

CHAPTER 17

MORALS AND CONDUCT

ARTICLE I. MORALS AND GENERAL CONDUCT

- 17-1 STATE STATUTES ADOPTED
- 17-1.1 FAILURE TO OBEY DIRECTION OF AUXILIARY POLICE/COMMUNITY SERVICE OFFICER
- 17-2 REGULATION OF ADULT ENTERTAINMENT FACILITIES
- 17-3 DANGEROUS WEAPONS PROHIBITED
- 17-4 DISCHARGING FIREARMS PROHIBITED
- 17-5 BOWS AND ARROWS, AIR RIFLES, PELLET GUNS, BB GUNS, AND SLINGSHOTS
- 17-6 THROWING STONES OR MISSILES
- 17-7 CONSUMPTION OR POSSESSION OF INTOXICANTS ON STREETS
- 17-8 URINATING IN PUBLIC
- 17-9 FRAUD IN HOUSING ASSISTANCE PROGRAMS
- 17-10 SMOKING IN MUNICIPAL BUILDINGS & VEHICLES PROHIBITED
- 17-10.1 SNOWMOBILES, OFF-ROAD VEHICLES
- 17-11 DAMAGE TO PUBLIC PROPERTY
- 17-12 ADVERTISEMENTS ON PRIVATE PROPERTY WITHOUT OWNER'S CONSENT PROHIBITED
- 17-13 SCAVENGING OF RECYCLABLE MATERIALS PROHIBITED
- 17-14 TRESPASSING ON RAILROAD
- 17-15 CLIMBING ON TRAINS PROHIBITED
- 17-16 HABITUAL TRUANCY PROHIBITED
- 17-17 JUVENILE CURFEW
- 17-18 REGULATIONS OF UNAUTHORIZED PERSONS ON SCHOOL GROUNDS
- 17-19 SWIMMING OR BATHING
- 17-20 PRIVATE SWIMMING POOLS
- 17-21 MOB ACTION AND CIVIL DISOBEDIENCE
- 17-22 PICKETING AT PRIVATE RESIDENCES

ARTICLE II. FIRE REGULATIONS

- 17-23 TO ASSIST AND OBEY ORDERS OF OFFICERS OF FIRE DEPARTMENT
- 17-24 RESISTING OFFICER OR MEMBER OF FIRE DEPARTMENT
- 17-25 DAMAGING HOSE OR APPARATUS PROHIBITED
- 17-26 UNAUTHORIZED USE OR OBSTRUCTION OF FIRE HYDRANTS PROHIBITED
- 17-27 ILLEGAL USE OF SIREN

ARTICLE III. OPERATION OF BOATS AND VESSELS

- 17-28 STATE STATUTES ADOPTED
- 17-29 SPEED LIMITS FOR MOTORBOATS
- 17-30 ANCHORING VESSEL NEAR MAIN PROHIBITED

ARTICLE IV. NUISANCES

- 17-31 PUBLIC NUISANCES PROHIBITED
- 17-32 DEFINITIONS
- 17-33 PUBLIC NUISANCES AFFECTING HEALTH

- 17-34 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY
- 17-35 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY
- 17-36 PUBLIC NUISANCE AFFECTING PROPERTY USAGE
- 17-37 DEFACEMENT OR DAMAGE OF PROPERTY BY GRAFFITI
- 17-38 ABATEMENT OF PUBLIC NUISANCES
- 17-39 BARBED WIRE FENCING
- 17-40 ABANDONED ICE BOXES
- 17-41 UNNECESSARY NOISES
- 17-42 SOUND TRUCKS AND AIRCRAFT
- 17-43 RAILROAD HORNS AND WHISTLES
- 17-44 WEED CUTTING AND LAWN CARE

ARTICLE V. REGULATION OF ALARM SYSTEMS

- 17-45 REGULATE PRIVATE ALARM SYSTEMS

ARTICLE VI. PENALTIES

- 17-46 PENALTIES - ADULT
- 17-47 PENALTIES - JUVENILE

ARTICLE I. MORALS AND GENERAL CONDUCT

SECTION 17-1 STATE STATUTES ADOPTED

The following State Statutes, exclusive of those portions of the State Statutes relating to classification of offenses and penalties, together with any future additions, deletions or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Providing, however, that where such statutes are less stringent than other provisions found in this Code, the provisions of this Code shall apply. Penalty for violation under this ordinance shall be limited to a forfeiture as hereinafter set forth.

- §134.66 Restrictions on sale or gift of cigarettes or tobacco products
- §938.983 Purchase or possession of tobacco products prohibited
- §939.22 Words and Phrases Defined
- §940.19(1) Battery
- §940.225(3m) Sexual Assault - Fourth degree sexual assault
- §940.24 Injury by Negligent Handling of Dangerous Weapon, Explosives or Fire
- §941.12 Interfering with fire fighting
- §941.13 False Alarms
- §941.2965 Restrictions on use of facsimile firearms
- §941.37 Obstructing emergency or rescue personnel
- §941.315 Possession, Distribution, or Delivery of Nitrous Oxide
- §943.01 Damage to property
- §943.012 Criminal damage to or graffiti on religious and other property
- §943.12 Possession of Burglariou Tools
- §943.13 Trespass to land
- §943.14 Criminal trespass to dwellings
- §943.145 Criminal trespass to medical facility
- §943.15 Entry onto a construction site or into a locked building, dwelling room

§943.20	Theft
§943.21	Fraud on Hotel or Restaurant Keeper or taxicab operator
§943.215	Absconding without Paying Rent
§943.22	Use of Cheating Tokens
§943.255	Refusal to Pay for Motor Bus Ride
§943.34	Receiving Stolen property
§943.37	Alteration of Property Identification Marks
§943.41	Financial Transaction Card Crimes
§943.45	Theft of Telecommunications Service
§943.455	Theft of Cellular Phone Service
§943.46	Theft of Cable Television Service
§943.47	Theft of Satellite Cable Programming
§943.50	Retail Theft
§943.55	Removal of Shopping Cart
§943.61	Theft of Library Material
§943.70	Computer Crimes
§944.20	Lewd and Lascivious Behavior
§944.30	Prostitution
§944.31	Patronizing prostitutes
§944.32	Soliciting prostitutes
§944.33	Pandering
§944.34	Keeping place of Prostitution
§944.36	Solicitation of drinks prohibited
§946.41	Resisting or obstructing officer
§946.72	Tampering with public records and notices
§947.01	Disorderly conduct
§947.06	Unlawful assemblies and their suppression
§947.012	Unlawful use of telephone
§947.0125	Unlawful use of computerized communication systems
§948.09	Sexual intercourse with a child age 16 or older
§948.11	Exposing a child to harmful material
§948.62	Receiving stolen property from a child
§961.41(3g)	Prohibited Acts A -- penalties
§961.573(1)	Possession of drug paraphernalia

SECTION 17-1.1 FAILURE TO OBEY DIRECTION OF AUXILIARY POLICE/ COMMUNITY SERVICE OFFICER

No person shall fail or refuse to comply with any lawful order, signal or direction of an auxiliary police officer or community service officer of the Oshkosh Police Department when acting under the direction of the Oshkosh Police Department.

SECTION 17-2 REGULATION OF ADULT ENTERTAINMENT FACILITIES

- (A) In this section, "Special Cabaret" shall mean any bar, dance hall, restaurant, or other place of business, whether or not licensed under Chapter 4 of this Code, which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or waiters or waitresses, any of whom engage in sexual conduct as that term is defined in Section 944.21(2)(e), Wis. Statutes, as may be amended from time to time, or the simulation of such activities by any such individual, or any such business establishment, the advertising for, or a sign or signs identifying, which use the words, "adult," "topless," "nude," "bottomless," or other words of similar import.

- (B) No person, partnership, corporation or other entity shall own, operate, manage, rent, lease, occupy, or exercise control of any building, structure, premises, or portion or part thereof, (a) within which occurs the activities specified in this Section if otherwise allowed or (b) housing a special cabaret, as of the effective date of this ordinance that is located closer than 500 feet from the nearest lot line, that is the legal boundaries of a parcel of property, of a similar establishment, or, if so licensed, of another Class "B"/"Class B" establishment, or any facility governed by Section 15-19 of this municipal code, or any school (whether pre-school, elementary, middle or high school, whether public or private), or any residentially zoned property, library, church or chapel, park or playground, or licensed day-care facility.
- (1) It is the intent of this subparagraph that such establishments, whose operations on the effective date of this Ordinance would otherwise subject them to regulation of this subsection, shall be subject to the provisions of Section 30-4 NON-CONFORMING USE REGULATIONS of this Code, except that such privilege of nonconforming use shall cease upon the discontinuance of the specified activities within such establishment for seven consecutive calendar days, including any days when the establishment is normally closed for business.
- (C) No person, employee, entertainer or patron shall be permitted to have any physical contact with any entertainer on the premises during any performance, except for the taking of tips which must be taken on the hip or the side of the entertainer's G-string, T-bar or costume, or in a garter. All performances shall only occur on a stage, or on a table that is in a designated area within full and unrestricted view of the bar area, either of which is elevated at least eighteen (18) inches above the immediate floor level and removed a distance sufficient to prevent actual physical contact between the entertainer and another entertainer or any other person, employee or patron.
- (D) No person under the age of eighteen (18) years of age may be admitted to, may enter or remain on, may purchase goods or services at, or may work or be permitted to work as an employee in any capacity at an establishment subject to the provisions of this Section.
- (E) No person shall cause another to commit a violation of this Section, nor shall any person permit such violation to occur on any premise under his/her control, tenancy, management or ownership.

SECTION 17-3 DANGEROUS WEAPONS PROHIBITED

- (A) As used in this chapter, "dangerous weapon" shall mean and include, but is not limited to because of enumeration: any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon as defined in Sec. 941.295(4), Wis. Stats.; any instrument which expels a missile or other object by the expansion of compressed air or other gas, by spring or any other means; crossknuckles, blackjack, billy; any knife which has a blade three inches or longer, or a blade which may be drawn without the necessity of contact with the blade itself, martial arts type weapons such as, without limitation because of enumeration, Shruikens (death star), Tonfa, Nunchaku (or mini chuck), Manrikigusari (fighting chain); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
- (B) No person other than a peace officer shall, within the limits of the City, carry or wear under the clothes or shall conceal about the person any dangerous weapon.
- (C) No person other than a peace officer shall enter any building owned or leased by the State of Wisconsin or any political subdivision, the United States of America, or any other governmental

entity while armed with a dangerous weapon.

- (D) No person shall buy for, sell, or give away to any minor, any dangerous weapon except for household purposes knives or knives having blades less than three inches long without first having obtained the written consent of the parent or guardian of such minor.
- (E) No minor may possess any dangerous weapon without the express consent of the minor's parent or guardian. Any such weapon may be confiscated by a peace officer and held for a reasonable period of time until the issue of consent can be established; if proper consent has been determined, the confiscated weapon shall be returned to the parent or guardian of the minor unless the possession of same is prohibited by other provisions of this Chapter or any other statute of law.

SECTION 17-4 DISCHARGING FIREARMS PROHIBITED

- (A) No person shall fire or discharge any gun, pistol, fowling piece or other firearm within the limits of the city, except in the necessary defense of his person or property.
- (B) This Section shall not apply to the discharge of shotguns at places established for the shooting of clay pigeons discharged from traps; provided, however, that such places and rules governing the use of the same shall be first approved by the Chief of Police.
- (C) This Section shall not apply during the months of October and November for the purpose of duck hunting over Lake Butte des Morts and Lake Winnebago when and where life and property is not in danger, except for property abutting South Asylum Bay, more particularly described as follows:

That property abutting Lake Winnebago and lying Southwesterly of the following described line:

A parcel of land in the south 1/2 of Section 7, Township 18 North, Range 17 East, in the east 1/2 of Section 12, Township 18 North, Range 16 East, all in the Town of Oshkosh, Winnebago County, Wisconsin, described as follows:

Commencing at the intersection of the westerly line of Lot 2 of the Doemel Plat and the northerly line of Hickory Lane (originally shows as Lake drive), thence N. 73 degrees 55' E., along the northerly line of Hickory Lane 339 feet, thence N. 16 degrees 5' W., 30 feet, thence N. 61 degrees 5' W., 300 feet more or less to the southerly shoreline of Lake Winnebago, also being the true point of beginning, thence northwesterly to the southeasterly (most easterly) corner of Lot 1 of Replat of Oakwood Beach Plat.

SECTION 17-5 BOWS AND ARROWS, AIR RIFLES, PELLET GUNS, BB GUNS, AND SLINGSHOTS

- (A) Except as provided in Subsection (1) of this ordinance, no person shall shoot or discharge a bow, crossbow or similar device which propels or projects an arrow or similar projectile within the City of Oshkosh.

(1) This section shall not apply:

- (a) to the shooting or discharging of toy arrows or arrows which have a tip made of

rubber or similar material.

- (b) within the interior of a single-family dwelling or other enclosed structure.
- (c) to persons while using the established archery range at Winnebago County Park.
- (d) to persons while participating in a sanctioned archery competition at locations and upon conditions approved in advance by the Chief of Police or designee.
- (e) to persons participating in educational programs sponsored through the Oshkosh Area School District, any other private or parochial school, or University of Wisconsin-Oshkosh.

(B) Except as provided in Subsection (1) of this section, no person shall shoot or discharge an air gun, pellet gun, BB gun or any instrument which expels a missile or other object by the expansion of compressed air or other gas, by spring or any other means within the City of Oshkosh.

(1) This section shall not apply:

- (a) within the interior of a single-family dwelling or other enclosed structure.

(C) Except as provided in Subsection (1) of this section, no person shall shoot or discharge a slingshot or similar device designed to throw or propel any missile within the City of Oshkosh.

(1) This section shall not apply:

- (a) to the shooting or discharging of toys which are made of foam, or other similar materials.
- (b) within the interior of a single-family dwelling or other enclosed structure.

SECTION 17-6 THROWING STONES OR MISSILES

No person shall throw, cast, or discharge by any means any stone, object, snowball or missile of any kind in any street, alley, public area, or premises open to the public. No person shall throw, cast, or discharge by any means any stone, object, snowball or missile of any kind at any person, building, tree, vehicle, or other public or private property.

SECTION 17-7 CONSUMPTION OR POSSESSION OF INTOXICANTS ON STREETS

(1) No person shall possess or consume any intoxicating liquor or fermented malt beverage while in or upon any public street, alley, sidewalk, highway, premises held out to the public for use of their motor vehicles, all premises provided by employers to employees for the use of their motor vehicles and all premises provided to tenants of rental housing in buildings of 4 or more units for the use of their motor vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof. This section is not intended to apply to private parking areas at single family residences nor to areas designated as beer gardens pursuant to Chapter 4 of this municipal code.

(2) All purchases of alcoholic or fermented malt beverages by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed to thoroughfares, streets, or sidewalks in the City

SECTION 17-8 URINATING IN PUBLIC

No person shall defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery, or other public area within the city or upon any private property in open view of the public or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings or to indecently expose his or her person.

SECTION 17-9 FRAUD IN HOUSING ASSISTANCE PROGRAMS

- (A) "Housing Assistance" as used in this section includes any assistance obtained through the City of Oshkosh/Winnebago County Housing Authority Programs.
- (B) No person shall falsify, misstate, omit, or otherwise misrepresent any material fact which results (or would have resulted) in an underpayment of rent by a tenant or an overpayment of rent to a landlord.
- (C) No person shall willfully do any act designed to interfere with the proper administration of the Housing Assistance Programs.
- (D) Any person who receives assistance for dwelling accommodations under Section 66.402 Wis. Stats. shall notify the housing Authority granting such assistance of any increase in income, assets or change in family composition within twenty (20) days after the receipt of those assets, income or change in family composition.
- (E) Any landlord or owner receiving payment on behalf of a tenant receiving assistance under §66.402 Wis. Stats. shall notify the Housing Authority granting such assistance of any changes in tenancy, including but not limited to, notice of eviction, or notice of one or more tenants vacation of the rental unit. It shall be a violation of this section to obtain assistance by failure to notify the Housing Authority of changes in tenancy resulting in an overpayment of rental assistance.

SECTION 17-10 SMOKING IN MUNICIPAL BUILDINGS, OSHKOSH TRANSIT CENTER PROPERTY & VEHICLES PROHIBITED

- (A) As used in this Ordinance:
 - (1) "Building" means any enclosed area of a structure owned, leased or administered by the City of Oshkosh; excepting the Oshkosh Convention Centre, municipal golf course and those facilities leased to, or otherwise occupied by non-governmental entities other than the Grand Opera House; and excepting facilities owned, leased operated or administered by the Oshkosh Housing Authority.
 - (2) "Vehicle" means any self-propelled, enclosed vehicle owned or leased by the City of Oshkosh, including those vehicles contracted for passenger transportation services.
 - (3) "Smoking" means using, carrying or possessing, a lighted cigarette, cigar, pipe or other lighted smoking equipment.
- (B) Prohibited Conduct: It shall be unlawful and a violation of this Ordinance for any person to engage in smoking in any City of Oshkosh building, on the Oshkosh Transit Center property

located at 110 Pearl Avenue or in a City of Oshkosh vehicle.

- (C) Notification: All buildings and vehicles shall be posted in accord with the terms of this Ordinance and Wisconsin Statute 101.123. Posting shall be at the entrance to all City of Oshkosh buildings and in conspicuous locations on or near the Oshkosh Transit Center property and on or in city vehicles to notify the public and employees that smoking is prohibited.
- (D) Penalty and Enforcement: Any person convicted of a violation of this Ordinance shall forfeit an amount not less than \$25.00 nor more than \$500.00. The City of Oshkosh Police Department shall be the enforcement agency of this Ordinance. A court of competent jurisdiction may impose any alternative penalty as permitted by law. (Effective September 1, 1997.)

SECTION 17-10.1 SNOWMOBILES, OFF-ROAD VEHICLES

- (A) There shall be no snowmobiling or use of off-road motor bikes or all-terrain-type vehicles within the corporate limits of the City of Oshkosh between the hours of 10:00 p.m. and 8:00 a.m.
- (B) No person shall operate any snowmobile, off-road bike, all-terrain-type vehicle or any other motorized self-propelled vehicle upon any city-owned property except for:
 - (1) police, fire and other emergency vehicles;
 - (2) duly registered and licensed motor vehicles, when not prohibited by any other provision of the Municipal Code, lawfully operating on paved roadways designated for vehicular use;
 - (3) vehicles used in conjunction with parade activities;
 - (4) loading and unloading snowmobiles or trailers at the 24th Avenue, Fugleberg Park, Menominee Park and Rainbow Park launching sites.

SECTION 17-11 DAMAGE TO PUBLIC PROPERTY

- (A) No person shall break, soil, deface, injure or damage any guidepost, sign, street lamp or post, traffic sign or signal, fountain, statue, monument or other ornamental structure within any public street, alley, park, cemetery or other public place. No person shall break, soil, deface, injure or damage any part of any public building or any other public property or equipment. No person shall walk, ride or drive upon any grass plot or any street right of way to its injury.
- (B) No person shall open, remove, operate or otherwise tamper with any City property or equipment including but not limited by way of enumeration to manholes and covers, pumps, storm grates, sewers and mains, water valves and stop/shut-off boxes, meters, vehicles and attachments thereto, barricades and signal lighting for construction and emergency purposes.
- (C) No person shall paint or post any bill, notice, picture or advertisement upon any public building, curb stone, crosswalk, gutter, street, sidewalk, hydrant, lamp post, bridge approach or upon any part of the super-structure of any bridge in the City.
- (D) No person shall meddle or tamper with, injure, break, cut, take down or disarrange any telegraph, telephone, or electric light pole, fire or police alarm box, or any wire cord, lamp or other apparatus used in operating or maintaining any telegraph, telephone, electric light or fire alarm, without authority to so do, or post any bills or posters of any kind whatsoever upon any such poles or posts

within the limits of the City.

- (E) No person shall willfully or maliciously mar, deface or injure any school building or any other building or structure situated upon any public school site within the limits of the City, nor shall break or injure any door or window in or of any such school building, or other building or structure, nor shall break, mar, deface or injure any property belonging or appurtenant to the public schools.
- (F) This section does not apply to duly authorized employees or agents of the City, or to a person authorized by permit issued by the City, or to any person possessing written authorization from the City Manager.

SECTION 17-12 ADVERTISEMENTS ON PRIVATE PROPERTY WITHOUT OWNER'S CONSENT PROHIBITED

No person shall post paper or any written or painted bill, notice or advertisement on any part of the outer walls of any building within the limits of the City without first having obtained the consent of the owner thereof.

SECTION 17-13 SCAVENGING OF RECYCLABLE MATERIALS PROHIBITED

No person except law enforcement personnel and authorized employees of the City of Oshkosh shall remove, take, or otherwise meddle or tamper with recyclable material, as that term is defined in Section 23-1(J) of this code, which is placed out by any person for collection by the City.

SECTION 17-14 TRESPASSING ON RAILROAD

- (A) No person, other than a licensee, authorized news media reporters or those connected with or employed upon the railroad, shall walk, loiter, ride, drive or be upon or along the track of any railroad.
- (B) Each railroad corporation shall post notices containing substantially the provisions of this section, together with the penalties, in one or more conspicuous places in or about each railroad station.
- (C) The provisions of this section shall not be construed to interfere with the lawful use of a public road or highway by any person, or to prevent any person from driving across any railroad from one part of his land to another part thereof, or from walking directly across the tracks or right of way of any railroad; or with the use of the right of way or track by any person when occasioned by or in connection with, either directly or indirectly, the shipping, loading or unloading of freight, seeking employment, the investigation or securing of evidence with respect to any accident or wreck, or in conducting or transacting any other business for or with said railroad; or with the entry of any employee during or on account of labor disputes by employees

SECTION 17-15 CLIMBING ON TRAINS PROHIBITED

No person shall catch, climb, upon or hang onto any freight car in the City without permission from the railroad company.

SECTION 17-16 HABITUAL TRUANCY PROHIBITED

- (A) No child subject to school attendance laws shall be a truant or habitual truant as defined in this section.
- (B) For purposes of this section, "habitual truant" means a child who is absent from school without an acceptable excuse as provided in Section 118.16(1)(a), Wis. Stats., as may be amended from time to time, for part or all of five (5) or more days on which school is held during a school semester.

A child who is found to be habitually truant shall be subject to one or more of the following dispositions:

- (1) An order for the child to attend school.
 - (2) Suspension of the child's operating privilege, as defined in Section 340.01(40), Wis. Stats., as may be amended from time to time, for not less than 30 days nor more than one (1) year. The court shall immediately take possession of any suspended license and forward it to the State Department of Transportation together with a notice stating the reason for and the duration of the suspension.
 - (3) An order for the child to be placed in a teen court program as described in sec. 938.342 Wis. Stats.
 - (4) A forfeiture of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (C) For purposes of this section "Truant" shall mean a child who is absent from school without an acceptable excuse for part or all of any day on which school is held as provided in Section 118.163(1)(d), Wis. Stats.

A child who is found to be truant shall be subject to one or more of the following dispositions:

- (1) An order for the child to attend school.
 - (2) A forfeiture of not more than fifty dollars (\$50.00) for a first violation, or a forfeiture of not more than one hundred dollars (\$100.00) for any 2nd or subsequent violation committed within 12 months of a previous violation. Such forfeiture shall be subject to a maximum cumulative forfeiture amount of not more than five hundred dollars (\$500.00) for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (D) Contributing to truancy.
- (1) No person 17 years of age or older shall by any act or omission, knowingly encourage or contribute to the truancy, as defined under s. 118.16(1)(c), of a person 17 years of age or under.
 - (2) Subsection (1) does not apply to a person who has under his or her control a child who has been sanctioned under s. 49.26(1)(h).
- (2) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need or protection or services, if the natural and probable consequences of that act or omission

would be to cause the child to be truant.

SECTION 17-17 JUVENILE CURFEW

(A) DEFINITIONS. As used in this section:

1. "Associational Activity" means school or religious programs, sporting events, public entertainment such as concerts or movies, and similar activities or events, and shall include supervised organized volunteer programs such as "Safe Ride". .
2. "Child" means a person who is less than 18 years of age.
3. "Curfew period" includes from 11:00 P.M. to 5:00 A.M. Sunday through Thursday nights and from 12:00 midnight to 5:00 A.M. Friday and Saturday nights.

(B) CURFEW ESTABLISHED. No child shall be or remain in or upon the public streets, highways, roads, alleys, sidewalks and parks; public buildings; establishments; vacant lots; or in any public place in the City of Oshkosh, either on foot or in or upon any conveyance operated or parked, during the curfew period, unless accompanied by the child's parents, step parents, legal guardian or other adult family member, or other adult person having the child's care, custody or control.

(C) EXCEPTIONS. the following shall constitute exceptions to the operation of the curfew:

1. Emergency: The presence of the child is necessitated by an emergency situation in which property or human life are in jeopardy and the prompt summoning or rendering of aid is essential.
2. Employment: The presence of the child is in the course of the child's employment duties during working hours or for travel incident thereto.
3. Associational Activity: The child is present while traveling directly home from an associational activity.

(D) PARENTAL/GUARDIAN RESPONSIBILITY. It shall be a violation of this section for the parent, step parent, legal guardian or other adult family member, or other adult person having the care, custody or control of a child to permit, whether knowingly or otherwise, or to force the child to violate this section.

(E) ENFORCEMENT. Any law enforcement officer having probable cause to believe that a child is in violation of this section may detain the child, counsel, or issue a warning or summons as may be appropriate, and shall make every effort to immediately release the child to the parent, legal guardian or other adult person having the care, custody or control of the child. If the parent, legal guardian or other adult person having the care, custody or control of such child is unavailable, unwilling or unable to provide supervision for the child, an officer may release the child to a responsible adult and verbally counsel, or issue a warning or summons as may be appropriate. In the case of a child 15 years of age or older, the officer may release the child without immediate adult supervision, and counsel, or issue a warning or summons to the child as may be appropriate.

(F) AFFECT ON OTHER SECTIONS. The enactment of this section is not intended in any way to repeal or otherwise modify other provisions of this Code

SECTION 17-18 REGULATIONS OF UNAUTHORIZED PERSONS ON SCHOOL GROUNDS

- (A) During regular school hours, no person, not a student in regular attendance in the school or an employee of the Oshkosh Area Board of Education assigned to the particular school, shall be in the building or on the grounds of said school without first having obtained permission of the principal, acting principal or assistant principal having immediate control of said building or grounds. For purposes of this section, "a student in regular attendance" shall mean a student who is in his/her assigned classroom or elsewhere on the school premises with permission from the principal, the student's teacher, or other authorized school official. A student who is serving an out of school suspension, has been expelled from the school, or is truant from his/her assigned class is an unauthorized person.
- (B) Any person who goes into a school building or onto the school grounds in violation of Subsection (A) above and subsequently refuses to leave said building or grounds after being requested to do so by the principal or his/her representative shall be deemed in violation of the ordinance.
- (C) During non-school hours, no person shall be in a school building or on school grounds without first having obtained permission of the principal, acting principal, or assistant principal having immediate control of said building or grounds.
- (D) Subsections (A), (B), and (C) above shall not pertain to an elector entering said school building to cast his/her ballot on designated election days, guardians/parents of students who are enrolled in the particular school, and other persons engaged in school business who are otherwise adhering to school policies.
- (E) No person shall chew and/or smoke tobacco products in a school building or on school grounds.

SECTION 17-19 SWIMMING OR BATHING

- (A) Proper Attire Required
No person shall swim or bathe in either the water of Lake Winnebago, Lake Butte des Morts or the Fox River within the limits of the City without being attired in proper bathing clothing.
- (B) Prohibited from Bridges
No person shall go in bathing from any of the railroad or other bridges crossing the Fox River in the City, or while bathing, stand, sit, or loiter upon or clamber on or about any such bridges.

SECTION 17-20 PRIVATE SWIMMING POOLS

- (A) Definition.
A swimming pool is any structure, basin, chamber or tank containing or capable of containing an artificial body of water for swimming, diving, or recreational bathing, having a depth greater than two feet (2') at any point.
- (B) Protective Enclosures Required.
 - (1) All private residential swimming pools, whether in ground or above ground types, shall be enclosed with an adequate and secure fence at least 42 inches high above adjoining grade to prevent straying into pool area. Required fences shall be constructed to prohibit the passage of a six inch (6") sphere between fence members, and the bottom of said fence shall be no more than two inches (2") above the existing ground elevation. All gates or doors opening through such enclosure shall be kept securely closed at all times when not in use and shall be equipped with a self-closing and self-latching device designed to keep such door or gate securely closed at all times when not in use.

- (2) Exception.
A pool dome or pool top fencing, attached to the pool to extend at least forty-two inches (42") above the ground, or a pool cover capable of supporting 100 pounds per square foot of area are acceptable substitutes for fencing above ground pools. Pool covers shall be fixed securely in place at all times when the pool is not in use. Above grade pool with walls that are at least forty-two (42") inches high at all points around said pool or having platforms and railings that are forty-two inches (42") or more in height above grade are also not required to be enclosed as provided in paragraph (B)(1), but the ladders and stairways providing access to said pools shall be removed, raised or gated and secured to prevent entry whenever the pool is not in use.

(C) General Provisions.

(1) Electrical Safety Requirements.

All electrical installations provided for, installed and used in connection with swimming pools shall be in conformance with the City of Oshkosh Electrical Code and the National Electrical Code.

(2) Drainage.

The drainage of swimming pools shall be directed to a public storm sewer or catch basin connected to the public storm sewers. Drainage shall be controlled to prevent any adverse effect on adjoining property.

(3) Permits.

A building permit is required for installation of a swimming pool.

(4) Conformity.

Existing pools not in compliance with the above enclosure requirements shall be made to conform within twelve months of the adoption of this ordinance.

SECTION 17-21 MOB ACTION AND CIVIL DISOBEDIENCE

(A) Council Powers

Whenever the Common Council determines that an emergency exists as a result of mob action or other civil disobedience causing danger of injury or damage to persons or property, or when in their judgment such mob action or other civil disobedience appears imminent, they shall have power to impose by resolution any or all of the following regulations necessary to preserve the peace and order of the City.

(1) Curfew May Be Imposed

To impose a curfew upon all or any portion of the City thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and City authorized or requested law enforcement officers and personnel may be exempted from such curfew.

(2) Businesses to Close

To order the closing of any business establishments anywhere within the City for the period of the emergency; such businesses to include, but not be limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.

(3) Street Closing

To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian agencies.

(4) Activate Law Enforcement Agencies

To call upon regular and auxiliary law enforcement agencies and organizations within or without the City to assist in preserving and keeping the peace within the City. This shall include the authorization to place on an active status all auxiliary police previously placed on an inactive basis by the Police and Fire Commission.

(B) Proclamation of Emergency; When Effective

The Proclamation of Emergency provided herein shall become effective upon its issuance and dissemination to the public by appropriate news media.

(C) Proclamation of Emergency; When Terminated

Any emergency proclaimed in accordance with the provisions of this ordinance shall terminate after seventy-two (72) hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be extended for such additional periods of time as determined necessary by resolution of the governing body.

(D) Violation

Any person who shall willfully fail or refuse to comply with the lawful orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the Proclamation of Emergency authorized herein shall be deemed in violation hereof.

(E) Ordinance to Take Precedence

The provisions of this Section shall be in addition to any and all other similar provisions in the Revised Municipal Code and shall take precedence over those with which it may conflict.

(F) Waiver of Council Quorum Rule

For the purposes of adopting resolution referred to under Section 2-13(c) of this Code are hereby waived and a quorum of the Council may meet to adopt said resolution as soon as possible.

SECTION 17-22 PICKETING AT PRIVATE RESIDENCES

(A) Declaration. It is hereby declared that the protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community enjoy in their homes and dwellings a feeling of well-being, tranquility, and privacy, and when absent from their homes and dwellings, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; that the practice of picketing before or about residences and dwellings causes emotional disturbance and distress to the occupants; obstructs and interferes with the free use of public sidewalks and public ways of travel; that such practice s as its object the harassing of such occupants; and without resort to such practice full opportunity exists, and under the terms and provisions of this ordinance, will continue to exist for the exercise of freedom of speech and other constitutional rights; and that the provisions hereinafter enacted are necessary for the public to avoid the detrimental results herein set forth and enacted by the Common Council of the City of Oshkosh pursuant to the provisions of Section 62.11(5) of the Wisconsin Statutes.

(B) It shall be unlawful for any person to engage in picketing before or about the residence or dwelling of any individual. nothing herein shall be deemed to prohibit (1) picketing in any lawful manner

during a labor dispute of the place of employment involved in such labor dispute, or (2) the holding of a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest.

ARTICLE II. FIRE REGULATIONS

SECTION 17-23 TO ASSIST AND OBEY ORDERS OF OFFICERS OF FIRE DEPARTMENT

No person shall neglect or refuse to render assistance when lawfully called upon to do so by any Fire Department officer nor shall any person refuse to obey lawful order given by them to assist in the extinguishment of a fire or to maintain order in the vicinity thereof.

SECTION 17-24 RESISTING OFFICER OR MEMBER OF FIRE DEPARTMENT

No person shall offer any resistance to any officer or member of the Fire Department when in the performance of his\her duty.

SECTION 17-25 DAMAGING HOSE OR APPARATUS PROHIBITED

No person shall wantonly or maliciously cut or otherwise injure any hose or apparatus belonging to or used by the Fire Department, nor shall drive any vehicle over any unprotected hose of the Fire Department which may be laid in the streets or any other place, without the consent of an officer of the Fire Department.

SECTION 17-26 UNAUTHORIZED USE OR OBSTRUCTION OF FIRE HYDRANTS PROHIBITED

No unauthorized person shall open any fire hydrants, nor shall any person obstruct or interfere with the use of any fire hydrant. (Note: Authorized personnel would be: 1) Fire Department personnel for fighting fires and training purposes only; 2) Water utility personnel for daily operations.)

SECTION 17-27 ILLEGAL USE OF SIREN

It shall be unlawful for any person, except Fire Department and Police Department emergency vehicles, to sound any siren or use any device for making similar noise, within the City.

ARTICLE III. OPERATION OF BOATS AND VESSELS

SECTION 17-28 STATE STATUTES ADOPTED

The following State Statutes, exclusive of those portions of the State Statutes relating to classification of offenses and penalties, together with any future additions, deletions or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Providing, however, that where such statutes are

less stringent than other provisions found in this Code, the provisions of this Code shall apply. Penalty for violation under this ordinance shall be limited to a forfeiture as hereinafter set forth.

§30.50	Definitions
§30.51	Certificate of number and registration
§30.523	Certification or registration card to be on board; display of stickers pr decals and identification number
§30.544	Inspection of boats purchased out-of-state
§30.547	Penalty
§30.60	Classification of motorboats
§30.61	Lighting equipment
§30.62	Other equipment
§30.625	Rental of personal watercraft
§30.63	Sale and use of certain outboard motors restricted
§30.635	Motorboat prohibition
§30.64	Patrol Boats
§30.65	Traffic rules
§30.66	Speed Restrictions
§30.67	Accidents and accident reports
§30.675	Distress signal flag
§30.68	Prohibited operation
§30.681	Intoxicated Boating
§30.682	Preliminary breath screening test
§30.683	Implied consent
§30.684	Chemical tests
§30.686	Report arrest to department
§30.687	Officer's action after arrest for violating intoxicated boating law
§30.69	Water skiing
§30.70	Skin diving
§30.71	Boats equipped with toilets

SECTION 17-29 SPEED LIMITS FOR MOTORBOATS

- (A) No person shall drive or operate a motorboat at a speed in excess of slow-no-wake speed on the following waterways:
- (1) Fox River, under or through the Canadian National Railroad bridge from a point 900 feet south and east/downstream to under or through the bridge, under or through the Main Street bridge, between the Main Street bridge and the Oregon/Jackson Street bridge, under or through the Wisconsin/Ohio Street bridge, under or through the Oshkosh/Congress Avenue bridge from a point 1,200 feet south/downstream to a point 1,900 feet north/upstream of the bridge. The slow/no wake zones in and around the Oshkosh/Congress Avenue bridge shall be valid from 3:00 p.m. Fridays through Sunday 12:00 midnight and legal holidays only.
 - (2) Miller's Bay, including the Special Anchorage Area, approved by the U.S. Coast Guard and Army Corp. of Engineers located at Latitude N44 degrees 01'36" and Longitude W88 degrees 31' 5", consisting of an area 300 feet by 500 feet in size, except in case of an emergency or unless prior approval has been granted by the Common Council.
- (B) The proper City officials are authorized to place, or to cause to be placed, the appropriate navigational aides and buoys to mark the locations of the speed limit restrictions of this Section.

SECTION 17-30 ANCHORING VESSEL NEAR MAIN PROHIBITED

No person shall drop any anchor over in the immediate vicinity of any water mains supplying the City or its inhabitants with water, or any mains crossing the Fox River or extending into any lake.

ARTICLE IV. PUBLIC NUISANCES**SECTION 17-31 PUBLIC NUISANCES PROHIBITED**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

SECTION 17-32 DEFINITIONS**(A) Public Nuisance**

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (2) In any way render the public insecure in life or in the use of property;
- (3) Greatly offend the public morals or decency;
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(B) Additional Nuisances

- (1) In addition to any other provisions contained in this Article IV, any of the following activities, behaviors, or conduct, occurring on the premises shall also be deemed a public nuisance:
 - a. An act of Harassment, as defined in §947.013, Wis. Stats.
 - b. Disorderly Conduct, as defined in §947.01, Wis. Stats.
 - c. Battery, Substantial Battery, or Aggravated Battery, as defined in §940.19, Wis. Stats.
 - d. Lewd and Lascivious Behavior, as defined in §944.20, Wis. Stats.
 - e. Prostitution, as defined in §944.30, Wis. Stats.
 - f. Theft, as defined in §943.20, Wis. Stats.
 - g. Receiving Stolen Property, as defined in §943.34, Wis. Stats.
 - h. Arson, as defined in §943.02, Wis. Stats.
 - i. Possession, Manufacture, or Delivery of a Controlled Substance or related offenses, as defined in §961, Wis. Stats.
 - j. Gambling, as defined in §945.02, Wis. Stats.
 - k. Animal violations, as defined in Chapter 6, of this Code.
 - l. Violation of Adult Entertainment Regulations, as defined in this Chapter.
 - m. Violations of Chapter 125 of the Wisconsin Statutes, or Chapter 4 of this Code.
 - n. Violation of High Risk Sexual Conduct Establishment regulations, as defined in Chapter 15, of this Code.
 - o. Trespassing, as defined in §943.13 and §943.14, Wis. Stats.
 - p. Weapons violations, as defined in § 939.22, Wis. Stats and in this Chapter.
 - q. Noise violations, as defined in this Chapter.
 - r. Jurisdiction over juveniles alleged to be delinquent as defined in §938.12, Wis. Stats.

- s. Jurisdiction over juveniles alleged to have violated civil laws or ordinances as described in §938.125, Wis. Stats.
- t. Any conspiracy to commit, as defined in §939.31, Wis. Stats., or attempt to commit, as defined in §939.32, Wis. Stats., any of the activities, behaviors, or conduct enumerated in this subdivision.

(2) Additional Definitions

For the purpose of this subsection (B) of this ordinance, the following terms shall have the following meanings:

- a. "Chief": The Chief of Police or his or her designee.
- b. "Law Enforcement Action" is a police response that results in any of the following: arrest, issuance of a citation, referral, or issuance of a verbal or written warning; or long form report.
- c. "Owner": The owner of the premises and his or her agents.
- d. "Premises. An individual dwelling unit or an individual business premises and associated common areas; this includes but not limited to: apartments, hotel rooms, rooming houses, tax parcels and buildings.

SECTION 17-33 PUBLIC NUISANCES AFFECTING HEALTH

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of Section 17-32:

- (A) Unsanitary Food
All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- (B) Dead Animals
Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
- (C) Decayed Matter
Accumulations of decayed animals or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;
- (D) Stagnant Water
All stagnant water in which mosquitoes, flies or other insects can multiply.
- (E) Uncovered Privies and Garbage Cans
Privy vaults and garbage cans which are not fly-tight;
- (F) Noxious Weeds
All noxious weeds and other rank growth or vegetation;
- (G) Animals at Large
All animals running at large;
- (H) Noxious Fumes
The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City limits or within one (1) mile therefrom in such quantities as to endanger the health of

persons of ordinary sensibilities or to threaten or cause substantial injury to property;

- (I) Water Pollution
The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;
- (J) Noxious Odors
Any use of property, substances or things within the City or within four (4) miles thereof, emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City;
- (K) Uncovered Abandoned Wells
All abandoned wells not securely covered or secured from public use.
- (L) Outdoor Solid Fuel Fired Furnaces, Stoves and Boilers. (This prohibition shall be applied Retroactively.)
Outdoor Solid Fuel Fired Furnaces, Stoves and Boilers shall be defined as an accessory structure or appliance designed (1) for a location ordinarily outside the principal structure and (2) to transfer or provide heat via liquid or other means, by burning wood or other solid fuels, for heating any principal or accessory structure on the premises.

SECTION 17-34 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY

The following acts, omissions, places, conditions and things hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 17-32.

- (A) Premises Used for Gambling or Prostitution
All disorderly houses, bawdy houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;
- (B) Gambling Devices
All gambling devices and slot machines;
- (C) Unlicensed Premises Where Alcoholic Beverages Kept
All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or license as provided for by the ordinances of the City.
- (D) Premises Where Habitual Violations of Laws Have Occurred
Any place or premises within the City where City ordinance or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated;
- (E) Unlicensed Premises Where Alcohol Consumed
Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or the ordinances of the City.

SECTION 17-35 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances

affecting public peace or safety coming within the provisions of this chapter.

- (A) Accumulation of Snow and Ice on Sidewalks
All ice not removed from public sidewalks and all snow not removed from public sidewalks as required by City ordinance.
- (B) Signs and Billboards Endangering Public Safety
All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds of places frequented by the public, so situated or constructed as to endanger the public safety.
- (C) (Reserved.)
- (D) Unauthorized Devices Imitating Traffic Control Devices
All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing;
- (E) Obstruction of Street Intersections
All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highway from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
- (F) Limbs Projecting over Sidewalks
All limbs of trees which project over a public sidewalk, less than eight (8) feet above the surface thereof or less than ten (10) feet above the surface of a public street.
- (G) Unauthorized Use of Fireworks
All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the City;
- (H) Unsafe Structures
All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;
- (I) Low Hanging Wires
All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of street or ground;
- (J) Unnecessary Loud Noise
All loud, discordant and unnecessary noises or vibrations of any kind;
- (K) Noisy Animals
The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the City;
- (L) Unauthorized Street Obstructions or Excavations
All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;

- (M) Unguarded Excavations, etc.
All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
- (N) Unsafe Abandoned Refrigerators
All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside;
- (O) Use of Abutting Property Which Causes traffic Impediment
Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks;
- (P) Habitual Violations of Flammable Liquids Ordinance
Repeated or continuous violations of the ordinances of the City or laws of the State of Wisconsin relating to the storage of flammable liquids.

SECTION 17-36 PUBLIC NUISANCE AFFECTING PROPERTY USAGE

- (A) The exterior of every structure or accessory structure, residential and non-residential, including fences, shall be maintained by the owner, occupant or person authorized to use same, in good repair and all exterior surfaces thereof shall be kept painted or covered with exterior siding material intended for that use by the manufacturer for purposes of preservation and appearance. The same shall be maintained by the owner, occupant or person authorized to use same, free of broken or missing siding, shingles or exterior woodwork, crumbling stone or brick, excessive chipped, peeling, or lack of paint, missing, broken or deteriorating steps, porches, handrails and guardrails or any other conditions reflective of deterioration and/or inadequate maintenance or as may tend to depreciate property values in the area or create a nuisance or hazard.
- (B) On all residential and non-residential premises in the City, any junk, debris or condition, including, but not limited to: wood, bricks, concrete rubble, cinder block or other building materials, scrap metal, tree limbs or brush, tree stumps with a height greater than their diameter, diseased or dead trees or other yard waste, household garbage or refuse not properly contained or stored, inoperable vehicles, motor or recreational, as defined in section 16-22 or parts thereof and inoperable machinery or parts thereof (except when housed inside out of public view), refrigerators, stoves, washing machines, dryers, or other appliances, water heaters, dilapidated dog houses or animal cages, animal waste, upholstered furniture, mattresses, bedsprings or other furniture not intended for exterior use by the manufacturer and used or stored on open porches or in yards, rutted lawns or driveways or any other unsightly conditions as may tend to depreciate property values in the area or create a nuisance, hazard or eyesore, shall not be allowed on any property by the owner, occupant or person authorized to use same. Lots in residentially developed areas shall be kept free, by the owner, occupant, or person authorized to use same, or dirt piles, rubble and any other material or conditions which might hinder maintenance of the property, except that dirt piles used for landscaping purposes shall be leveled and said areas seeded with grass within thirty (30) days of the date of delivery of the dirt. Dirt piles in commercially and industrially zoned areas shall be removed within one (1) year of the date of deposit on the property, except those used in conjunction with properly zoned landscaping businesses or contractor's yards.
- (C) No person shall store outdoors, nor shall any person permit or allow the outside storage of, firewood on any property used or zoned for residential use, except as permitted in this paragraph. Firewood shall not be stored in the front yard of such property or within the setback, except that

firewood may be temporarily stored for a period not to exceed fourteen (14) days from date of delivery to the property. All firewood shall be stacked neatly and in stable condition at least 12 inches to 18 inches above grade and no closer than one (1) foot to any lot line and no higher than five (5) feet above grade except when adjacent to a fence where firewood shall be stacked no higher than the upper-most horizontal portion of the fence. No person shall permit the infestation of mice, rats, other rodents or insects in, under or near the stack. No person shall allow any brush, debris or refuse from the processing of firewood to remain anywhere on the property. Not more than ten (10) percent of the side yards and rear yard combined may be used for the storage of firewood at any time.

- (D) Every owner or operator of residential or nonresidential structures shall be responsible for the extermination of any insects, rodents, pigeons, or other pests when the infestation is caused by failure of the owner or operator to maintain the building in a rodent or pigeon proof or substantially insect proof condition. All openings or areas where rodents, pigeons and insects might enter the building shall be effectively sealed.
- (E) In addition to any other penalty assessed under this chapter, any violation of this section may be abated pursuant to section 17-38 of this code.

SECTION 17-37 DEFACEMENT OR DAMAGE OF PROPERTY BY GRAFFITI

- (A) Graffiti shall mean any drawing, figure, inscription, symbol, or other marking which is scratched, painted, drawn in pen or marker, or placed by some other permanent or semi-permanent means upon sidewalks, streets, public or private structures or any other place in public view without the express permission or consent of the property owner.
- (B) Graffiti is hereby declared to be a public nuisance, as defined under section 17-32 of this code, affecting peace and safety.
- (C) No person shall write, spray, scratch or otherwise affix graffiti upon any property whether private or public without the consent of the owner or owners of said property. Any person who shall affix graffiti to any property without the consent of the owner shall be liable for the costs of removing or covering such graffiti in addition to any fines imposed for violating this section. The parents of any unemancipated minor child who affixed graffiti may be held liable for the cost of removing or covering said graffiti in accordance with Wisconsin Statute section 895.035.
- (D) Every owner or occupant of a structure or property defaced by graffiti shall notify the Oshkosh Police Department of the graffiti before removing or covering such graffiti.
- (E) Every owner of a structure or property defaced by graffiti shall cover or remove the graffiti within 15 days in compliance with written notice served upon them by the Oshkosh Police Department to remove or cover such graffiti.
- (F) In the event any owner fails to comply with the above-mentioned notice, the Oshkosh Police Department shall have the graffiti covered or removed and all costs, fees and expenses will be assessed to said owners real estate taxes pursuant to section 66.60(16) of the Wisconsin Statutes.

SECTION 17-38 ABATEMENT OF PUBLIC NUISANCES

- (A) Inspection of Premises
Whenever complaint is made that a public nuisance exists within the City, the Chief of Police, Health Officer or Building Inspector shall inspect or cause to be inspected the premises and shall

make a written report of findings to the City Manager or designee.

(B) Summary Abatement

(1) Notice to Owner

If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the City Manager or designee may direct the appropriate personnel to serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of said notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty-four (24) hours and shall state that unless such nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same.

(2) Abatement by City

If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the City Manager or designee, shall direct the abatement or removal of such public nuisance.

(B) Abatement by Court Action

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she shall file a written report of findings with the City Manager or designee, who may cause an action to abate such nuisance to be commenced per state statute chapter 823.

(D) Other Methods Not Excluded

Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin.

(E) Cost of Abatement

In addition to any other penalty imposed by this Article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the city may be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance or assessed against the real estate as a special tax.

(1) Wherever this Article imposes the Cost of Abatement as a special charge against the premises, the City of Oshkosh elects not to be subject to the administrative review provisions contained within Chapter 68 of the Wisconsin Statutes, and establishes the following as a complete and final review procedure: As a condition precedent to challenging any special charge, the owner of the premises must timely pay the charge in full under protest to the City. An appeal shall be to the city manager and can be undertaken only by filing a written appeal with the city clerk concurrent with the date of payment. The written appeal shall specify all grounds for challenge to the amount of the special charge and shall state the amount of charge that the appellant considers to be appropriate. Failure to timely and properly appeal shall deprive the city manager of jurisdiction to hear the appeal.

- a. The city manager shall have 120 calendar days to consider an appeal under this subsection. In considering an appeal, the city manager shall determine whether the charge is fair and reasonable and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The city manager shall

conduct a formal or informal hearing at such time and place as designated in a hearing notice to the appellant, providing five (5) business days notice to the appellant. The city manager shall obtain sufficient facts upon which to make a determination. The decision shall be based upon the evidence presented. The city manager shall notify the appellant in writing of the determination by first class mail addressed to the individual and at the address listed within the appeal. Service is conclusive upon mailing.

- b. The decision of the city manager is final except if the owner of the premises appeals the decision to a court of competent jurisdiction. Such appeal shall be filed no later than thirty (30) calendar days after the date of mailing the decision of the city manager. Such appeal shall be by writ of certiorari and the reviewing court shall be limited solely to the record created before the city manager. Costs, but not attorney fees, shall be awarded to the prevailing party, at the sole discretion of the court. Failure to timely and properly appeal shall deprive the court of jurisdiction to hear the appeal.

SECTION 17-38.1 ALTERNATE METHOD TO ABATE NUISANCE

(1) Notice to Owner

- a. In addition to any other enforcement measure provided by law, for any nuisance as enumerated in Sec. 17-32(B), whenever the Chief determines that three or more public nuisance activities resulting in a law enforcement action have occurred at a premise (in the case of residential rental unit, each incident involving the same occupant, lessee or lessees) on separate incidents during a 12-month period, the Chief may notify the premises owner in writing. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner. The notice shall be delivered by any one of these methods: (a) by personally serving the owner or by leaving the notice at the owner's abode or principal place of doing business with a person who is apparently in charge of the principal place of doing business, or (b) by registered mail, or by certified mail return receipt requested, or (c) by publication as a Class 1 notice together with mailing the notice to the owner's last known residential or business address; the mailing may be omitted if the post-office address cannot be ascertained with reasonable diligence.
- (i) **ABATEMENT PLAN:** Any owner receiving notice pursuant to this Section shall, unless other arrangements are agreed to in writing, meet with the Chief within 5 business days of receipt of such notice. The parties shall review the problems occurring at the property. Within 10 business days of this meeting, the owner shall submit to the Chief a written abatement plan to end the public nuisance activity on the property. The plan shall also specify a name, address, and telephone number of a person living in the State of Wisconsin who can be contacted in the event of further police, fire, or inspection contact.
- (ii) **ADDITIONAL PUBLIC NUISANCE ACTIVITY:** Whenever the Chief determines that additional public nuisance activity has occurred at a premises for which notice has been issued pursuant to this Section, that this public nuisance activity has occurred not less than 15 business days after notice has been issued, and that reasonable efforts have not been made to abate the public nuisance activity, the Chief shall calculate the cost of police response and enforcement for this and any subsequent public nuisance activities and shall cause such charges and administrative costs to be assessed and collected as a special charge against the premises.

- (iii) **ADDITIONAL PUBLIC NUISANCE ACTIVITY DURING IMPLEMENTATION OF AGREED UPON ABATEMENT PLAN:** If additional public nuisance activity occurs on a rental property subject to an abatement plan during the timely implementation of the agreed upon abatement plan, the property owner shall not be subject to penalties described in this Code.
- aa. A property owner is in compliance with this ordinance if the property owner follows the abatement plan, or undertakes the remedies provided by Chapter 704 of the Wisconsin Statutes as may be amended from time to time, or takes one or more legal steps as identified in the abatement plan to remove the tenants creating the public nuisance allowable under Wisconsin Statutes and Consumer Protection Rules when notified by the Police Department in writing that an illegal public nuisance exists.
- (iv) **PENALTIES:** In addition to any other penalty provided in this Municipal Code, every person convicted of a violation of any of the provisions of this Section shall for each offense be punished by the forfeitures as set below, together with the costs of prosecution and in default of payment of such fines and costs. Each day of violation shall be considered a separate and distinct offense.
- aa. First Offense: not less than \$400, nor more than \$800.
- bb. Second offense within 24 months of previous conviction: not less than \$600, nor more than \$1,000.
- cc. Third offense within 24 months of previous two convictions: not less than \$800, nor more than \$1,200.
- dd. Fourth or subsequent offense within 24 months of previous three or subsequent convictions: not less than \$1,000, nor more than \$2,000.

SECTION 17-39 BARBED WIRE FENCING

The use of barbed wire within the City for the purpose of fencing or enclosing lots or for any other purpose is prohibited, provided that the provisions of this Section shall not apply to farming lands used and cultivated as such within the City limits where the fencing along either a street or sidewalk line is placed a distance of at least six (6) feet inside the sidewalk line, and provided further that this Section shall not apply to any fences more than six (6) feet high from the ground, where such barbed wire is strung at the top of such fencing.

SECTION 17-40 ABANDONED ICE BOXES

No person shall leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an air-tight door or lock which may not be released for opening from the inside of said ice box, refrigerator or container; or which has an air-tight snap-lock or other device thereon without first removing the same snap-lock doors from said ice box, refrigerator or container.

SECTION 17-41 UNNECESSARY NOISES

Any unreasonably loud, disturbing and unnecessary noise or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or which is in the disturbance of public

peace and welfare is hereby prohibited.

SECTION 17-42 SOUND TRUCKS AND AIRCRAFT

(A) Definitions

- (1) "Sound-Truck" as used herein shall mean any motor vehicle, horse-drawn vehicle or other vehicle having mounted thereon, or attached thereto any sound amplifying equipment.
- (2) "Sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music, or any other sound.
- (3) "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.
- (4) "Aircraft" as used herein shall mean any air-borne machine, contraption or device carrying sound amplifying equipment as defined in paragraph 2 above.

(B) Non-Commercial Use of Trucks

(1) Registration Statement

No person shall use, or cause to be used, a sound truck with its sound amplifying equipment in operation for non- commercial purposes in the City before filing a registration statement with the City Clerk in writing. This registration statement shall be filed in duplicate and shall state the following:

- (a) Name, home address of the applicant.
- (b) Address of place of business of applicant.
- (c) License number and motor number of the sound truck to be used by applicant.
- (d) Name and address of person who owns the sound truck.
- (e) Name and address of persons having direct charge of the sound truck.
- (f) The purpose for which the sound truck will be used.
- (g) A general description of the sound amplifying equipment which is to be used.
- (h) The approximate maximum distance for which sound will be thrown from the sound truck.

(2) Registration and Identification

The City Clerk shall return to each applicant one (1) copy of said registration statement duly certified by the City Clerk as a correct copy of said application. Said certified copy shall be in the possession of any person operating the sound truck at all times while the truck's sound amplifying equipment is in operation and such copy shall be promptly displayed and shown to any policeman of the City upon request.

(3) Regulations for Use

Non-commercial use of sound trucks in the City with sound amplifying equipment in operation shall be subject to the following regulations:

- (a) The only sounds permitted are music or human speech.
- (b) Operations are prohibited between the hours of 11:30 a.m. and 1:30 p.m., and 5:00 p.m. and 6:00 p.m. on Fridays between 11:30 a.m. and 1:30 p.m. and 5:00 p.m. and 9:00 p.m. except as otherwise herein provided. Operations are also prohibited on Sundays and on all other days between 11:00 p.m. and 8:00 a.m. on the following day.
- (c) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is halted or impeded by traffic. Where halted by traffic the said sound amplifying equipment shall not be operated for longer than one (1) minute at each such stop. Sound amplifying equipment must be operated by a person other than the driver of the sound truck while it is in motion.
- (d) Sound shall not be emitted within one hundred (100) yards of hospitals, schools, churches or the courthouse; except as otherwise herein provided.
- (e) Loud speaking devices as herein authorized for non- commercial purposes may be used in Monument Square any day except Sunday between 11:00 a.m. and 12:30 p.m. provided the person desiring to use same applies at the Police Department at least two (2) hours in advance of the time such loud speaking equipment is to be put in operation, whereupon the Police Department shall clear Monument square of traffic and prohibit traffic passing through the Square and up to Algoma Boulevard while such loud speaker or other equipment is in operation. When used in this location the loud speaker or other equipment shall be adjusted so that sound emitted will not travel more than one hundred fifty (150) feet.
- (f) The human speech and music amplified shall not be profane, lewd, indecent, or slanderous.
- (g) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility; except that in Monument square the volume of sound may be audible for a distance of one hundred fifty (150) feet.

(C) Non-Commercial Use of Aircraft

(1) Registration Statement

No person shall use or cause to be used any aircraft with its sound amplifying equipment in operation for non- commercial purposes in the City before filing a registration statement with the City Clerk in writing, which statement shall contain the information required in Subsection (B)(1) of this Section, as set forth above, for furnishing information pertinent to the "aircraft" instead of to a "sound truck", and said statement shall also indicate from which port or other location the aircraft will take off and land.

(2) Registration and Identification

Registration and identification of such aircraft shall be made as provided in subsection (b)(2) herein and the use of such aircraft shall be regulated as provided in Subsection (b)(3)(a)(b) and (f) herein.

(D) Commercial Advertising by sound Truck or Aircraft Prohibited.

No person shall operate, or cause to be operated, any sound truck or aircraft for commercial sound advertising purposes in the City, or above or over the City, as the case may be, with sound amplifying equipment in operation.

SECTION 17-43 RAILROAD HORNS AND WHISTLES

No railroad shall cause or permit a locomotive horn or whistle to be sounded within the limits of the City except when, in the judgment of the operator of the locomotive, it is necessary to do so to prevent damage to property or injury to persons.

SECTION 17-44 WEED CUTTING AND LAWN CARE**(A) Owner's Responsibility**

The owner of every parcel of land within the City shall cut or cause to be cut all grass in excess of eight (8) inches in length, dandelions, and weeds and other like vegetative growth in excess of eight (8) inches in length upon said land and in the public right-of-way adjoining said land. Any owner failing to comply with this provision is subject to penalties provided in section 17-46.

(B) Uncut Growth; Public Nuisance; Abatement by City

All uncut growth as outlined above is hereby declared to be a public nuisance and fire hazard and shall be cut by the City at its option if the owner fails to comply with this ordinance. In addition to any other penalty provided in this Code, the costs thereof, together with an administrative charge applied to the bill, imposed each time the growth is cut, shall be charged against the property as a special tax.

(C) Exemption

This ordinance shall not apply to appropriate lands cultivated for agricultural purposes or to appropriate privately-owned nature areas as outlined in paragraph (D) below provided that appropriate measures shall be taken to eliminate noxious weeds as defined in Section 66.96 of the Wisconsin Statutes. Failure to eliminate the noxious weeds or otherwise conform to the land management plan for a nature area shall forfeit the exemption to this Section.

(D) Private Nature Areas

(1) An owner of land in the City may apply to the Director of Parks or designee for approval of a nature area on privately owned land. The application shall define the proposed nature area indicating the types of vegetation to be used and any other information the Director deems necessary. The owner shall agree to hold the City harmless for all acts necessary to enforce its Weed Cutting and Lawn Care regulation. There shall be specific management techniques outlined to control weeds and noxious weeds, and rodent infiltration.

(2) Failure to comply with the land management plan for the area may result in revocation of approval. The Director shall mail to the owner of the property in question a notice of intent to revoke the plan allowing the owner thirty (30) days to either correct the violations or to convert the property into a mowed and manicured lawn composed of a common stand or turf grass mowed to a height of not greater than eight (8) inches. Failure to act on the notice shall entitle the City to proceed according to subsection (B) above.

ARTICLE V. REGULATION OF ALARM SYSTEMS**SECTION 17-45 REGULATE PRIVATE ALARM SYSTEMS**

- A. **DECLARATION OF PURPOSE.** The purpose of this ordinance is to provide minimum standards and regulations applicable to burglar and holdup alarm systems, alarm business, and alarm users. Both society in general and public safety in particular will be aided by providing a useful and useable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.
- B. **DEFINITIONS.** Within this chapter, the following terms, phrases, and words and their derivations have the meaning given herein.
1. The term "Alarm Business" means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
 2. The term "Alarm System" means an assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110 volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the police are expected to respond either directly or indirectly. In this ordinance, the term "Alarm System" shall include but not be limited to the terms "Automatic Holdup Alarm Systems", "Burglar Alarm Systems", "Holdup Alarm Systems", and "Manual Holdup Alarm Systems" as those terms are hereinafter defined. Fire alarm systems and alarm systems which monitor temperature, humidity, or any other condition not directly related to the detection of an unauthorized intrusion into a premises, or an attempted robbery at a premises are specifically excluded from the provisions of this ordinance. Also excluded from this definition and from the coverage of this ordinance are alarm systems used to alert or signal persons within the premises in which the alarm system is located, of an attempted unauthorized intrusion or holdup attempt. If a system employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, the system shall be within the definition of alarm system and shall be subject to this ordinance.
 3. The term "Annunciator" means the instrumentation on an alarm console at the receiving terminal of a signal line which through both visual and audible signals shows when an alarm device at a particular location has been activated or it may also indicate line trouble.
 4. The term "Answering Service" refers to a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees, emergency signals from alarm systems, and thereafter, immediately relaying the message by live voice to the communication center of the police department.
 5. The term "Automatic Dialing Device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designated to detect.
 6. The term "Automatic Holdup Alarm System" means an alarm system in which the signal transmission is initiated by the action of the robber.
 7. The term "Burglar Alarm System" refers to an alarm system signaling an entry or attempted entry into the area protected by the system.
 8. The term "False Alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his/her/its employees or agents or other undetermined causes. Excluded from this definition is when police find that an unauthorized person is on the premises or was seen on the premises immediately before the alarm was activated or that there is fresh

evidence of a forceful entry or attempted forceful entry.

9. The term "Holdup Alarm System" refers to an alarm system signaling a robbery or attempted robbery.
 10. The term "Manual Holdup Alarm System" refers to an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.
 11. The term "Police Chief" means the chief of the police department of the city or designated representative.
 12. The term "Person" means an individual, corporation, partnership, association, organization or similar entity.
 13. The term "Subscriber" means a person who buys and/or leases, or otherwise obtains an alarm signaling system and, thereafter, contracts with or hires an alarm business to monitor an/or service the alarm device.
 14. The term "Alarm User" means the owner of the property or person in control of the alarm and/or the subscriber.
- C. ADMINISTRATIVE RULES. The police chief shall promulgate such rules as may be necessary for the implementation of this ordinance. These rules shall be filed with the City Clerk and shall be open to inspection by the public.
- D. AUTOMATIC DIALING DEVICES. No person shall interconnect any automatic dialing device to a police department primary trunk line and no person shall permit such devices to remain interconnected to such trunk line from any property owned or controlled by that person. Such devices may be interconnected to a modified central station or an answering service. Relaying messages so received to the police department shall only be done person-to-person, on the telephone line, designated by the police chief.
1. The alarm user will provide the police department with the names and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by the automatic alarm device, and who can open the premises wherein the device is installed. If either of these people cannot be contacted, or if they refuse to cooperate with police officials, they or the alarm user may be subject to a forfeiture under the penalty section of this ordinance.
- E. TESTING.
1. No alarm system designated to transmit emergency messages directly to the police department shall be tested or demonstrated without first notifying the police department dispatcher at least 12 hours advance notice.
 2. No alarm system relayed through intermediate services to the police department will be tested to determine police response without first notifying the police dispatcher at least 12 hours advance notice.
- F. FEE FOR FALSE ALARMS. There is, hereby, imposed a fee for each police response to any false alarm. The alarm user shall be subject to the fee schedule below.

The Fee Schedule for each premises shall be as follows in any **calendar** year.

1. First three false alarms - no charge.
2. Fourth false alarm - \$25.00.
3. Fifth through tenth false alarm - \$50.00.
4. Eleventh and subsequent false alarm - \$100.00.

Excluded from this fee are:

1. Alarms that occur during electrical storms, hurricanes, tornados, blizzards and acts of God.
2. Intermediate disruption of a telephone circuits beyond the control of the alarm company and/or alarm user
3. Electrical power disruption or failure.
4. Alarm caused by failure of equipment at the communications center.

This fee is imposed whether the police department received the alarm by direct connection or through any intermediary, such as an answering service or modified central station. If the police chief is notified in writing of the day of installation of a new alarm system, the fee imposed by this section shall be waived for a 90-day period beginning with the date of installation.

- G. **TERMINATION OF DIRECT CONNECTION.** The police chief is authorized to require that the owner or lessee of any alarm system directly connected to the department shall disconnect such device until it is working in such a manner as will not produce a high frequency of false alarms. The Police Chief may, after giving notice to the subscriber, order disconnection of the system for non-cooperation of the subscriber, or for violations of this ordinance.
- H. **LIABILITY.** The City of Oshkosh shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this ordinance, including but not limited to, any defects in an alarm system or any delays in transmission, or response to any alarm except as a proper function of the law enforcement.
- I. Those subject to fees for false alarms shall be notified, in writing, of such fees by the City of Oshkosh. Failure to pay the fee within 30 days of invoice shall be grounds for immediate disconnection from the system and subject the alarm user to the penalties contained within Section K. In addition to any other methods provided by law, false alarm fees under Section F above, shall be allocated to the property served as a special charge under Section 66.60(16) of the Wisconsin Statutes.
- J. Any person feeling aggrieved by a decision of the Police Chief under paragraph G or I above may appeal from such decision to the City Council within 15 days of written notification by the Police Chief. The date of written notice shall be the date of mailing or the date of the personal service of the notice. The appeal shall be filed with the City Clerk upon a form provided by the City Clerk's Office. The appeal shall be in writing and specify the reasons for the appeal.

The City Council may reverse or affirm wholly or in part, or may modify the decision of the Police Chief. The vote of the majority of the members of the City Council present shall be necessary to reverse or modify a decision of the Police Chief.

ARTICLE VI. PENALTIES

SECTION 17-46 PENALTIES - ADULT

Every adult person convicted of a violation of any of the provisions of the following enumerated Sections of this Chapter shall for each offense be punished by the forfeitures as set forth, together with the costs of prosecution and in default of payment of such fines and costs, by imprisonment in the County Jail for Winnebago County for the terms hereinafter stated:

(A) General Penalty. Any adult person who violates any provision of this Chapter for which a specific penalty is not provided below shall be subject to a forfeiture of not less than Seventy-five Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof by suspension of operator's license for a period not exceeding 60 months or imprisonment for not exceeding sixty (60) days.

(B) A forfeiture of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof by suspension of operator's license for a period not exceeding 60 months or imprisonment for not exceeding ninety (90) days for a violation of any of the following:

Section 17-10, 17-17(B)

(C) A forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof by suspension of operator's license for a period not exceeding 60 months or imprisonment for not exceeding ninety (90) days for a violation of any of the following:

Section 17-3, 17-1 adopting §941.2965 Wis. Stats.

(D) A forfeiture of not less than One Hundred Twenty-five Dollars (\$125.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof by suspension of operator's license for a period not exceeding 60 months or imprisonment for not exceeding one hundred twenty (120) days for a violation of any of the following:

Section 17-11; 17-23; 17-24; 17-25; 17-26; 17-27; 17-37; 17-1 adopting §940.19(1), §941.12, §941.13, §941.37, §943.01, §943.012, §944.30, §944.31, §944.32, §944.33, §944.34, §944.36, and §946.41 Wis. Stats.

(E) A forfeiture of not less than One Hundred Twenty-five Dollars (\$125.00), except that the minimum forfeiture for a second or subsequent offense within a twelve month period shall be One Hundred Seventy-five Dollars (\$175.00), nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof by suspension of operator's license for a period not exceeding 60 months or imprisonment for not exceeding one hundred twenty (120) days for a violation of any of the following:

Section 17-8; 17-9; 17-1 adopting §943.20, §943.21, §943.215, §943.22, §943.225, §943.34, §943.37, §943.41, §943.45, §943.455, §943.46, §943.47, §943.50, §943.55, §943.61, §943.70, §947.01, §947.012, §947.0125, §948.62, and §961.573(1) Wis. Stats.

(F) A forfeiture of not less than Three Hundred Twenty-five Dollars (\$325.00) nor more than Five Hundred Dollars (\$500.00), and for a second or subsequent offense, the forfeiture shall be not less than Five Hundred Twenty-five Dollars (\$525.00) nor more than One Thousand dollars (\$1000.00), together with the costs of prosecution, and in default of payment thereof by suspension of operator's license for a period not exceeding 60 months or imprisonment for not exceeding six (6) months for a violation of any of the following:

Section 17-1 adopting §941.315 and §961.41(3g) Wis. Stats.

- (G) Any person who shall violate any of the provisions of the following Section shall upon conviction be punished by a forfeiture of not less than Seventy-five Dollars (\$75.00) for the first offense, One Hundred Twenty-five Dollars (\$125.00) for a second offense within 12 months of conviction or Two Hundred Twenty-five Dollars (\$225.00) for a third or subsequent offense within 12 months of conviction, nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof, by suspension of operator's license for a period not exceeding 60 months or imprisonment in the County Jail for a period not to exceed sixty (60) days. Each day of violation shall constitute a separate and distinct offense.

Section 17-31, 17-32, 17-33, 17-34, 17-35, 17-36

- (H) A forfeiture of not less than One Hundred Twenty-five Dollars (\$125.00) nor more than Five Hundred Dollars (\$500.00) for a first violation, and a forfeiture of not less than Five Hundred Twenty-five Dollars (\$525.00) nor more than One Thousand Dollars (\$1,000.00) for a second violation within a twelve month period, and a forfeiture of not less than One Thousand Twenty-five Dollars (\$1,025.00) for a third or subsequent violation within a twelve month period, together with the costs of prosecution, and in default of payment thereof, by suspension of operator's license for a period not exceeding 60 months or imprisonment in the County Jail for a period not to exceed one hundred twenty (120) days for violation of any of the following:

Section 17-2

- (I) A forfeiture of not less than One Hundred Seventy-five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof by suspension of operator's license for a period not exceeding 60 months or imprisonment for not exceeding one hundred twenty (120) days for a violation of any of the following:

Section 17-1 adopting §940.225(3m), §948.09 and §948.11 Wis. Stats.

- (J) A forfeiture of not less than Seventy-five Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00) for a first violation, and a forfeiture of not less than One Hundred Dollars (\$100.00) for a second violation within a twelve month period, and a forfeiture of not less than One Hundred Twenty-five Dollars (\$125.00) for a third violation within a twelve month period, and a forfeiture of not less than One Hundred Seventy-five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for a fourth or subsequent violation within a twelve month period, together with the costs of prosecution, and in default of payment thereof, by suspension of operator's license for a period not exceeding 60 months or imprisonment in the County Jail for a period not to exceed one hundred twenty (120) days for violation of any of the following:

Section 17-17(D)

SECTION 17-47 PENALTIES - JUVENILE

Every juvenile person convicted of a violation of any of the provisions of the following enumerated Sections of this Chapter shall for each offense be punished by the forfeitures as set forth, together with the costs of prosecution and in default of payment of such fines and costs, by suspension of operator's privilege for a period not to exceed 60 months or imprisonment in the County Jail for Winnebago County:

- (A) General Penalty. Any juvenile person who violates any provision of this Chapter for which a specific penalty is not provided below shall be subject to a forfeiture of not less than Fifty dollars (\$50.00).
- (B) For juveniles age 12-13 years inclusive, a forfeiture of not less than twenty five Dollars (\$25.00), except that the minimum forfeiture for a second or subsequent offense within a twelve month period shall be Fifty Dollars (\$50.00), for a violation of any of the following:

Section 17-8; 17-9; 17-1 adopting §943.20, §943.21, §943.22, §943.225, §943.34, §943.37, §943.41, §943.45, §943.455, §943.46, §943.47, §943.50, §943.55, §943.61, §943.70, §947.01, §947.012, §947.0125, and §948.62 Wis. Stats.

(C) For juveniles age 12-13 years inclusive, a forfeiture of not less than twenty five Dollars (\$25.00) for a violation of any of the following: Section 17-5, 17-6

(D) For juveniles age 14-16 years, inclusive, a forfeiture of not less than Fifty Dollars (\$50.00), except that the minimum forfeiture for a second or subsequent offense within a twelve month period shall be One Hundred Dollars (\$100.00), for a violation of any of the following:

Section 17-8; 17-9; 17-1 adopting §943.20, §943.21, §943.22, §943.225, §943.34, §943.37, §943.41, §943.45, §943.455, §943.46, §943.47, §943.50, §943.55, §943.61, §943.70, §947.01, §947.012, §947.0125, and §948.62 Wis. Stats.

(E) For juveniles age 14-16 years, inclusive, a forfeiture of not less than Fifty Dollars (\$50.00), for a violation of any of the following:

Section 17-5, 17-6

(F) A forfeiture of not less than Fifty Dollars (\$50.00), except that the minimum forfeiture for a second offense within a twelve month period shall be One Hundred Dollars (\$100.00) and the minimum forfeiture of a third or subsequent offense within a twelve month period shall be One Hundred Fifty Dollars (\$150.00) for a violation of any of the following:

Section 17-1 adopting §941.315 and §961.41(3g) Wis. Stats.

(G) A forfeiture of not less than Twenty-five Dollars (\$25.00) for a violation of any of the following:

Section 17-17; 17-19; 17-37; and 17-1 adopting §254.92 Wis. Stats.

(H) A forfeiture of not less than Seventy-five Dollars (\$75.00) for a violation of any of the following:

Section 17-4; 17-14; 17-1 adopting §943.13, §943.14, §943.145 and §943.15 Wis. Stats.

(I) A forfeiture of not less than One Hundred Dollars (\$100.00) for a violation of any of the following:

Section 17-3; 17-1 adopting §941.2965 Wis. Stats.

(J) A forfeiture of not less than One Hundred Fifty Dollars (\$150.00) for a violation of any of the following:

Section 17-1 adopting §940.19(1) and §946.41 Wis. Stats.