135 (part), 1976; prior code § 12.02(a)). (Ord 9A-07, 2007)

## **VI. OFFENSES AGAINST PROPERTY**

### **Chapter 9.48**

#### **DAMAGE TO PROPERTY**

**Sections:**

**9.48.010          Damage to Property Prohibited.**

**9.48.020          Penalties.**

**9.48.010          Damage to property prohibited.**

Whoever intentionally causes damage to any physical property of another without the person's consent may be subject to a forfeiture as provided in § 9.48.020.

**9.48.020          Penalties.**

Whoever violates any of the provisions of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord 1C-20, (part), 2020).

**Chapter 9.49  
Camping**

**Sections:**

<b>9.49.010</b>	<b>Definitions</b>
<b>9.49.020</b>	<b>Camping on City Property</b>
<b>9.49.030</b>	<b>Penalty</b>

**9.49.010 Definitions.**

In this chapter, the following terms shall mean:

- A. "To camp" or "camping" means to set up or to remain in or at a campsite.
- B. "Campsite" means any place where any bedding, sleeping bag or other sleeping matter is placed, established or maintained, whether or not such place incorporates the use of any tent, lean-to, shack or any other structure, or any vehicle or part thereof.
- C. "City property" means any property which is owned or leased by the city of Altoona, including property in which the city of Altoona is a land contract vendee, and all municipal easements.

**9.49.020 Camping on City Property.**

A. It is unlawful for any person to camp in or upon any city property, except pursuant to s. 9.49.020 B., or by declaration by the city council in emergency or other special circumstances. This shall not be deemed to prohibit camping at designated campsites.

B. Parks-Camping. No person shall establish or maintain any temporary or permanent camp or other lodging place in any park except by prior permission of the city council, city administrator, or chief of police or the designee of that person or via special events permit.

**9.49.030 Penalty.**

Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord 8A-20, 2020).

## Chapter 9.50

### LITTERING

**Sections:**

**9.50.010 Littering prohibited.**

**9.50.020 Violation—Penalty.**

**9.50.010 Littering prohibited.**

No person shall throw any glass, rubbish, waste or filth 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. (Prior code § 12.04(2))

**9.50.020 Violation—Penalty.**

Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord. A-135 (part), 1976: prior code § 12.04(a))

## Chapter 9.52

### WORTHLESS CHECKS

**Sections:**

**9.52.010**      **Worthless checks prohibited.**

**9.52.020**      **Violation—Penalty.**

**9.52.010**      **Worthless checks prohibited.**

No person shall issue any check or other order for the payment of money which:

A. At the time of issuance the person did not have an account with the drawee; or

B. At the time of issuance, the person did not have sufficient funds or credit with the drawee so that the drawee dishonored or refused to pay the check; or

C. At the time of presentment within sixty days of issuance, the person did not have sufficient funds or credit with the drawee so that the drawee dishonored or refused to pay the check. (Ord. 10B-92 (part), 1992)

**9.52.020**      **Violation—Penalty.**

Any person who violates any provision of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08 of this code. (Ord. 10B-92 (part), 1992)

## Chapter 9.53

### THEFT

#### Sections:

<b>9.53.010</b>	<b>Theft Prohibited</b>
<b>9.53.020</b>	<b>Definitions</b>
<b>9.53.030</b>	<b>Penalties</b>

#### **9.53.010 Theft Prohibited.**

Whoever does any of the following may be penalized as provided in 9.53.030:

A. Intentionally takes and carries away, uses, transfers, conceals, or retains possession of moveable property of another without the others consent and with intent to deprive the owner permanently of possession of such property.

B. By virtue of his or her office, business, or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals, or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his or her authority, and with intent to convert to his or her use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his or her possession or custody by virtue of his or her office, business or employment, or as a trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his or her own use within the meaning of this paragraph.

C. Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession with intent thereby to deprive the pledgee or other person permanently of the possession of such property.

D. Obtains title to property of another person by intentionally deceiving the person with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.

E. Intentionally fails to return any personal property which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement, within 10 (ten) days after the lease or rental agreement has expired.

#### **9.53.020 Definitions: In this section:**

A. "Moveable property" is property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found in land.

B. "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

C. "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

D. "Resident" has the meaning given in Wis. Statutes, Section 940.295 (1)(p).

E. "Value" means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, alue means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

**9.53.030 Penalties.**

Whoever violates any of the provisions of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord 1C-20, (part), 2020).

## Chapter 9.54

### RETAIL THEFT

#### Sections:

- 9.54.010**      **Retail theft.**
- 9.54.020**      **Concealment of unpurchased merchandise.**
- 9.54.030**      **Detention with probable cause.**
- 9.54.040**      **Penalties.**

#### **9.54.010**      **Retail theft.**

Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals, or retains possession of (or knowingly places a false indicia of price upon) merchandise held for resale by a merchant without the merchant's consent and with the intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise may be subject to a forfeiture as provided in Section 9.54.040. (Ord. 10E-92 (part), 1992)

#### **9.54.020**      **Concealment of unpurchased merchandise.**

The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evident of intent to deprive the merchant permanently of possession of the merchandise without paying the purchase price. The discovery of unpurchased merchandise concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person concealing the goods. (Ord. 10E-92 (part), 1992)

#### **9.54.030**      **Detention with probable cause.**

A merchant or merchant's adult employee who has probable cause for believing that a person has violated this chapter in his/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a peace officer, or to his/her parent/guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he/she shall not be interrogated or searched against his/her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this section entitles the merchant or his/her employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty. (Ord. 10E-92 (part), 1992)

#### **9.54.040**      **Penalties.**

Whoever violates any of the provisions of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord 1C-20, (part), 2020).

## Chapter 9.55

### FRAUD ON HOTEL OR RESTAURANT KEEPER, RECREATIONAL ATTRACTION, TAXICAB OPERATOR OR GAS STATION

#### Sections:

- 9.55.010 Fraud Prohibited.**
- 9.55.020 State Statute Adopted.**
- 9.55.030 Penalty for Violation.**

#### **9.55.010 Fraud Prohibited.**

Whoever does any of the following may be penalized as provided in 9.55.030:

A. Having obtained any beverage, food, lodging, ticket or other means of admission, or other service or accommodation at any campground, hotel, motel, boarding or lodging house, restaurant, or recreational attraction, intentionally absconds without paying for it.

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

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

D. Having obtained gasoline or diesel fuel from a service station, garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale at retail, intentionally absconds without paying for the gasoline or diesel fuel.

#### **9.55.020 State Statute Adopted.**

All provisions of §943.21 of the Wisconsin Statutes, and any amendments thereto, with the exception of any criminal penalties and forfeitures, are adopted, and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by the statute incorporated herein by reference is required or prohibited by this chapter.

#### **9.55.030 Penalty for Violation.**

Whoever violates any of the provisions of this chapter shall upon conviction incur a penalty as provided in Chapter 1.08. (Ord 1C-20, (part), 2020).

## VII. OFFENSES BY OR AGAINST MINORS

### Chapter 9.56

#### ACTIVITIES BY JUVENILES

##### Sections:

<b>9.56.010</b>	<b>Curfew designated.</b>
<b>9.56.020</b>	<b>Juvenile drinking.</b>
<b>9.56.025</b>	<b>Juvenile shoplifting.</b>
<b>9.56.030</b>	<b>Violation—Penalty.</b>

##### **9.56.010 Curfew designated.**

No child seventeen years of age or under shall loiter, idle or remain, and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the city between the hours of eleven p.m. and six a.m. unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child. This section shall not be construed to prohibit such child from performing an errand or duty if directed by his parent or guardian or of urgent necessity or from pursuing the duties of his employment in an expeditious and orderly manner or from going to or from places of business or amusement or private homes. (Ord. 2E-95, 1995: prior code § 12.03(4))

##### **9.56.020 Juvenile drinking.**

In addition to any other provision of this code, no underaged person (as defined below) shall own, possess, ingest, buy, sell, trade, or use as a beverage, give away, or otherwise control any intoxicating liquor or fermented malt beverage as defined in Wis. Stat. §§ 125.02(6) or 125.02(8). For purposes of this section, a person is deemed to be underaged if his age is under the minimum age set by the Wisconsin Statutes for the drinking and/or possession of intoxicating liquor or fermented malt beverage. (part, Ord. 2B-15, 2015; Ord. 10B-86, 1986; Ord. 8A-84, 1984; Ord. 7B-84, 1984; Ord. 42 (part), 1979)

##### **9.56.025 Juvenile shoplifting.**

A. No juvenile aged fourteen through seventeen may intentionally alter indicia of price or value of merchandise or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant without his/her consent and with intent to deprive the merchant permanently of possession of the full purchase price of such merchandise.

B. 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 is evidence of intentional concealment on the part of the person so concealing such goods.

C. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a peace officer, or to his/her parent or guardian. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he/she shall not be interrogated or searched against his/her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his/her employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty. (Ord. 9C-87 (part), 1987)

**9.56.030 Violation—Penalty.**

Any person violating any provisions of this chapter shall be subject to the penalty provisions set forth in Chapter 1.08 of this code. Any juvenile fourteen through seventeen years of age who violates any provisions of this chapter shall be prosecuted and punished pursuant to the provisions set forth in Chapter 9.60 of this code, as well as any pertinent Wisconsin Statutes. In the event that any special provisions pertaining to juveniles conflict with the provisions set forth in Chapter 1.08, the juvenile provisions shall be followed. (Ord. 11B-91 (part), 1991; Ord. 9F-89, 1989; Ord. 9C-87 (part), 1987; Ord. 42 (part), 1979)

## Chapter 9.58

### AIRGUNS AND SPRINGGUNS

#### Sections:

#### **9.58.010 Penalty for violation by minors.**

#### **9.58.010 Penalty for violation by minors.**

In addition to all other penalties provided for the violation of Section 9.62.010 pertaining to possession of uncased airguns or springguns, the penalty for minors shall be as follows:

A. First Violation. The chief of police shall notify the parents of the child and confiscate the gun for one week;

B. Second Violation. The chief of police shall notify the parents of the child and confiscate the gun for thirty days;

C. Third Violation. The chief of police shall notify the parents of the child and confiscate the gun. (Ord. A-26, 1966: prior code § 12.05(4))

## Chapter 9.60

### CIRCUIT COURT JURISDICTION OVER PERSONS FOURTEEN, FIFTEEN, SIXTEEN AND SEVENTEEN YEARS OF AGE

#### Sections:

- |                 |                                    |
|-----------------|------------------------------------|
| <b>9.60.010</b> | <b>Circuit court jurisdiction.</b> |
| <b>9.60.020</b> | <b>Citation procedures.</b>        |
| <b>9.60.030</b> | <b>Disposition by court.</b>       |

#### **9.60.010 Circuit court jurisdiction.**

The Eau Claire County circuit courts of civil jurisdiction shall have concurrent jurisdiction with the juvenile court in proceedings against children aged fourteen and older for violations of this code. (Ord. 10A-80, 1980; Ord. 41 (part), 1979)

#### **9.60.020 Citation procedures.**

The citation procedures described in Wis. Stat. §§ 66.0119 and 938.237 shall be followed as appropriate in each case. If a citation is issued to any child, the issuing agency shall within seven days notify the child's parent or guardian. If a citation is issued to a child who is fourteen or fifteen years of age, the issuing agency shall send a copy to an intake worker under Wis. Stat. § 938.24 for informational purposes only. (part, Ord. 2B-15, 2015; Ord. 9D-87, 1987; Ord. 41 (part), 1979).

#### **9.60.030 Disposition by court.**

If a court of civil jurisdiction finds that the child violated a law punishable by forfeiture or violated a municipal ordinance, it may enter any of the dispositional orders permitted under Wis. Stat. § 938.343(1), (2m), or (5). If a child fails to pay the forfeiture imposed by the court of civil jurisdiction, the court shall not impose a jail sentence but may suspend any license issued under Chapter 29 for not less than thirty nor more than ninety days, or suspend the child's operating privilege as defined in section 340.01(40) of the Wisconsin Statutes, for not less than thirty nor more than ninety days. If a court of civil jurisdiction suspends a license under this section, it shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that this suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first thirty days after the license is suspended, suspension shall be reduced to the minimum period of thirty days. If it is paid thereafter, the court shall immediately notify the department, which shall thereupon return the license to the person. (part, Ord. 2B-15, 2015; Ord. 41 (part), 1979).

## VIII. WEAPONS

### Chapter 9.62

#### WEAPONS—POSSESSION AND DISCHARGE

**Sections:**

- 9.62.010**            **Carrying and discharging guns and missile devices.**  
**9.62.020**            **Throwing or shooting arrows or missiles prohibited.**

**9.62.010**            **Carrying and discharging guns and missile devices.**

A. No person, except a sheriff, constable, police officer or other deputies, shall fire or discharge any firearm, springgun or airgun, or any other missile device in his possession or under his control. This section shall not prevent the maintenance and use of bow and arrow or crossbow ranges upon private premises by persons over sixteen or under the direct personal supervision of a parent or guardian, if said ranges are designed and constructed in such a way as to prevent all projectiles from escaping the premises of said ranges and that discharge of arrow by bow or bolt by crossbow is toward the ground. This section does not prohibit schools from operating bow and arrow archery ranges under the supervision of a qualified teacher. (Ord 8B-14, 2014).

**9.62.020**            **Throwing or shooting arrows or missiles prohibited.**

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. (Prior code § 12.01(2)).

## Chapter 9.64

### BOW HUNTING ALLOWED

#### Sections:

**9.64.010 Bow Hunting Allowed on Private Property.**

**9.64.015 Bow Hunting Allowed on City Property.**

**9.64.020 Penalty Provision.**

#### **9.64.010 Bow Hunting Allowed.**

Discharge of a bow and arrow or crossbow for the purpose of hunting will be allowed in the City of Altoona under the following conditions:

A. Hunting with a bow and arrow or crossbow is allowed on all private property within the City of Altoona if the hunting occurs at least fifty (50) yards from any building located on another person's property. This restriction does not apply if the person who owns the land on which building is located allows the hunter to hunt closer than fifty (50) yards to the building. For purposes of this section, "building" means a permanent structure used for human occupancy and includes a manufactured home as defined in Section 101.91(2)(d), Wisconsin Statutes.

B. Hunting with a bow and arrow or crossbow shall only discharge the arrow or bolt from the respective weapon toward the ground.

C. If the City elects to extend the duration of the bow season outside of the bow season dates established by the Wisconsin Department of Natural Resources for the Deer Management Unit in which Altoona is located, the hunt shall be regulated by the City's nuisance permit issued by the Wisconsin Department of Natural Resources which only allows harvest of antlerless deer. The applicable period for the extended season shall start up to two weeks before the Wisconsin Department of Natural Resources Archery and Crossbow designated seasons as determined at the discretion of the Chief of Police or designee. (part Ord 8A-14)

#### **9.64.015 Bow Hunting Allowed on City Property.**

Discharge of a bow and arrow or crossbow for the purpose of hunting deer on specific parcels of city-owned property will be allowed for individuals that qualify for State of Wisconsin Class A, Long-term Class B or Class C disabled hunter permits.

A. Administrative policies and procedures governing the hunt shall be developed and implemented by the Altoona City Administrative Office.

B. The area of City-owned land which may be hunted will be set forth in a map prepared by City staff. The City reserves the right to alter the boundaries which may be hunted at any time in the City's full and absolute discretion.

C. The Ordinance language which applies to 9.64.010 A and B also applies to this section.

D. The number of hunters allowed to hunt on City property shall be established by the City Administrative Office.

E. Except for blinds constructed entirely of dead vegetation found on the property, no person may construct, occupy, place, or use any elevated or other elevated device (i.e. tree stand). Portable ground blinds may be placed only during the daily timeframe beginning one hour prior to, and ending one hour after, the shooting hours established by the Department of Natural Resources and shall be occupied while they are placed on city property. The use of trail cameras or other surveillance equipment is also prohibited on city property. Illegally placed property is subject to removal by the City. (Ord 9B-22, 2022)

F. The City Administrator reserves the right to revoke a hunter's approved application at any time.

G. Applications seeking permission to hunt on City-owned land must be filed and approved by the City Administrative Office prior to hunting. (Ord 9A-09, 2009)

#### **9.64.020 Penalty Provision.**

Any person who violates any of the provisions of this chapter shall, upon conviction, incur a penalty as provided in Chapter 1.08.