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9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. The following Wisconsin Statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 25.04 of this Code.

- 98.26 Weights and Measures prohibited acts; penalty; injunction (Ord. #1150)
- 100.18 Fraudulent representations (Ord. #1150)
- 101.123 Smoking Prohibited (Ord. #1232)
- 134.66 Restrictions on Sale or Gift of Cigarettes or Tobacco Products (Ord. #1138)
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- 941.03 Highway Obstruction
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- 941.20 Reckless Use of Weapon
- 941.20 (3) Discharging a Firearm From a Vehicle (Cr. Ord. #891)
- 941.21 Disarming a Police Officer Prohibited (Cr. Ord.#737)
- 941.22 Possession of Pistol by Minor
- 941.23 Carrying Concealed Weapons
- 941.235 Carrying Firearms in Public Building (Cr. Ord. #891)
- 941.237 Possession of Handguns in Taverns (Cr. Ord. #891)
- 941.24 Possession of Switch Blade Knife
- 941.2965 Restriction on Use of Facsimile Firearms
- 941.35 Emergency Telephone Calls
- 941.37 Obstructing Emergency Vehicles Prohibited (Cr. Ord. #737)
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- 943.012 Criminal Damage to Religious and Other Property (Cr. Ord. #782)
- 943.06 Molotov Cocktails
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- 943.125 Entry Into Locked Coin Box
- 943.13 Criminal Trespass to Land
- 943.14 Criminal Trespass to Dwellings
- 943.20 Theft
- 943.21 Fraud on Hotel or Restaurant Keeper
- 943.22 Use of Cheating Tokens

943.23 (1g) Carjacking (Cr. Ord. #891)
943.24 Issue of Worthless Check
943.30(1) Threats to Injure or Accuse of Crime
943.34 (1) Receiving Stolen Property
943.35 Receiving Property From Children
943.37 Alteration of Property Identification Marks
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943.45 Obtaining Telecommunications Service by Fraud
943.50 Shoplifting
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9.02 USE OF FIREARMS PROHIBITED WITHIN THE CITY OF NEW LONDON (Amd. Ord. #1268; Amd. Ord. #1281)

1. DEFINITIONS for the purpose of this section:
 - (a) Firearm means a weapon that acts by force of gunpowder

2. USE OF FIREARMS PROHIBITED. No person, except an authorized police officer, shall discharge any firearm, spring gun or air gun within the City. Spring guns and air guns shall include those guns commonly referred to as BB guns, dart guns, pellet guns and paintball guns. The Council may issue permits to a duly organized gun club to engage in target practice within the City at times and places designated by the Chief of Police.

3. EXCEPTION. Use of firearms for hunting purposes on land described in Ordinances No. 1272 & 1279.

4. ENFORCEMENT. A police officer finding a person possessing a firearm in violation of this section shall immediately take possession of such firearm and retain it as evidence.

5. PENALTY. Upon conviction, a defendant may be subjected to a forfeiture not to exceed \$200.00.

9.03 THROWING OR SHOOTING OF ARROWS STONES AND OTHER MISSILES PROHIBITED. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the City.

9.04 (1) PRESERVATION OF WILD LIFE. (Amd. Ord. 946; Amd. Ord. 1272; Amd. Ord. 1279; Amd. Ord. 1334) Except as provided in Sections (2) and (3) herein, no person shall, within the limits of the City, kill or attempt to kill any song bird, game bird of any description, squirrel rabbit or deer.

(2) BOW HUNTING ON PRIVATE PROPERTY LOCATED WITHIN THE CITY OF NEW LONDON.

Bow hunting, including hunting with crossbows on private land located within the City of New London is permissible subject to the following rules and restrictions:

Bow hunting must be done in accordance with the Wisconsin Department of Natural Resource regulations.

Bow hunters shall not hunt with 100 yards of a building located on another person's land unless they have obtained written permission from the landowner.

Bow hunters shall discharge the arrow or bolt in a direction described as immediately toward the ground.

No bow hunting is allowed on any land owned or leased by the City of New London, Waupaca County or the New London School District.

(3) SPECIAL HUNT. If the City Council recognizes a deer population problem in a certain area of the City, the City Council may request the Police Department to conduct a special hunt on City owned/leased property.

The Chief of Police may issue a permit to law enforcement officers or citizens hunters deemed fit to conduct the special hunt as requested by the City Council.

If the City Council requests a “special hunt”, the Chief of Police shall post signs in the area of the “special hunt” to warn citizens that a special hunt is being conducted.

(4) Amd. Ord. #1272 states That Sections 9.02, 9.04 and 9.28 of the New London Municipal Code shall be amended to exempt from the provisions of said ordinances the following described real estate lying within the City limits of the City of New London:

The South ¼ of the Northwest ¼ of the Southwest ¼ containing 10 acres being in Section 1, Township 22 North, Range 14 East, City of New London, Waupaca County, WI
(Parcel No. 33 01 32 2)

The Southwest ¼ of the Southwest 1/4 containing 40 acres being in Section 1, Township 22 North, Range 14 East, City of New London, Waupaca County, WI
(Parcel No. 33 01 33 1)

The North 13 5/8ths acres of the North ½ of the Northwest ¼ containing 9.15 acres more or less being in Section 12, Township 22 North, Range 14 East, City of New London, Waupaca County, WI
(Parcel No. 33 12 22 1)

The South 69 rods of the Southwest ¼ of the Northwest ¼ (Parcel No. 33-01-23-2)

The North 30 acres of the Northwest ¼ of the Southwest ¼ (Parcel No. 33-01-32-1)

The West 800 feet of the fractional Northeast ¼ of the Northwest ¼
(Parcel No. 33-01-21-1)

The North 11 rods of the Southwest ¼ of the Northwest ¼ (Parcel No. 33-01-23-1)

All being in Section 1, Township 22 North, Range 14 East, City of New London, Waupaca County, WI

(5) Amd. Ord. #1279 exempts the following property to allow hunting in the City:

All of Lot 1 of Certified Survey Map No. 5495, located in the fractional northwest $\frac{1}{4}$ and the fractional southwest $\frac{1}{4}$ of Section 6, Township 22 North, Range 15 East, City of New London, Outagamie County, Wisconsin. 43.68 acres m/l 640 Spurr Road (Parcel No. 333 047800)

(6) ENFORCEMENT. A police officer finding a person possessing a firearm in violation of this section shall immediately take possession of such firearm and retain it as evidence.

(7) PENALTY. Upon conviction, a defendant may be subjected to a forfeiture not to exceed \$200.00.

9.05 SALE AND DISCHARGE OF FIREWORKS REGULATED (Rep. & Recr. Ord. #738). (1) DEFINITIONS (Am. Ord. #846); (Amd. Ord. #1198). (Amd. Ord. #1253)

(1) REGULATION OF FIREWORKS.

(a) State Law Adopted. Section 167.10, WI Stats. 2009-10 and any future amendments thereto are hereby adopted and incorporated herein by reference insofar as they are not in conflict with the remainder of the ordinance below. In the event of any conflict between this ordinance and the statute, the more restrictive provision shall apply.

(b) Definition. For purposes of the sale of fireworks “fireworks” means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

1. Fuel or a lubricant
2. A firearm cartridge or shotgun shell
3. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
4. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
5. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
6. A toy snake which contains no mercury
7. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effect.
8. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
9. A fuseless device that is designed to produce audible or visible effects and that contains less than one-quarter grain of explosive mixture.

10. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects or audible and visible effects.
11. A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CRF 173.50.
12. A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CRF 173.50.

(c) Sale of Fireworks Limited. No person, corporation, or association may sell or possess with intent to sell or give away fireworks as defined in sub. (1)(b) above, within the City of New London.

(d) Use Regulated. No person shall possess or use fireworks as defined in sub. (1)(b) above without a user's permit issued pursuant to sub.(e) below.

(e) User's Permit. As provided in §167.10(3), WI Stats. User's Permits may be issued for festivals and public or private celebrations after proper application to the Common Council on forms provided by the City Clerk. The fee for a User's Permit shall be \$100.00. The permit application must be received by the City Clerk not less than 45 days prior to the requested date of use.

All applications shall be referred to the Fire Chief for investigation, and no permit shall be granted unless the City Clerk, from the report of the Fire Chief, determines that the applicant will use the fireworks in a public or private exhibition and that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner.

Before granting any fireworks permit, the applicant shall file with the City Clerk a Certificate of Liability Insurance issued by an insurance company authorized to write such policies in the State of WI in the amount of \$1,000,000.00 for bodily injury to any one person, in the amount of \$2,000,000.00 for injury to more than one person, and in the amount of \$1,000,000.00 for damage to property that may arise by reason of use or discharge of fireworks under the permit. The City of New London shall be named as one of the insured in said policy of insurance.

If in the opinion of the Fire Chief the use of fireworks pursuant to permits issued under this subsection will raise a danger of uncontrolled fire requiring City of New London Fire Department fire suppression efforts, a bond, letter of credit or escrow shall be required to be filed by the permittee. The condition of the bond, letter of credit or escrow shall be the payment of all fire suppression costs made necessary by reason of the detonation of the fireworks authorized by said permit.

A permit under this subsection shall specify all of the following:

1. The name and address of the permit holder.
2. The date on and after which fireworks may be purchased.
3. The kind and quantity of fireworks which may be purchased.
4. The date, time and location of permitted use.
5. Other special conditions prescribed by ordinance.
6. Such other information as the City may require from time to time.

A notice of such permit under this subsection shall be given to the municipal fire and law enforcement official at least 7 days before the date of authorized use. A permit under this subsection may not be issued to a person under 18 years of age.

(f) Use of Fireworks and Devices Regulated. No person may use fireworks or a device listed under sub. (e) to (g) or (i) to (n) of §167.10(1), WI Stats. while attending a fireworks display for which a permit has been issued to a person listed under sub. (c) 1. to 5. or under sub. (c)6. of §167.10(3), WI Stats. if the display is open to the general public.

(g) Storage of Fireworks. Storage and handling of fireworks shall be pursuant to the provisions of §167.10(6), WI Stats. and Comm 14.

(h) Penalty. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §25.04 of this Code.

9.06 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

9.07 LOUD AND UNNECESSARY NOISE PROHIBITED. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

9.08 OBEDIENCE TO OFFICERS. No person shall resist or in any way interfere with any officer of the City while such officer is doing any act in his official capacity and with lawful authority, or shall refuse to assist an officer in carrying out his duties when so requested by the officer.

9.09 ANIMALS AND POULTRY NOT TO RUN AT LARGE. No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the City.

9.095 RETRIEVAL OF ANIMALS RUNNING AT LARGE (Ord. #1124) Any time an animal running at large is retrieved by the New London Police Department or other City employee, the owner of said animal shall be required to pay a retrieval fee of \$50.

9.10 Removal of Animal Defecation from Public and Private Properties. (Original §9.10 repealed by Ord. #850 - Recreated by Ord. #1075)

1. (a) An owner or keeper of any animal shall not allow the animal to defecate on any public or private property, within the City, other than the premises of the owner or keeper of the animal unless such defecation is immediately removed. The forgoing provisions of this paragraph (a) shall not apply to any person being assisted by a seeing-eye dog.

(b) All pens, yards, structures or areas where animals are kept shall be maintained in a reasonably safe and sanitary condition, which maintenance shall include the regular disposal of defecation, so as not to attract insects or rodents, or to become unsightly or cause objectionable odors, or to result in any other condition recognized as a nuisance by this municipal code or by any other common or statutory law.

2. The penalty for a first offense of violation of this Ordinance shall be a forfeiture of \$50 plus costs. The penalty for violation of a second and subsequent violations of this Ordinance shall be \$100 plus costs.

9.11 ELECTRONIC INTERFERENCE PROHIBITED. (Repl. & Recr. Ord. 964) No person shall operate any machine or equipment which causes interference with radio, television, wireless communication device, (such as cellular phone, cordless phone, pager, etc.) computer, satellite TV or other electronic device reception when such interference can be prevented by repairs, adjustments, the installation of corrective appliances or other practicable alterations at a reasonable expense.

9.12 OUTDOOR BURNING (Amd. Ord. 1230)

(1) PURPOSE. The purpose of this section is to prohibit or strictly control the burning of materials in the City. The City recognizes that unregulated fires pose hazards, including air and water pollution that may result from such burning. Only by completely prohibiting outside burning of rubbish, leaves and other yard waste can an unnecessary fire hazard and pollution be abated.

(2) PROHIBITED ACTS. No person shall build or burn any bonfire or burn in the open any wood, grass, trash, rubbish or other material or permit the same to be done within the City upon any public street, court or alley, or upon any premises. The use of outdoor portable incinerators, drums, barrels or other containers, or outdoor or inside fireplaces for the burning of leaves, trash, garbage or refuse is prohibited.

(3) EXCEPTIONS. The following open burning shall be permitted without authorization from the City Clerk or the Fire Department:

- a. Outdoor cooking over a fire contained in a device or structure designed for such use.
- b. Burning of wood, corn, or pellets in interior fireplaces or stoves.

- c. Maintaining controlled wood fires in pits not more than 36 inches in diameter, encircled with nonflammable material and located a minimum of 20 feet from any structure and 15 feet from a lot line. Fire pits shall be extinguished by 2:00 a.m., and may not be initiated prior to 8:00 a.m., or any time during a period of emergency (detailed in paragraph 9).
- d. Burning as part of training for fire departments.

(4) PERMITS FOR BURNING.

- a. Ceremonial Bonfires. Permits for ceremonial bonfires for occasions may be issued by the City Clerk, provided that the Fire Chief shall investigate and report the restrictions, which shall be a condition of the permit. The Chief's duplicate report and restrictions for each permit shall be attached to the permit and shall be observed and followed by the permit holder.
- b. Commercial Outdoor Cooking. Permits for commercial outdoor cooking may be granted by the City Clerk for special days and celebrations in the City, subject to conditions of the Fire Chief whose restrictions shall be made a part of the permit.
- c. Cancellation of Permits. Burning permits may be cancelled by the Issuing authorities by written notice to the permit holder of the reasons for the cancellation.

(5) CONDITIONS OF BURNING. Any burning permitted hereunder shall be done in a safe and nuisance-free manner in accordance with the New London Fire Department rules and regulations at times, locations and in a manner specified by the Department. Conditions may include:

- Hours when burning is allowed.
- Days when burning is allowed.
- Material which may or may not be burned.
- Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device.
- The length of time the permit is valid.
- What constitutes an approved burning device or incinerator.
- The size of the material pile burned by open burning.
- The distance to be maintained between the material being burned and other flammable material.
- Supervision required for burning, including the minimum age of supervisors and the type of fire extinguishing equipment which must be present at the burn site.

- The manner in which ashes created by the burning under the permit are to be disposed of.
- (6) PROHIBITING CONDITIONS. Outdoor burning shall be prohibited when circumstances may make the fire potentially hazardous. Local circumstances include but are not limited to high wind velocity, thermal inversions, ozone alerts and very dry conditions.
- (7) STATE CODE REGULATIONS. Other regulations not listed in this section prescribed in Wis. Admin. Code §§ Comm 14.12, 14.13, 14.14, 14.15, 14.16 and 14.17, as well as all applicable statutes, shall also be followed. Other regulations listed in section 30-99 shall be followed.
- (8) ORDER TO EXTINGUISH. The police department may order any open burning fire to be extinguished due to hazard, for excessive smoke or odor, for violation of the parameters of this ordinance, or for any related ordinance or statute violation, including, but not limited to, loud noise.
- (9) PERIOD OF EMERGENCY. A period of emergency may be established as follows:
- a. The periods of emergency for which this section shall be in effect shall be during such periods that the county is under emergency fire regulations of the state department of natural resources banning outdoor smoking and campfires or when necessary as determined by the mayor, upon the recommendation of the fire chief.
 - b. Pursuant to Wis. Stats. § 166.23, burning emergencies shall become effective upon the time and date of the mayor declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification or repeal of the burning state of emergency by the common council.

9.13 OPEN CISTERNS, WELLS BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

9.14 ABANDONED OR UNATTENDED ICE BOXES, ETC., PROHIBITED. No person shall leave or permit to remain outside O.L any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.15 RULES FOR CITY PARKS. (Am. Ord. #1213) The following rules and regulations, in addition to those already set out in this chapter, apply to all parks in the City:

- (1) No person shall ride or drive in the parks except upon established roads and ways and then only at a moderate rate of speed not to exceed 15 miles per hour.
- (2) No person shall in any manner deface or injure any building, tree, shrub or plant or other property standing or growing in the parks and no person shall disturb or interfere with any improvements made or being made in or about the parks, or interfere with any birds or animals found therein.
- (3) No fire shall be lighted or made in the parks unless so ordered by the Park Superintendent in charge of the grounds except in fireplaces provided for that purpose or in a charcoal or gas burner used for outdoor cooking and the residue from such burner shall be deposited in proper disposal places.
- (4) No person shall enter upon portions of the ground in disregard of signs or posted notices forbidding the same.

(5) PUBLIC ASSEMBLIES. (Ord. #1252)

1. Purpose and Intent.

The City of New London recognizes and supports the public's rights of assembly and free speech and to utilize designated public Parks for such purposes. At the same time, the City of New London has an important and compelling governmental interest in protecting property, public safety, health and welfare and controlling use of public Parks. This Article seeks to accommodate public rights of speech and assembly consistent with that governmental interest by establishing procedures, terms and conditions for use of public Parks for such purposes. A second purpose of this ordinance is to facilitate and manage the manner in which public Parks may be made available for use on a temporary basis.

2. Definitions.

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

Public Assembly Permit means a permit as required by this ordinance.

Public Assembly means any meeting, demonstration, picket line, rally or gathering of more than 25 persons for a common purpose as a result of prior planning. Specifically excluded from the definition of Public Assembly shall be spectators at sporting events, groups using the Parks for the purpose of celebrating birthdays, family reunions, class reunions or other social gatherings.

3. Permit required; requirements; appeal; fee; notice.

(a) Permit required. No person shall engage in or conduct any Public Assembly in a public Park unless a permit has been obtained in advance as provided in this article.

(b) When Application must be made. A person seeking a Public Assembly Permit shall file an application with the Parks and Recreation Director on a form provided by the City no less than 30 days prior to usage.

(c) Information required in application. The application for Public Assembly Permit shall set forth the following information:

- (1) The name, address and telephone number of the applicant.
- (2) The names, addresses and telephone number of the headquarters of the organization the usage is proposed to be conducted for, if any, and the authorized and responsible heads of such organization.
- (3) The requested date when the usage is to be conducted.
- (4) The approximate number of persons who will constitute such Public Assembly.
- (5) The hours when such usage will start and terminate.
- (6) A statement as to whether the Public Assembly will occupy all or only a portion of the public Park and, if only a portion of the Park, what portion.
- (7) The time the Public Assembly will begin to assemble at any such public park.
- (8) If the Public Assembly is designed to be held by or on behalf of any person other than the applicant, the applicant for such permit shall file a letter from that person with the Parks and Recreation Director authorizing the applicant to apply for the permit on such other person's behalf.
- (9) The type of Public Assembly, including a description of activities planned during the event.
- (10) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the Public Assembly.
- (11) The approximate number of participants (spectators are not defined as participants).
- (12) A designation of any public facilities or equipment to be utilized.
- (13) Any additional information that the Parks and Recreation Director finds reasonably necessary to a fair determination as to whether a permit should be issued.

(d) Standards for issuance. The Parks and Recreation Director shall issue a permit as provided herein when, from a consideration of the application and from such other information as may be obtained, he finds that:

(1) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any Public Assembly areas.

(2) There are sufficient parking places near the site of the Public Assembly to accommodate the number of vehicles reasonably expected.

(3) No Public Assembly Permit application for the same time and location is already granted or has been received and will be granted.

(4) No Public Assembly permit application for the same time and location is already granted or has been received and will be granted, and the police resources required for that prior Public Assembly are so great that in combination with the subsequent proposed application, the resulting deployment or police services would have any immediate and adverse effect upon the welfare and safety of persons and property.

(5) No event is scheduled elsewhere in the City where the police resources required for that event are so great that the deployment of police services for the proposed Public Assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

(e) Notice of denial of application. The Parks and Recreation Director shall act upon the application for a Public Assembly permit within ten working days after the filing thereof. If the applicant is not approved, the Parks and Recreation Director shall mail to the applicant, within five days after the date upon which the application was filed, a notice of the action, stating the reasons for the denial of the permit.

(f) Appeal procedure. Any person aggrieved shall have the right to appeal the denial of a Public Assembly permit to the Parks and Recreation Committee. The appeal shall be taken within ten days after notice. The City shall act upon the appeal within a reasonable time thereafter.

(g) Alternative permit.

The Parks and Recreation Director, in denying an application for a Public Assembly permit, may authorize the conduct of the Public Assembly at an alternate date, time, or location named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the Parks and Recreation Director, file a written notice of acceptance with the Parks and Recreation Director.

(h) Charge for increased costs.

(1) The Parks and Recreation Director shall determine whether and to what extent additional police protection is reasonably necessary for the Public Assembly for traffic control and public safety. The Parks and Recreation Director shall base his decisions on the size, location, duration, time and date of the event, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional municipal services for the Public Assembly are deemed necessary by the Parks and Recreation Director, he shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection and/or municipal services at the sole expense of the applicant.

(2) Persons engaging in public assemblies conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the City.

(i) Emergency revocation. The City may revoke a permit already issued if the official deems that such action is justified by actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace, or by a major change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, any such official may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify the municipality and such third parties may be injured or damaged thereby, caused by the permittee, its agents or participants.

(j) Notice of Issued Permit. Immediately upon the issuance of a usage permit, the Parks and Recreation Director shall send a copy thereof to the following: (1) The Chief of Police.

(k) Public Conduct during Public Assemblies. Interference. No person shall unreasonably hamper, obstruct, impede, or interfere with any person participating in the Public Assembly.

- (6) No person shall be allowed to park or live in any tent, travel trailer or similar structure for longer than 10 days in any of the parks in the City and for such 10 day period or less, only in such places as are designated by the Park Superintendent. Under special circumstances, the Park Committee may permit such parking or living for an additional 20 days in Riverside Park.

- (7) (Am. Ord. #1213) All picnic parties or assemblages of persons and all business and entertainments permitted shall occupy portions of the grounds to be designated by the Park Committee or Park Director and shall be under the control and supervision of the Park Director or Park Superintendent.
- (8) (Am. Ord. #1213; Amd. Ord. #1254) No dogs shall be allowed to run at large in the parks and any dog found in any park shall be impounded in the City dog pound. This provision shall not apply to dogs in the NL Jaycees Dog Park; however, dogs must be under the control and supervision of their owner at all times. Dogs may not defecate in City parks, including the NL Jaycees Dog Park, any public walkways or recreational areas, unless such waste is immediately removed and properly disposed of by the owner.
- (9) (Am. Ord. #1213) Any person representing a group of persons in the same park or playground area possessing intoxicating liquors or fermented malt to the following morning in areas designated in par. (a) shall first obtain a permit from the Parks Department. Such permit shall be valid only on the day or days shown on the permit. However, the Council may from time to time allow permits to be issued for various lengths of time for special events.
- (a) (Am. Ord. #962, Am. Ord. #1213) Permits issued by the Parks Department shall be valid in the following parks and playgrounds:
1. Hatten Park
 2. Franklin Park
 3. Pfeiffer Park
 4. Abraham Park
 5. Old Settlers Park
 6. Riverside Park
 7. Memorial Park
 8. New London Nature Area
 9. Krostue Park
- (b) (Am. Ord. 962) (Am. Ord. 1073) (Am. Ord. 1291) No person shall possess intoxicating liquors or fermented malt beverages in Taft Park, Mini Park, Old City Hall Square and St. John's Park. *An exemption to the enforcement of this rule can be granted with written permission given by the Chief of Police.*
- (10) There shall be no parking of motor vehicles on the east side of that portion of the roadway in Hatten Park commencing at the east entrance, thence south to the culvert or small bridge at or near the entrance to the stadium area and the Park Committee shall cause to be erected proper signs before enforcement of this section shall be effective. There shall be no parking in the park, except for registered parties being held at the shelter house or for events at and around Hatten Stadium, from 9 P.M. to 7 A.M. each day.

- (11) (Am. Ord. # 1213) All usages of the Hatten Stadium and the athletic field, including regular scheduled games and practice sessions, shall be registered with the Parks Department and the Department shall have the authority to settle all conflicts.
- (12) The Park Committee shall establish and collect a fee for energy charges and maintenance and repairs of the lighting systems and the same fee shall apply to all persons, organizations and associations using the lights and facilities.

- (13) (Cr. Ord. #718, Am. Ord. #1213; Amd. Ord. #1229) All Parks located in the City shall be closed at 9:00 p.m. and shall reopen at 6:00 a.m.; except Memorial Park, which from October 1st to March 31st will close at 5 p.m. and reopen at 6 a.m. This subsection does not apply to Memorial Park, Pfeifer Park or Hatten Park on nights when Department approved baseball/softball games or tournaments are being held; these Parks will close one hour after the last game finishes for the night. Groups wishing to use the Parks past the closing time must apply to the Parks Director for approval.

9.16 REGULATION OF FISHING RAFTS ON THE WOLF RIVER. (Cr.Ord. #693).
(Repeal Ord. #693 - Recr Ord. #1065).

1 – STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE, AND TITLE

1.1 – REPEAL OF PRIOR ORDINANCE.

City of New London Ordinance Number 693 is hereby repealed in its entirety and recreated. The passing of this ordinance declares that the previous ordinance regulating Fishing Rafts in the City of New London is null, void, and stricken in its entirety.

1.2 – STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to authorization in ss. 30.126 and 30.77 Wisconsin Statutes.

1.3 – FINDINGS OF FACT

Historically, fishing rafts have been on the Wolf River and its tributaries from the Shawano dam downstream to Lake Poygan. Typically, most rafts are used during spring fish spawning runs. The number and conditions of rafts has caused conflicts with the other river users and has resulted in other problems on the Wolf River. The need to regulate fishing rafts is hereby recognized by the City of New London, Waupaca and Outagamie Counties, Wisconsin.

1.4 – PURPOSE

The purpose of this ordinance is to:

1. Establish certain restrictions on the placement, use and storage of fishing rafts.
2. Provide for annual registration and inspection of fishing rafts.
3. Establish certain construction and maintenance standards for fishing rafts.

2.0 DEFINITIONS

2.1 FISHING RAFT

A "Fishing Raft" means any raft, float, or structure, including a raft or float with a superstructure and including a structure located or extending below the ordinary high water mark of the waterway, which is designed to be used or is normally used for fishing, which is not normally used as a means of transportation on water, and which is normally retained in place by means of a permanent or semi permanent attachment to the shore or to the bed of the waterway. Fishing rafts do not include boathouses, fixed houseboats, wharfs and piers.

2.2 FLOTATION DEVICE

"Flotation Device" means any device used to provide flotation for a fishing raft, including each individual barrel or Styrofoam coffin.

2.3 RIPARIAN

"Riparian" means the owner of the shorelands adjacent to the Wolf River or its tributaries.

2.4 MUNICIPALITY

"Municipality" means any city, village, or town, which adjoins or includes any part of the Wolf River or its stream tributaries from the Shawano dam downstream to Lake Poygan.

2.5 ORDINARY HIGH WATER MARK

"Ordinary High Water Mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

3.0 RESTRICTIONS ON FISHING RAFTS ON THE WOLF RIVER AND ITS TRIBUTARIES

3.1 FISHING RAFTS MAY NOT:

1. Obstruct navigation or interfere with public rights.
2. Be located in the channel of the waterway.
3. Block more than 25% of the width of the waterway, singularly, or in combination with other fishing rafts.
4. Be located within ten (10) feet of another fishing raft.
5. Be placed in the waterway except by a riparian property owner next to their own land or except by written permission of the riparian property owner.
6. Be placed into the river or below (waterward) of the ordinary high water mark prior to March 1st of any year and must be removed from the river and placed above (landward) of the ordinary high water mark by October 31st of each year.
7. Be stored above (landward) of the ordinary high water mark of the river, for an entire calendar year without the proper variance granted by the City Council of supervisors for the City of New London.
8. Be equipped with toilets unless those toilets comply with rules of the Wisconsin Department of Commerce. (COMM ch. 86, WAC or the most current revision)
9. Be abandoned.
10. Be placed into the water with improper flotation devices.
11. Be improperly maintained. (s. 30.126(5)(j) Stats.)
12. Be used as a fishing raft unless registered as such.
13. Exceed 512 sq. feet with no maximum dimension being longer than 32 feet, when situated in a Residential Zone as defined in Chapter 7. Rafts registered prior to Jan. 1, 2001 shall be deemed to be in compliance with this provision.
14. Have a maximum height from the deck to the peak of the roofline greater than 11 feet, when situated in a Residential Zone as defined in Chapter 7. Rafts registered prior to Jan. 1, 2001 shall be deemed to be in compliance with this provision.

3.2 FISHING RAFTS MUST:

1. Be stored completely above (landward) the ordinary high water mark, during a period from on or before October 31st to March 1st.
2. Be placed into the waterway, located or extending beyond or below (waterward) the ordinary high water mark, for a period of not less than 14 continuous days and nights. Any raft that is not placed into the waterway for this period, during a calendar year, shall be deemed in violation of this ordinance and shall be deemed an illegal structure and is then subject to all applicable zoning regulations.

The City Council of the City of New London may grant, upon request, a variance for extenuating circumstances, such as low water, allowing a fishing raft to remain out of the waterway, above (landward) the ordinary high water mark, for the entire calendar year. This variance is at the sole discretion of the Council. Persons seeking this type of variance should apply, in writing, to the Clerk-Treasurer of the City of New London.

4.0 FISHING RAFT REGISTRATION

4.1 REGISTRATION AND TRANSFER

1. Any person mooring, placing, or maintaining a fishing raft on the Wolf River and its tributaries within the City of New London shall register each fishing raft annually with the municipality in which the fishing raft will be most frequently moored.
2. All registrations shall expire on December 31st of each year.
3. Any person who acquires an interest in an existing raft shall submit an application within 15 days to transfer the registration number.

4.2 APPLICATION FOR REGISTRATION

An application for new, renewal, or transfer of fishing raft registration shall contain:

1. The owner's name(s).
2. The owner's address and telephone number(s).
3. Name of municipality in which the raft is or will be most frequently used.
4. The registration number and expiration date, if the raft was previously registered.
5. Type of application; new, transfer, or renewal.
6. Proof that the applicant is the riparian owner of property adjacent to the rafts mooring location or has written permission of the riparian owner.

4.3 REGISTRATION FEE (Am. Ord. #1208)

1. The annual registration fee is originally established at \$5.00 and shall accompany each application for new or renewal of ownership registration.
2. A fee is not required for transfer of ownership if a valid registration exists for the fishing raft.
3. The City of New London will use the fee to administer and enforce the fishing raft registration system and fishing raft restrictions.
4. In addition to the registration fee, the City of New London will assess a fee of \$5 for an annual inspection of each raft. This fee will be paid at the time of registration. The amount of this fee is at the sole discretion of the City Council and may be adjusted by a formal action of the City Council. The raft official will perform this inspection(s) at any time during a period from March 1st through October 31st. The raft official must document any improper or unsafe conditions to both the raft owner and the City Council.

4.4 REGISTRATION CERTIFICATE

The City of New London will issue a Certificate of Registration for each raft registered. Under no circumstances will a Certificate of Registration be issued to an applicant if their raft does not meet the State, County or City's definition for a fishing raft. Nor will a certificate be issued to any applicant whose raft is found in any violation of any State, County, or City law, statute or ordinance until the municipality/authority in question deems that the raft is now in compliance. The Certificate of Registration will contain:

1. Fishing raft number.
2. Expiration date.
3. Name of municipality.
4. Owner's name(s)
5. Owner's address

4.5 NOTIFY DEPARTMENT OF NATURAL RESOURCES

The City of New London shall submit a complete list of all registered fishing rafts and their owner's names to the Department of Natural Resources on or before April 1st of each year. The list should be mailed to:

Water Management Coordinator
Wisconsin Department of Natural Resources
PO Box 10448
Green Bay, WI. 54307

4.6 DISPLAY OF FISHING RAFT REGISTRATION NUMBER

1. The assigned registration number shall be firmly affixed or painted to the river facing side of each fishing raft.
2. The assigned registration number shall be firmly affixed or painted to at least one location on each flotation device.
3. Each registration number shall read from left to right, contrast with the background and shall be in block letters and numbers not less than three (3) inches high. Each shall be clearly visible and legible.

5.0 CONSTRUCTION AND MAINTENANCE OF FISHING RAFTS AND FLOTATION DEVICES

5.1 FISHING RAFTS SHALL BE MAINTAINED BY THEIR OWNER(S) IN SOUND CONDITION ACCORDING TO THE FOLLOWING STANDARDS:

1. Rafts shall be aesthetically pleasing.
2. If the raft has railings, railings shall be firmly attached to the raft. Loose railings shall be repaired or removed.
3. Toilets, if installed, shall be maintained to comply with COMM Ch. 86, WAC, or the most current revision, as if the toilet were on a boat.
4. The fishing raft shall be firmly anchored or attached to the bed or bank of the waterway to ensure that the fishing raft will not break loose.
5. All cables, anchors, spud poles, or similar devices that anchor or attach the fishing raft to the bed or bank of the waterway shall be removed from the waterway when the raft is removed.
6. Each fishing raft shall be marked with lights, reflecting tape, or reflectors placed in a conspicuous location to make the fishing raft clearly visible at night.

5.2 FLOTATION DEVICES SHALL BE ATTACHED AND MAINTAINED IN THE FOLLOWING MANNER:

1. All flotation devices shall be airtight and sealed.
2. All flotation devices shall be clean and shall not contain any chemicals, oil, grease, or other residue.
3. Containers that contained a toxic or hazardous material as defined in s. NR 605.04, WAC, shall not be used as a flotation device.
4. Metal flotation devices shall be free of rust and painted or coated to prevent rusting.
5. Leaking or deteriorated flotation devices shall be immediately removed from the fishing raft and replaced.
6. Any flotation device, which becomes detached from the fishing raft, shall be retrieved and removed from the waterway by the raft owner(s).

6.0 ENFORCEMENT

6.1 ORDER FOR REMOVAL

The City of New London, Waupaca and Outagamie Counties may order the owner(s) of a fishing raft to remove this fishing raft from the waterway or property if any provisions of this ordinance or section 30.126(5) Stats. are not being complied with.

- 6.2 If a person fails to comply with an order to remove issued under section 6.1, or if the City of New London is unable to determine the owner(s) of fishing raft, the City of New London may remove and dispose of the fishing raft.
- 6.3 The owner(s) or person(s) responsible for the fishing raft shall reimburse the City of New London for any costs incurred by the City associated with the removal and disposal of the fishing raft under section 6.2.

PUBLIC PEACE AND GOOD ORDER – BOATING/SLOW-NO-WAKE
REGULATIONS 9.161

9.161 BOATING REGULATIONS, SLOW-NO-WAKE REGULATIONS. (Amd. Ord #1098,
Amd. Ord. #1129, Amd. Ord. #1265, Amd. Ord. #1301, Amd. Ord. #1307)

- 1) Applicability and Enforcement.
 - A) The provisions of this section shall apply to the waters of the Wolf and Embarrass Rivers lying within the corporate limits of the City.
 - B) These regulations shall be enforced by officers of the New London Police Department and those employees of the Counties of Waupaca and Outagamie having arrest powers.
- 2) Intent of this section is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resources.
- 3) State Boating and Safety Laws Adopted. State Boating Laws found in §30.50 to §30.81 WI. Stats. are adopted by reference.
- 4) Definitions. "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.
- 5) Controlled Area. No person shall operate a boat, watercraft or any other marine recreational vehicle, faster than Slow-No-Wake in the waters of the Wolf River and Embarrass River while the Slow-No-Wake buoys remain in the river and when the river level exceeds an elevation of 755.0' (the 7 foot mark) as based on the USGS reported observations taken near the northwest corner of the Pearl Street Bridge (N44 23.541' W088 44.384').
- 6) Restricted Area. In addition, the following portion of the Wolf and Embarrass Rivers shall be designated as slow-no-wake from March 1st through November 1st of each year.

That portion of the Wolf River from GPS coordinates N44 23.158' W088 43.459' and a landmark of the overhead power lines and west city limits below the downstream boat launching ramp to the GPS coordinates of N44 23.463' W088 45.284' and a landmark of the City Wastewater Treatment Plant discharge above the upstream boat ramp located at Riverside Park in the City of New London shall be restricted to slow-no-wake speed by all watercraft traveling said portion of the Wolf River.

The City of New London shall be responsible for placing and maintaining slow-no-wake buoys along this restricted portion of the Wolf River, but may use the services of an organization and/or contractor to represent the City of New London as its agent in the placement or maintenance of such buoys. The buoys shall be placed on, or as near as practical to March 1st and removed by November 1st each year.

7) Placement of Slow-No-Wake and Flood Buoys

The sections of the rivers covered by this Ordinance are as follows:

- A. The Wolf River from GPS coordinates N44 23.158' W088 43.459' and a landmark of the overhead power lines and the west city limits to the GPS coordinates N44 23.176' W088 43.304' and a landmark of the US 45 (Bypass) Bridge. The City of New London shall be responsible for placing and maintaining slow-no-wake buoys along this restricted portion of the Wolf River at the following locations:

Slow No Wake Buoy #1 (SNW #1)

N44 23.158'

W088 43.459'

City Limits west boundary under the high wire lines.

Slow No Wake Buoy #2 (SNW #2)

N44 23.443'

W088 45.421'

Midway between SNW #1 and SNW #3 in the middle of the river

Slow No Wake Buoy #3 (SNW #3)

N44 23.463'

W088 45.284'

Even with the Waste Water Treatment Plant discharge in center of river.

Flood Stage Buoy #1 (F1)

N44 23.510'

W088 44.923

Even w/middle of the property lot at 815 W. Wolf River Avenue in middle of river.

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Flood Stage Buoy #2 (F2)
N44° 23.523'
W088° 44.772'
200' West of Shawano Street Bridge

Flood Stage Buoy #3 (F3)
N44 23.500'
W088 44.927'
Even with west wall of Grand Theatre in middle of river.

Flood Stage Buoy #4 (F4)
N44 23.533'
W088 44.567'
Even with west curb of Lawrence Street in the center of the Wolf River.

Flood Stage Buoy #5 (F5)
N44° 23.464'
W088 44.150'
Center of River between Division Street and Algoma Street

Flood Stage Buoy #6 (F6)
N44 23.502'
W088 44.281'
Even with middle of Mill Street with a line of sight with both F5 and F7. (Toward south shore).

Flood Stage Buoy #7 (F7)
N44 23.428'
W088 44.004'
230' west of the Black Iron Bridge in center of river.

Flood Stage Buoy #8 (F8)
N44 23.641'
W088 43.877'
150' due east of Black Iron Bridge nearer to the east shoreline.

Flood Stage Buoy #9 (F9)
N44 23.642'
W088 43.859'
1250' south of F6 or even with south lot line of 226 Wood Lane Drive in center of river.

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7 (A)

Flood Stage Buoy #10 (F10) [Amd. Ord. #1307]

N44 24.776'

W088 45.867'

Even with South lot line of 226 Wood Lane Drive in center of river.

Flood Stage Buoy #11 [Cr. Ord. #1337]

N44 23.239'

W088 43.500'

Even with North property line of Memorial Park.

[Amd. Ord. #1301 – Removed Buoy 11 & 12]

US 45 Bypass Bridge

N44 23.176'

W088 43.304'

The City of New London may use the services of an organization and/or contractor to represent the City of New London as its agent in the placement and/or maintenance of these buoys.

- B. The Embarrass River from GPS coordinates N44 23.533' W088 44.567' and its confluence with the Wolf River to the GPS coordinates N44 24.172' W088 44.151' and the State Hwy 54 Bridge.

This elevation should be marked at GPS coordinates N44 23'32" W088 44'25" on the wall along the north side of the Wolf River between St. John's Street and Pearl Street.

- C. (Am Ord. 979) Notwithstanding the above, the Mayor, may in times of emergency or when normal river traffic flow is impeded due to dredging, bridge inspection or construction declare a slow-no-wake zone in any part of the River as described in B above for the duration of said emergency, dredging or bridge work.

The duration of such slow-no-wake declaration shall reasonable coincide with such condition. The area of the river so affected shall be established in the Mayor declaration.

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- 8) Posting Requirements. The City of New London shall place notification of these restrictions at all public access points onto the rivers.
- 9) Penalties. Wisconsin State Boating Penalties as found in §30.80 WI. Stats. are adopted by reference.
- 10) Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the City Council would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

9.162 CITY BOAT LAUNCH FEE (Cr. Ord. #816), (Amd. Ord. #1121)

- (1) PURPOSE. The intent of this section is to provide revenues to the City for the purpose of maintaining and improving public access facilities on the Wolf River under the control of the City.
- (2) USER FEES. (a) No person shall use a City boat landing facility without paying the applicable fee. This section shall include any boat ramp owned or operated by the City or any entity a part thereof.
- (b) (Amd. Ord. #1194; Amd. Ord. #1278; Amd. Ord. 1290) The Annual City Boat Launching fee shall be \$20 for Residents and \$30 for Non-Residents and \$35 for commercial businesses. Multiple boat launch stickers can be purchased according to the following schedule:

<u>Resident:</u>	<u>Non-Resident:</u>
2 - \$30	2 - \$40
3 - \$40	3 - \$50

The daily boat launch fee shall be \$5 for all users. Persons paying an annual fee shall not be charged a daily fee.

- (c) This section is applicable to all watercraft used or capable of being used as a means of transportation on water.
 - (d) Persons paying the annual boat landing user fee shall be issued an adhesive sticker which shall be placed on the left side of the trailer (driver side of vehicle) on the front crank bar/boat stop.
 - (e) Any person who violates this section shall be subject to the penalties provided in sec. 9.35 of this chapter.
 - (f) Funds collected from the imposition of these fees shall be deposited in a separate expendable trust fund maintained by the City for the exclusive purpose of maintaining, developing and/or improving city-owned public access facilities along the wolf River.
- (3) ISSUANCE OF CITATION. Any law enforcement officer and the Parks superintendent of the city may issue citations for violation of this section, in accordance with the provisions of sec. 9.30 of this chapter.

9.17 PUBLIC WATERS, USE OF. (1) DEFINITIONS. For the purpose of this section, the words and phrases herein defined, unless the context clearly indicates otherwise, shall have the following meanings:

- (a) Anchorage Area. Any portion of waters within the City which has been so designated pursuant to law and approved by the federal government.
- (b) Chief of Police. The Chief of the New London Police Department.
- (c) Mooring. Any appliance used to secure a vessel other than to a pier, which is not carried aboard such vessel as regular equipment when underway.
- (d) Motorboat. Any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.
- (e) Pier. Any fixed or floating structure for securing vessels, loading or unloading persons or property or providing access to water and including any wharf, dock, float or other loading facility.
- (f) Vessel. Includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

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1. A seaplane on the water.
 2. A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.
- (g) Waters Within City. All waters which lie within the municipal boundaries of the City, whether or not lands lying under said waters are publicly or privately owned.
- (2) DELEGATION OF AUTHORITY. The responsibility for the administration of the provisions of this section is delegated to the Chief of Police or employees of a department of the county, state or federal government designated by said Chief of Police.
- (3) CHANNELS, ANCHORAGE AREAS, PIERHEADS AND BULKHEAD LINES. All channels, anchorage areas and pierhead and bulkhead lines within the City shall be as established by the federal government or by the Council. If available, a map thereof shall be kept on file in the offices of the Clerk-Treasurer and the Director of Public Works for public inspection.
- (4) DUTIES OF THE CHIEF OF POLICE. The Chief of Police or those persons designated by him shall:
- (a) Carry out the orders of the Council and enforce all river regulations and ordinances.
 - (b) Order any vessel improperly anchored, moored or berthed in any area within the City to change its position to such a one as he may designate and in the event his orders are not complied with, cause such vessel to be moved to a proper place as he may designate and collect the cost of such removal from said vessel or the owner thereof.
 - (c) Promptly report to the appropriate federal agency any violation of the laws of the United States for the protection of navigation and the preservation of navigable waters; particularly any encroachment on the waterway by the building of illegal structures, illegal filling or dumping of material of any sort into the waterway or throwing overboard or setting adrift or allowing to be set adrift anything that is or might become obstructive or dangerous to navigation.
- (5) STRAY PROPERTY. All stray vessels, rowboats, dinghies, skiffs, timber or any other personal property found in the waters within the City not in the lawful possession or control of some person shall be immediately delivered up to the Chief of Police. Any such property shall be dealt with as lost personal property.

- (6) BOATING REGULATIONS. (a) Speed Limit. No owner, operator or person in command of any vessel, except a public officer in the performance of his duty, shall operate the same or permit the same to be operated on any waters within the City at an improper speed or in an imprudent manner or at any speed which creates a wake that may cause damage to moorings of vessels or floating structures or to the shoreline, except as hereinafter provided.
- (b) Mufflers Required. Every boat propelled by gasoline or other similar motive power within the City shall be equipped with a muffler, at all times in good working order sufficient to prevent excessive or unusual noise. No person shall operate any such boat so propelled by gasoline or other similar motive power with the muffler or cut-out open on the Wolf River or the Embarrass River within the City.
- (c) Motorboat Races. 1. Permit Required. The Council may, when it deems the occasion warrants, grant a special permit to hold a motorboat race in waters within the City or make temporary use of a designated area in said waters for a special event or activity in which unmuffled engines may be used, speed limits may be exceeded, and normal traffic interrupted; provided that such permit shall be for a stated period of time not exceeding 30 days. A permit for boat races shall not exceed 7 days and shall be limited to the hours between 8:00 A.M. and sunset. No permit shall authorize interference with normal river traffic for a period exceeding 6 hours in any 24 hour period. As a condition of granting such permit, the Council shall require the permittee to provide liability insurance for the full period of time for which the permit is granted in an amount of not less than \$100,000 for bodily injury to one person, \$500,000 for bodily injury in any one accident, and \$50,000 for property damage in any one accident. The policy providing such insurance must name the City as an additional insured. A certificate evidencing that such insurance is in force and will remain in force for the period of such permit shall be filed with the Clerk—Treasurer on a form approved by the City Attorney before such permit shall be effective. The Council may impose additional conditions as deemed necessary to protect persons and property and to assure that the activity will not create a nuisance or interfere with the reasonable use of the waters by other vessels. No such permit shall be effective until it has been granted by the Council.
2. Safety Restrictions. For such time as necessary preceding, during and after any race, regatta, parade or other event held on waters within the City or at any other time when the Chief of Police or someone appointed by him deems it necessary for the safety of persons, vessels or other property, he

may restrict or prohibit waterborne traffic within the City and it shall be unlawful to willfully fail or refuse to comply with any order, signal or direction of said Chief of Police, his deputies or agents.

- (d) Boat Launching and Hauling. No person shall launch or remove any vessel from waters within the City over any public wall, sidewalk, street end or other public property, except at locations where a regular business of launching and hauling vessels is conducted which has the necessary equipment to do such work or in areas designated and posted for such purpose by the City.
 - (e) Damage to Property. No person shall willfully or carelessly destroy, damage, disturb, deface or interfere with any buoy, float, life preserver, sign, notice, navigational marking or other similar property under the jurisdiction of the City.
 - (f) Boarding Vessel Without Permission. No person shall climb into or upon any vessel moored, docked or anchored in waters within the City without the consent of the owner or other person having charge thereof.
 - (g) Tampering With Vessel. No person shall willfully injure or tamper with or break or remove any part of or from any vessel in the City, or tamper with the lines securing any such vessel, without the consent of the owner or other person having charge thereof.
 - (h) Tampering With Moorings. No person shall tamper with any mooring or anchorage in the City whether or not the same is occupied by a vessel.
 - (i) Landing of Aircraft. No person shall land on or take off from waters within the City with any aircraft unless as a result of an emergency.
 - (j) Propulsion Above Water Prohibited. No person shall operate any vessel on waters within the City which is operated by mechanical air propulsion above the surface of the water.
- (7) PIER AND DOCKING REGULATIONS (a) Permission Required to Dock or Make Fast to Other Vessel. No person having charge of any vessel shall make the same fast to any pier within the City or permit the same to remain at such location after finishing loading or unloading such vessel without the consent of the owner, agent or person in charge of such pier. No person shall make fast any vessel to any other vessel already occupying any pier, whether public or private, without first obtaining permission of the owner of the boat.
- (b) Tying of Vessel. Every vessel lying at any pier within the City shall be fastened thereto with such lines, at least from either bow or stern, and in such a manner as to assure the security of such vessel.

- (c) Licensing of Piers, Wharves, Docks and Floating Structures. Any pier, wharf, dock or other floating structure used for securing vessels, loading or unloading persons or property or providing access to the waters within the City limits must be licensed by the Director of Public Works for a fee of \$5 payable every 2 year beginning on April 1, 1978. All licenses shall expire on March 31 of even-numbered years. Owners of the above structures shall have 10 days after notification of nonconformance to secure a license from the Director of Public Works.
- (d) Defective Piers, wharves, Docks. If the Chief of Police, or a person acting on his behalf, determines that any pier, wharf, dock or any other fixed or floating structure is in a defective or dangerous condition, he shall notify the owner or other person having charge of the same by placing a notice upon the defective structure. The owner or other person shall have 10 days from the posting of the notice to repair it. If such person fails or neglects to do so, the Police Chief, or a person acting on his behalf, shall cause the structure to be disposed of and the cost of such removal recovered from the owner, agent or lessee of such structure in a civil action. If the above structures, or any portion thereof, or any material on such structure falls into waters within the City, the owner, agent or lessee of such structure shall immediately remove the same from the waters and if they fail to do so, the Chief of Police may do so and the cost thereof may be recovered from the owner, agent or lessee of the pier in a civil action.
- (e) Maintenance of Public Piers. (Amd. Ord. #1274, Amended Ord # 1350). Public piers and other similar facilities may be maintained by the City for the purpose of loading and unloading of passengers, supplies and boating gear and for similar purposes. It is the policy of the City to maintain such facilities in a manner that shall permit the greatest public use and avoid continuous occupancy, congestion or blocking thereof. Transient mooring on City piers is allowed for a collective total of 48 hours in a 7 day period. Transient mooring is allowed on all public docks/piers for a collective total of 48 hours in a 7 day period except there is no overnight mooring allowed on any of the docks in the middle or western bays at the Riverside Boat Launch facility nor the launching area on the eastern bay at that facility. The Chief of Police or the Director of Parks and Recreation has the right to deny any overnight mooring request at any time. Also where necessary to achieve public use and avoid extended occupancy, congestion or blocking thereof, the Chief of Police is authorized and directed to post signs limiting the time during which a vessel may be docked or supplies or gear may be placed at or on any such pier or facility to 30 minutes. When such sign is placed giving notice of such time limit, no person shall dock a vessel at any such facility for a period of time longer than 3. 0 minutes or permit any supplies or gear to remain on such facility for a period of time longer than 30 minutes.
- (f) Obstruction of Facilities. No person shall intentionally obstruct the free access to and departure from any portion of any public pier.

PUBLIC PEACE AND GOOD ORDER 9-17 (8)

- (8) SWIMMING AREAS. (1) Designation. The Council may, by ordinance, designate certain areas of waters within the City as protected swimming areas.
- (b) Regulations and Limitations on use of Protected Swimming Areas. When lines and floats or buoys are in place outlining protected swimming areas designated by the City, no person shall operate, drive, navigate, use or possess within or take, drive, propel or permit to drift into a protected swimming area any vessel, surfboard, skidboard, skinimerboard, ski, paddleboard, canoe or similar object made entirely or partially of wood, metal, glass, hard plastic or other hard substance. There is excepted from the provisions of this section the use of a surfboard, paddleboard or similar device in that portion of any protected area during the hours surfing is permitted therein.
- (c) Prohibited Swimming Areas. The Council may, by ordinance, designate certain areas of waters within the City limits as prohibited swimming areas. No swimming, wading, bathing, skin diving or floating shall be permitted in any prohibited swimming area.
- (9) ADDITIONAL REGULATIONS. The Council may from time to time designate by ordinance, as necessity demands or as it deems fit, other areas where any or all of the uses or activities permitted by this section may be limited, restricted or prohibited.

9.173 PROHIBITION OF HABITUAL TRUANCY. (Cr. Ord. #867, Amd. Ord. #1000)

- (1) A child is prohibited from being habitually truant.
- (2) DEFINITIONS. For purposes of this section.
- (a) "Habitual Truant" shall mean a pupil who is absent from school without an acceptable excuse, for part or all of five or more days on which school is held during a school semester.
- (b) "Acceptable excuse" shall mean an excuse contemplated in Sections 118.15 and 118.16(4), Wis. Stats.
- 3) PENALTY. Upon finding that a child is a habitual truant, the court shall enter an order making one or more of the following dispositions:
- (a) Suspend the child's operating privilege, as defined in Section 340.01(40), WI Stats, for not less than 30 days nor more than one year.

PUBLIC PEACE AND GOOD ORDER 9. 173(3) (b)

The judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice stating the reason for and duration of the suspension.

- (b) Order the child to participate in counseling, community service or a supervised work program as described in Section 938.34(5g), WI Stats. The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person or both.
- (c) Order the child to remain at home except during the hours in which the child is attending religious worship or a school program including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.
- (d) An order for the person to amend an educational program as described in Sec. 938.34(7)d.
- (dm) (Cr.Ord. #949) Order the Department of Industry, Labor and Job Development to revoke, under Section 103.72, permit under §103.72, permit under §103.70 authorizing the employment of the person.
- (e) Forfeiture of not more than \$50.00 plus costs for the first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed during a school semester subject to Section 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (f) An order placing the person under formal or informal supervision, as described in Section 938.34(2), for up to one (1) year.
- (g) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on a specified premises and restrictions on associating with other children or adults.
- (h) An order for the Department of industry, Labor and Job Development to revoke, under Section 103.72, a permit under Section 103.70 authorizing the employment of the person.
- (i) An Order for the person to attend school.
- (j) An Order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

9.174 CONTRIBUTING TO TRUANCY. (Cr. Ord. #866, Amd. Ord. #1136). (1) Except as provided in Section 2. any person 18 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy of a child shall be subject to the penalties set forth in Section 5 below.

- (2) EXCEPTIONS. This ordinance does not apply to a person who has under his or her control a child who has been sanctioned under Section 49.50(7) (h), WI Stats.
- (3) TRUANCY DEFINED. "Truancy" means any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of Section 118.15, WI Stats. (Wisconsin's compulsory school attendance law.)
- (4) CONTRIBUTING TO TRUANCY DEFINED. An act or omission contributed to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

9.175 CURFEW (Cr. Ord. #723; Amd. Ord. #1119, Am. Ord. #1136). (l) No individual between the ages of 14 years through 17 years shall remain upon any street or alley or other public place in the City between 11:00 P.M. on Sundays, Mondays, Tuesdays, Wednesdays or Thursdays and 6:00 A.M. the next day, and between 12:00 Midnight on Fridays and Saturdays and 6:00 A.M. the next day. No individual under the age of 14 years shall loiter, idle or remain upon any street or alley or other public place in the City between 10:00 P.M. and 6:00 A.M. the next day.

- (2) The following shall constitute valid exceptions to the operation of the curfew:
 - (a) At any time, if the individual is accompanied by his or her parent, legal guardian or other responsible person who is over the age of eighteen (18) and approved by the individual's parent or legal guardian.

PUBLIC PEACE AND GOOD ORDER 9.175 (b)

- b) At any time in the event of any emergency which would justify the reasonableness of the individual's presence.
 - (c) At any time while the individual is pursuing the duties of his or her employment but the individual must be carrying a written statement from the employer attesting to the place and hours of employment.
 - (d) Until the hour of 12:30 A.M. if the individual is on an errand as directed by individual's parent or legal guardian.
 - (e) If the individual is coming directly home from a meeting or a place of public entertainment, such as a movie, play, school, church or sporting event. This exception will apply for one half hour after the completion of such event, but in no case beyond 12:30 A.M. If the event is not commercial in nature or does not have a fixed, publicly known time at which it will end, the sponsoring organization must register the event with the Police Department at least 24 hours in advance, informing of the time such event is scheduled to be, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization.
 - (f) Until the hour of 12:30 A.M., if the individual is on the property of or the sidewalk directly adjacent to the building in which he or she resides or the buildings immediately adjacent thereto.
 - (g) If exercising First Amendment rights protected by the United States Constitution or the Wisconsin Constitution such as the free exercise of religion, freedom of speech and the right of assembly.
- (3) PARENTAL VIOLATION: No parent, guardian or person having legal custody of an individual under age 18 shall or permit such individual to violate the provisions of subs. (1) and (2) above.
- (4) Before taking any enforcement action under this section, a law enforcement officer shall ask the apparent offenders age and reason for being present in the public place. A law enforcement officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based upon any response and other circumstances, no defense in Subsection 2 is present.

A minor believed to be violating the provisions of this section may be taken to the Police Department for proper identification. Every law enforcement officer, while on duty, may in his/her discretion detain any minor violating sub. (1) above until such time as the parent, guardian or other adult person having legal custody of the minor is notified and the person so notified shall, as soon as reasonably possible thereafter, report to the Police Department for the purpose of taking the minor into custody and such person shall sign a release for the minor if so requested by the officer.

9.18 LOITERING OR PROWLING PROHIBITED (Rep. & Recr. Ord. #861).

- (1) DEFINITION. "Loitering" means to remain idle in essentially one location and shall include the concept of spending time idly, to be dilatory, to linger aimlessly, to stay, to delay, to stand around, and shall also include the colloquial expression "hanging around."
- (2) No person shall loiter or prowl in a place, at a time, or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon the appearance of a police or peace officer, refuses to identify himself under the circumstances which leads the officer to believe a crime has been or will be committed, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.

PUBLIC PEACE AND GOOD ORDER 9.18 (2)

No person shall be convicted of an offense under this section if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the actor was true, and if believed by the police or peace officer at the time, would have dispelled the alarm.

- (3) No person shall loiter in a public place, street, alley, parking lot or public building nor on a private street, alley, parking lot or building which is held open to use for the public without permission from the owner, This does not apply to City parks.
- (4) No person shall loiter on any motor vehicle in a public place, park, street, alley, parking lot or public building or on a private street, alley, parking lot or building which is held open to use for the public without permission from the owner. (This subsection shall include the parks in the business district.)
- (5) (Am. Ord. #1136)
- (6) No person shall engage in or commit the following offenses:
 - (a) Use obscene or foul language, curse or otherwise yell, shout or scream so that such is heard by passersby.
 - (b) Throw any object or material at another person or vehicle, or shoot water guns or balloons.
 - (c) Make an obscene gesture with the second finger to another person.
 - (d) Display any picture or poster or drawing which is obscene and/or shows any part of human or animal anatomy which includes reproductive organs, organs used for excrement, buttocks or female breasts.

PUBLIC PEACE AND GOOD ORDER 9.18 (6)

- (e) Loiter at-entrances to buildings when there is no obvious legitimate purpose for loitering; this does not include "window shopping" or waiting to enter buildings when a line to enter is necessary.
 - (f) Tamper with, disturb, damage, deface or remove any flower, shrub, tree or their containers, decoration, flag, banner, light, sign, advertisement, loud speaker or other object, whether publicly or privately owned.
- (7) Parks in the business district shall be subject to the prohibitions enumerated in subs. (4), (5) and (6) above.

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

9.20 (Amd. Ord. #925, Amd. Ord. #1136) MARIJUANA, POSSESSION AND USE PROHIBITED.

- (1) DEFINITION. "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.
- (2) POSSESSION, DELIVERY AND USE PROHIBITED. It shall be unlawful for any person to possess, deliver, sell or use marijuana or marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.
- (3) EXCEPTION. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.
- (4) PARAPHERNALIA. It is unlawful for any person to possess any item or instrument commonly associated with marijuana use. These items or instruments shall include, but not be limited to: Pipes constructed in whole or part with metal, wood, plastic, or ceramic or any combination thereof; small clips with a spring mechanism commonly used to hold the end of marijuana cigarettes; cigarette papers when such papers are used with marijuana, or other similar devices.

9.21 OFFENSES BY UNDERAGE PERSONS; ALCOHOL BEVERAGES (Am. Ord. 905, 908)
No person under age 21 shall possess intoxicating liquors anywhere within the City.
No person under age 21 shall possess fermented malt beverages anywhere within the City unless accompanied by a parent, guardian or spouse over the age of 21.

9.22 OFFENSES UPON SCHOOL PROPERTY. (Amend Ord #1002)

(1) (a) During regular school hours, no person, not a student in regular attendance in the school or an employee of the New London 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 (1) 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 a designated election day, guardian/parents of students who are enrolled in the particular school and other persons engaged in school business who are otherwise adhering to school policies.

(2) No person shall chew and/or smoke tobacco products in a school building or on school grounds.

(3) No person shall bring, cause to be brought or possess upon school property any intoxicating liquor or fermented malt beverages, or controlled substances as defined in Ch. 161, WI Stats., unless with the express written consent of the school principal. (Amd. Ord. #1231)

(4) No person shall park a vehicle upon school property contrary to school or City parking regulations.

- (5) No person shall possess intoxicating liquor or fermented malt beverages, or controlled substances as defined in Ch. 161, Wis. Stats., in Hatten Memorial Stadium or bring such substances into Hatten Memorial Stadium during school athletic contests.

9.223 (Cr. Ord. #927) ALCOHOL AND OTHER DRUG ABUSE PREVENTION BOARD

(1) ORGANIZATION

The AODA Prevention Board will consist of seven members appointed by the Mayor to represent the citizens of the City of New London. In addition, the Mayor can appoint up to two teenage representatives to serve for a one-year term each.

(2) APPOINTMENTS

Initial appointments to the Board shall be as follows:

2 members to be appointed for 1 year

2 members to be appointed for 2 years

3 members to be appointed for 3 years

Thereafter, all appointments shall be for a term of 2 years. The appointments shall be made by the Mayor and confirmed by the Council. In addition to the above Board members, the Mayor may appoint two High School students (11th or 12th graders) to serve for a one-year term. The Community Prevention Coordinator under Project Pre-Action shall also serve as a non-voting advisor to the Prevention Board.

Those appointed to the Board shall be the representatives of the Community as follows:

One member of the Medical Community, one member of the Commercial/Industrial Sector, one person representing Parenting in terms of Parent Teacher Partnerships or organizations of local parentus such as Scouting, Rawhide, etc., one person representing the Educational Community, one person representing Law Enforcement, one person representing a Religious or Moral Values Perspective and one person representing Local Government.

(3) POWERS AND DUTIES

- a. The Prevention Board may establish such rules for the conduct of its affairs, as it deems advisable to cover such matters as the time and place of board meetings, the transaction of business at such meetings, the formation of any sub-committee and the basic organization of the Prevention Board itself.
- b. The Prevention Board shall take such steps as is determines to educate the public regarding the problems of alcohol and other drug abuse and to develop such public information programs as it deems necessary.
- c. To the utmost extent possible the Prevention Board shall coordinate all activities related to the prevention of alcohol and other drug abuse in the City of New London and shall cooperate with the other city, county, and state agencies organized for a similar purpose and/or assisting in those efforts.

D. The Board shall make recommendations to the Council in matters involving legislation and policy relating to the prevention of alcohol and other drug abuse.

- (4) BUDGET. The Council may appropriate such funds as it deems available and necessary to permit the Prevention Board to carry out its duties. The Board shall annually, at the time of regular city budget preparation and consideration, submit its budget requests to the Council. Any funds which are appropriated by the Council shall be administered by the Board which shall regularly report expenditures to the Council. Funds budgeted shall remain in the control of the City Treasurer, and expended upon direction of the Board. In the event the Board receives funding from any source other than the city, such funds may be managed and expended by the Treasurer upon direction of the Board.
- (5) COMPENSATION. The members of the Board shall serve without compensation. Reimbursement for expenses of the Board members shall be at the discretion of the Board, and shall not exceed the amount budgeted by the Council.

9.225 (Cr. Ord. #874, Am. Ord. #1136)) USE OF TOBACCO PROHIBITED ON SCHOOL PREMISES.

- (1) INTENT AND PURPOSE. It is recognized that the use of any tobacco related product is hazardous to an individual's health and may affect the health of non-tobacco users when in the presence of tobacco users. This Ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of residents, and/or non-residents of the City of New London and further recognizes the rights of non-tobacco users.
- (2) PROHIBITION OF TOBACCO USE. It shall be unlawful for any person to use any tobacco products in all buildings and on all grounds and other property owned or rented by, or under the control of the New London School District in the City of New London.
- (3) USE OF TOBACCO PROHIBITED ON SCHOOL PREMISES. It is unlawful for any person under the age of 18 to possess any tobacco products within 1000 feet of all school grounds under the control of the New London School District in the City of New London.

- 9.23 UNLAWFULL REMOVAL OF PROPERTY No person shall take and carry away the property of another without the owner's consent. This offense shall include, but not be limited to, the operation of a vehicle, whether or not motorized, without the owner's consent.
- 9.235 THEFT OR NON-RETURN OF LIBRARY MATERIALS. (Cr Ord.901, Amd. Ord. #1136)
- (1) No person shall fail, on demand, to return any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the New London Public Library, according to the rules and regulations duly made and adopted by the Library Board, and no person shall remove from the Library any book, periodical, pamphlet, picture or other article or property without first having it charged as provided by such rules and regulations.
 - (2) No person shall mar, deface, or in any other way, damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library.
 - (3) Section 943.61 of the Wisconsin Statutes relating to theft of library material, exclusive of the penalties provided therein, is hereby adopted by reference and made a part hereof.
- 9.24 CONTRIBUTING TO THE DELINQUENCY OR NEGLECT OF CHILDREN.
- (1) No person shall intentionally encourage or contribute to the delinquency or neglect of any child under age 18.
 - (2) No parent, guardian or legal custodian, who by neglect or disregard of the morals, health or welfare of his child, shall contribute to the delinquency of that child.
 - (3) Any act or failure to act contributes to the delinquency or neglect of a child, although the child does not actually become neglected or delinquent, if the natural and probable consequences of that act or failure to act would be to cause the child to become delinquent or neglected.
- 9.25 FIGHTING PROHIBITED. No person shall, within the City, intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- 9.26 (Am. Ord. 886) ANNOYING TELEPHONE CALLS AND TELECOPIER TRANSMISSIONS PROHIBITED. No person shall make a telephone call, whether or not conversation ensues, with the intention to annoy another. Wisconsin Statute 971.19 (2) is hereby referenced and made a part of this ordinance for purposes of jurisdiction.
- 9.27 TRESPASS. (1) No person who enters upon the property of another shall refuse to leave the property when requested to do so by the owner or by a person in charge of the property.

- (2) This offense shall include, but not be limited to, entry by persons upon the premises of any mercantile establishment, otherwise open to the public, where such person is requested to leave by the owner or a person in charge of such establishment.

9.28 CARRYING WEAPONS (Cr. Ord. #740; Amd. Ord. 1270; Amd. Ord. 1272; Amd. Ord. 1280; Amd. Ord. 1322)

- (1) PROHIBITED. No person shall carry or wear about their person a sling shot, krossknuckle of lead or brass, nunchuck sticks, throwing stars or "shurikens", dirk, or dagger or any blackjack, billy club or sandclub.

- (2) No person shall possess a firearm under the following circumstances:

- (a) That might be used for the purpose of fishing, while on the waters, banks or shores of any navigable waterway within the City.

- (b) In buildings owned, leased or operated by the City as set forth in Municipal Code Section 9.43.

- (c) On any premises that has a Class B beer or liquor license.

- (d) In any designated school zone.

- (e) While under the influence of intoxicants or controlled substances.

- (f) Is under the age of 18 unless being used for target practice under the supervision of an adult or in the course of instruction in the traditional proper use of dangerous weapons under the supervision of an adult.

- (g) Has been convicted of a felony

- (h) Has been convicted of a misdemeanor that includes a domestic abuse enhancer as an element of the crime.

- (i) Is enjoined from possessing a firearm under an injunction issued under Sec. 813.12 or 813.122.

- (j) Has been adjudged as mentally ill pursuant to Chapter 51 of the WI Statutes 2008-09.

- (3) EXCEPTION. A hunter who carries a hunting knife during deer season or any citizen who uses or needs a knife with a blade 3 inches or longer during their course of employment are exempt from Sub. (1) above.

(4) Amd. Ord. #1272 states That Sections 9.02, 9.04 and 9.28 of the New London Municipal Code shall be amended to exempt from the provisions of said ordinances the following described real estate lying within the City limits of the City of New London:

The South $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ containing 10 acres being in Section 1, Township 22 North, Range 14 East, City of New London, Waupaca County, WI (Parcel No. 33 01 32 2)

The Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ containing 40 acres being in Section 1, Township 22 North, Range 14 East, City of New London, Waupaca County, WI (Parcel No. 33 01 33 1)

The North $13 \frac{5}{8}$ ths acres of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ containing 9.15 acres more or less being in Section 12, Township 22 North, Range 14 East, City of New London, Waupaca County, WI (Parcel No. 33 12 22 1)

The South 69 rods of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ (Parcel No. 33-01-23-2)

The North 30 acres of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ (Parcel No. 33-01-32-1)

The West 800 feet of the fractional Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ (Parcel No. 33-01-21-1)

The North 11 rods of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ (Parcel No. 33-01-23-1)

All being in Section 1, Township 22 North, Range 14 East, City of New London, Waupaca County, WI

Amd. Ord. #1279 exempts the following property to allow hunting in the City:

All of Lot 1 of Certified Survey Map No. 5495, located in the fractional northwest $\frac{1}{4}$ and the fractional southwest $\frac{1}{4}$ of Section 6, Township 22 North, Range 15 East, City of New London, Outagamie County, Wisconsin. 43.68 acres more/less 640 Spurr Road (Parcel No. 333 047800)

(5) ENFORCEMENT. A police officer finding a person possessing a firearm in violation of this section shall immediately take possession of such firearm and retain it as evidence.

(6) PENALTY. Upon conviction, a defendant may be subjected to a forfeiture not to exceed \$200.00.

PUBLIC PEACE AND GOOD ORDER 9.29

9.29 REGULATING THE OPERATION OF SKATEBOARDS (Cr. Ord.#729).

- (1) No person shall operate any skateboard on any street within the City that has been designated as a County Trunk Highway or a State Highway.
- (2) No person shall operate any skateboard on the street, sidewalk or alley ways within an area bounded by Pearl Street on the east, Beacon Avenue on the south, Shawano Street on the west, and Waupaca Street on the north.
- (3) No person shall operate any skateboard in any City-owned parking lot or in Loss Park, Old City Hall Square Park, Taft Park or Mini Park.

9.30 UNIFORM CITATION METHOD ADOPTED (Cr. Ord. #780; Rep. & Readopted Ord. #795).

(1) CREATION. Pursuant to §66.119, Wis. Stats., the City hereby elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.

(2) CITATION. The citation shall contain the following:

- (a) The name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance or the municipal code violated.

- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
 - (f) The time at which the alleged violator may appear in court.
 - (g) A statement which, in essence, informs the alleged violator, as follows:
 - 1. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.
 - 2. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.
 - 3. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to forfeiture and a penalty assessment imposed by §165.87, WI. STATS., a jail assessment imposed by §53.46, WI. STATS., and an automation fee imposed by §814.635, WI. STATS., not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons shall be issued demanding him to appear in court to answer the complaint.
 - 4. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the penalty assessment, the jail assessment and the automation fee.
 - (h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (g) above has been read. Such statement shall be sent or brought with the cash deposit.
 - (i) Such other information as the Council deems necessary.
- (3) DEPOSITS. (a) Each citation issued under this section, except those to which par. (d) below applies, shall specify a cash deposit as set forth in sec. 25.04 of this Code, which consists of the appropriate forfeiture, a penalty assessment, a jail assessment, an automation fee and court costs.
- (b) Deposits shall be made in cash, money order or check to the County Clerk of Courts, who shall provide a receipt therefor.

- (c) The penalty assessment imposed by §165.87, WI. STATS., the jail assessment imposed by §53.46, WI. STATS., and the automation fee imposed by §814.635, WI. STATS., shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which State law controls or for ordinances involving non-moving traffic violations. Said assessments shall be in an amount determined after deducting the court costs.
 - (d) The deposit, including costs, pertaining to a minor receiving a citation under this section shall in no event exceed the maximum penalties provided in Ch. 48, WI. STATS., plus the penalty assessment imposed by §165.87, WI. STATS., the jail assessment imposed by §53.46, WI. STATS., and the automation fee imposed by §814.635, WI. STATS., except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.
- (4) DEPOSIT SCHEDULE. Every police officer issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the City Bond Schedule and the Wisconsin Judicial Council Bond Schedule, which are hereby adopted by reference.
- (5) ISSUANCE OF CITATION. Any law enforcement officer may issue citations authorized under this section.
- (6) NON-EXCLUSIVITY. (a) Other Ordinances. Adoption of this section does not preclude the Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- (b) Other Remedies. The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

9.35 PENALTIES (Renum. Ord. #729; Renum. Ord. #780; Am. Ord. #816). Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code, except that any person who shall violate sec. 9.162 of this Chapter shall be subject to a penalty of \$20, which shall increase to \$25 if not paid after 5 days and to \$30 if not paid after 10 days from the date of the issuance of a citation for such violation. In addition to any penalty imposed for violation of §943.14, WI. STATS., as adopted by reference in Sec. 9.01 of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates said section may also be held liable for the cost of replacing or repairing such damage or destroyed property in accordance with §895.035, WI. STATS.

- 9.36 PROHIBITION OF TRUANCY: (Ord Cr. #1001) (1) A child is prohibited from being truant.
- (2) DEFINITIONS: For purposes of this section.
- (a) "Truant" shall mean a pupil who is absent from school without an acceptable excuse under Sec. 118.15 and 118.16(4), WIS Stats., for part or all of any day on which school is held during a school semester.
- (3) PENALTY: Upon finding that a child is a truant, the court shall enter an order making one or more of the following dispositions:
- (a) An order for the person to attend school.
- (b) Forfeiture of not more than \$50 plus costs for the first violation, or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Sec. 938.37 WIS STATS., and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during the 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.

9.37 SYNTHETIC DRUGS (Cr. Ord. #1242)

POSSESSION, USE AND SALE ARE ILLEGAL. It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publicly display or sale or attempt to sell, give, or barter any one or more of the following chemicals whether under the common street or trade names of “Spice”, “K2”, “Genie”, “Yucatan Fire”, “fake” or “new” marijuana or by any other name, label or description.

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

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

C. 1-Pentyl-3-(1-naphthoyl) indole-some trade or other names: JWH-018/spice.

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

E. 1-(3(triflouromethylphenyl) piperazine-some trade or other names: TFMPP;

F. or any similar structural analogs.

MEDICAL OR DENTAL USE ALLOWED. Acts otherwise prohibited under Section 9.37 shall not be unlawful if done by or under the direction of a licensed physician, dentist or other medical professional authorized to direct or prescribe such acts, provided that such use is permitted under State and Federal laws.

PENALTIES. Any adult person violating this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, exclusive of costs.

9.40 (1) MUNICIPAL COURT CREATED (Ord. #1125)

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Municipal Court to be designated "Municipal Court for the City of New London", said court to become operative and function on January 1, 2005.

(2) MUNICIPAL JUDGE

- a) *Qualifications:* There is hereby created the office of Municipal Judge of the Municipal Court of the City of New London. The Municipal Judge shall be a resident of the City.
- b) *Oath and Bond:* The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$5,000. The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c) Wis. Stats., and the requirements of §755.03(2) have been complied with.
- c) *Salary.* The salary of the Municipal Judge shall be fixed by the Common Council which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to §66.0301 Wis. Stats.

(3) ELECTIONS (Amend Ord. #1217)

Term: The Municipal Judge shall be elected at large in the Spring Election in even years for a term of four years commencing on May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10, WI Stats., and selection at a primary election if such is held as provided in §8.11, WI Stats. The State Elections Board shall serve as filing officer for the candidates.

(4) JURISDICTION

- a) The Municipal Court shall have jurisdiction over incidents occurring on or after January 1, 2005 as provided in Article VII, §14 of the Wisconsin Constitution, §§755.045 and 755.05, Wis. Stats., and as other provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the City of New London seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

- b) The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under *§755.045(2)*, *§66.0119*, Wis. Stats.
- c) The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of *§938.17(2)(cm)*, Wis. Stats.

(5) MUNICIPAL COURT

- a) *Hours:* The Municipal court shall be open at such location and at such times as determined by the Common Council and the Municipal Judge.
- b) *Employees:* The Judge shall, in writing, appoint such clerk and deputy clerk as are authorized and funded by the Common Council of the City of New London.

(6) COLLECTION OF FORFEITURES AND COSTS

The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the City of New London. All forfeitures, fees, assessments, surcharges and costs shall be paid to the Treasurer of the City of New London within 7 days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

(7) CONTEMPT OF COURT

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under *§800.12* Wis. Stats. and may impose a forfeiture therefore not to exceed fifty dollars (*\$50*) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days

9.41 ANIMALS AT PUBLIC EVENTS PROHIBITED (Cr. Ord. #1236; Amd. Ord. 1282)

- (a) Animals are prohibited on public property located within the City of New London at any event open to the public, except by written permission from the event permit holder for special activities in accordance with the event.
- (b) Exemptions to the enforcement of this chapter are dogs specially trained to lead blind or deaf persons to provide support for mobility-impaired persons, or animals to assist with emergency personnel.
- (c) "Animal" means any live, vertebrate creature, domestic or wild.

9.42 JOINT MUNICIPAL COURT CREATED (Cr. Ord. #1251; Amended Ord. #13)

1. Joint Municipal Court Created. Pursuant to Chapter 755 Wisconsin Statutes, there is hereby created and established a Joint Municipal Court designated the "New London – Weyauwega Joint Municipal Court" (hereinafter a.k.a. "Joint Municipal Court") for the City of New London and the City of Weyauwega (hereinafter a.k.a. Member Municipalities) presided over by a Municipal Judge.
2. Creation of Municipal Court Committee. The purpose of said Municipal Court Committee (hereinafter a.k.a. Committee) shall be to facilitate the orderly administration and communication between the Municipal Judge and the governing bodies of the Member Municipalities.
3. Creation of the Position of Municipal Judge. Pursuant to Chapter 755, Wisconsin Statutes, the office of Municipal Judge is hereby created.
 - A. Qualifications: The Joint Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge who resides in one of the Member Municipalities.
 - B. Bond and Oath: The Municipal Judge shall, after election or appointment to fill a vacancy, take and file the Official Oath as prescribed in Section 757.02, Wis. Stats., pursuant to Section 755.03 Wisconsin Statutes, with the Clerk of Circuit Court for Waupaca County, and at the same time shall execute and file an official bond. The Municipal Judge shall not act until the oath and bond have been filed as required by Section 19.01(4)(c) Wis. Stats, and the requirements of Section 755.03 have been complied with.
 - C. Salary: The initial salary of the Municipal Judge shall be the salary in effect at the time of the adoption of this Ordinance.
4. Election and Term of Municipal Judge. (Amended Ord#1349)
 - A. Term: The Municipal Judge shall be elected at large in the Spring Election for a four(4) year term, commencing on May 1st succeeding his or her election. All candidates seeking to be elected for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats If a Municipal Judge is elected under s. 755.01 (4), the County Clerk of the county having the largest portion of the population in the jurisdiction served by the judge shall be designated as the filing officer for the candidates.
 - B. Electors: Electors of the Member Municipalities shall be eligible to vote for the Municipal Judge of the Joint Municipal Court.

5. Creation of the Position of Clerk and Deputy Clerk of the Municipal Court.
Pursuant to Chapter 755.10, Wisconsin Statutes, the Office of the Clerk of the Joint Municipal Court is hereby created.

- A. Employees: The Judge shall, in writing appoint the Clerk and Deputy Clerk of the Joint Municipal Court.
- B. Salaries: Training and compensation of said Clerk(s) shall be as determined by the governing body of the City of New London. The initial salaries shall be the salaries that are in effect at the time of the adoption of this ordinance. The salaries of said Clerks shall be paid by the City of New London.
- C. Bond and Oath: The Clerk of Municipal Court and/or Deputy Clerk shall, before entering upon the duties of the office, take and file the official oath as prescribed in Section 19.01 Wis. Stats., with the City Clerk of the City of New London and at the same time, shall execute and file an official bond. The New London City Clerk will provide file copies to the municipal Clerk of the City of Weyauwega.

6. Jurisdiction of Joint Municipal Court and Judge.

- A. The Joint Municipal Court shall have jurisdiction over incidents as provided in Article VII, §14 of the Wisconsin Constitution, §755.045 and 755.05, Wis. Stats., and as other provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the member municipalities who seek to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- B. The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Joint Municipal Court under §755.045(2), §66.0119, Wis. Stats.
- C. The Joint Municipal Court has jurisdiction over juvenile offenders when a member municipality enacts an ordinance under the authority of §938.17(2) (cm), Wis. Stats.
- D. The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the member municipalities.

7. Procedures of Joint Municipal Court.

- A. The Joint Municipal Court shall be located in the City of New London.
- B. The procedure in Joint Municipal Court shall be provided by the Wisconsin State Statutes and Wisconsin Supreme Court Rules.

JOINT MUNICIPAL COURT CREATED 9.42

- C. The Clerk of the Joint Municipal Court shall make a weekly deposit of all forfeitures, fees, penalties, assessments and costs collected in any action or proceeding before the Joint Municipal Court. The weekly deposits will be given to the Clerk Treasures Office of the City of New London. These deposits will be made to a designated bank account as determined by the Common Council of the City of New London. The City of New London shall be entitled to retain all court costs. The City of New London shall retain all court costs associated with citations issued within the City of New London by the City of New London Police Department. The Joint Municipal Clerk shall, on a quarterly basis, pay to the City of Weyauwega all forfeitures due for citations written in the City of Weyauwega."
8. Contempt in Joint Municipal Court. The Municipal Judge may impose a sanction as authorized under Section 800.12(2) Wis. Stats., for Contempt of Court as defined in Section 785.01(1), Wis. Stats., in accordance with the procedures under Section 785.03, Wis. Stats.
9. Termination. Either member municipality may terminate its participation in the Joint Municipal court by giving notice in writing to the Judge no later than August 31st of any year. Upon given such notice, the Member Municipality's participation in the municipal court shall then terminate at the end of the following calendar year.

SECTION 2. All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance shall be and are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force and effect from and after its passage by both municipalities and publication as required by law.

SECTION 4. The Joint Municipal Court shall commence operation on the first of the month following the adoption and publication of this ordinance by both municipalities pursuant to Section 4 of this Ordinance.

9.43 **CARRYING OF WEAPONS AND FIREARMS IN CERTAIN CITY BUILDINGS (Cr. Ord. #1263)**

(a) Definitions

- (1) *Firearm* means a weapon that acts by force of gunpowder.
- (2) *Law Enforcement* means any person employed by the State of Wisconsin or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.
- (3) *Weapon* means a handgun, an electronic weapon as defined at Wis. Stats. § 941.24, or a billy club.

(b) In addition to the provisions of Wis. Stats. § 175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer to enter the following city municipal buildings while carrying a weapon or a firearm:

- (1) Municipal Building
- (2) Fire Station
- (3) Library
- (4) Washington Center: Community /Senior Center and Gym
- (5) Museum
- (6) Sewage Treatment Building
- (7) All City well/pump stations
- (8) Street Department Garage
- (9) Floral Hill Cemetery Building
- (10) New London Aquatics and Fitness Building
- (11) New London Utilities Building
- (12) Depot Building at Memorial Park
- (13) Chamber Building
- (14) Building located at 420 N. Shawano St.
- (15) All other buildings owned, leased or occupied and posted by the City of New London

(c) Signs meeting the requirements of Wis. Stats. § 943.13(2)(bm)¹ shall be posted in prominent places near all entrances of such buildings regarding such restrictions.

(d) Any person who enters or remains in any aforementioned City building contrary to such signage shall be considered a trespasser subject to penalty as prescribed under § 9.27 of this code.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall be effective on November 1, 2011.

9.44 **BULLYING AND HARASSMENT PROHIBITED [Creating Ord. #1294]**

(1) PURPOSE. The Council finds that bullying and harassment disrupt a safe environment in the city; interfere with one's ability to succeed or excel in a safe environment in the city and interfere with one's ability to participate in or benefit from programs, activities, worksites and opportunities offered to the community. The Council further finds that it is in the public interest to make sure every person is valued and respected regardless of perceived differences, and may live free from bullying, harassment and intimidation.

(2) Definitions. As used in this section, the following terms shall have the following meaning, unless the context clearly indicates that a different meaning is intended.

(a) Bullying: Bullying is a form of harassment and is defined as an intentional course of conduct which is reasonably likely to intimidate, emotionally abuse, slander, threaten or intimidate another person and which serves no legitimate purpose.

(b) Course of Conduct: "Course of Conduct" is defined as a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

(c) Harassment: "Harassment" is defined as any conduct; whether verbal, physical, or by any mode of communication; which:

- i. Is prohibited by section 947.01, 947.0125, or 947.013 of the Wisconsin Statutes; or
- ii. Is any intentional course of conduct which is likely to create an intimidating, hostile, or offensive environment, and which serves no legitimate purpose.

(3) Prohibition. It shall be unlawful for every person to engage in any bullying or harassment of a person or induce another person to engage in such bullying or harassment.

(4) Retaliation Prohibited. No person shall retaliate against any person who reports any conduct which is prohibited by this section.

(5) Constitutionally Protected Activity. This section shall not be construed to apply to any constitutionally protected activity or speech.

- (6) Parental Responsibility. It shall be unlawful for any custodial parent or guardian of any unemancipated person under eighteen (18) years of age to allow or permit such person to violate the provisions of subsection (3) above. The fact that prior to the present offense a parent, guardian or custodian was informed by a law enforcement officer of a separate violation of subsection (3) by the same minor occurring within ninety (90) days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation.
- (7) Penalties. Any person who shall violate any provision of this section shall be subject to a penalty as provided in Chapter 25.04 of the New London Ordinances.

9.45 **FRAUDULENT TAPPING OF ELECTRIC WIRES OR WATER METERS OR GAS SERVICES**
[Creating Ord. No. 1315]

- (1) No person may, without permission and for the purpose of obtaining electrical current, gas or water with intent to defraud any vendor of electricity, gas or water, do any of the following:
- (a) Connect or cause to be connected by wire or any other device with the wire, cables or conductors of any such vendor;
 - (b) Connect or disconnect the meters, pipes or conduits of the vendor or in any other manner tamper or interfere with the meters, pipes or conduits, or connect with the meter, pipes or conduits by pipes, conduits or other instruments;
 - (c) Knowingly take, receive, use or convert to such person's own use, or the use of another, any electricity, water, or gas which has not been measured or authorized;
 - (d) Cut, remove or in any manner make ineffective any seal, locking band or lock on an electric, gas or water meter;
- (2) The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, is presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through the meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created the conditions. The presumption does not apply to any person furnished with gas, electricity or water for less than 31 days or until there has been at least one meter reading.
- (3) Penalties. Any person who shall violate any provision of this section shall be subject to a penalty as provided in Chapter 25.04 of the New London Ordinances.

9.46 **Unmanned Aerial Vehicles (a/k/a Drones) [Creating Ord. #1348]**

UNMANNED AERIAL VEHICLES (UAVS) OR UNMANNED AERIAL SYSTEMS
(UAS (A/K/A DRONES) USE AT SPECIAL EVENTS

- (1) SPECIAL EVENT DEFINED. For purposes of this subsection, Special Event shall have the same meaning as defined in the City of New London Special Event Policy.
- (2) PROHIBITED. It shall be unlawful for any person or entity to fly or operate a drone as defined in Wis. Stat. 175.55(1)(a), below an altitude of 400 feet within the designated boundaries of a special event during the scheduled time of the event. This subsection shall not apply to authorized public safety agencies or operators having obtained written approval from the Chief of Police, Director of Public Services, or from the Federal Aviation Administration.
 - (A) No person shall:
 - (1) Launch or land a drone outside of their visual line of sight.
 - (2) Launch, land or operate a drone within one-hundred (100) feet of any person except the operator and assistant operator.
 - (3) Launch, land or operate a drone within five hundred (500) feet of any festival, event, picnic, protest or public assembly of more than one-hundred (100) people.
 - (4) Launch, land or operate a drone in a manner so as to endanger the safety of any person or property.
 - (5) Launch, land or operate any drone within five hundred (500) feet of any emergency vehicle which is operating its emergency lights or siren. The same rule applies to any active police, fire or emergency response incident. It also applies to schools in session, school events and jails.
 - (B) All FAA and WI State Laws must be followed for UAV and UAS use in the City of New London.
 - (C) UVA or UAS operators operating a UVA or UAS at a special event will be required to obtain (unmanned) Aircraft Liability Insurance as specified in the City of New London Special Event Policy.
- (3) PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 9.35 of this Code.

9.46(1) **ESTABLISHING A CENTRAL GARBAGE, RECYCLING, AND COOKING OIL/GREASE COLLECTION SYSTEM FOR PORTIONS OF NORTH WATER STREET (Cr. Ord 1354)**

9.46(1) Establishing a Central Garbage, Recycling and Cooking Oil/Grease Collection System for Portions of North Water Street

- (1) Purpose. The Council finds that in order to promote the public health and welfare that it would be beneficial to establish a central garbage, recycling and cooking oil/grease collection system for portions of North Water Street.

Establishing a Central Garbage, Recycling and Cooking Oil/Grease
Collection System for Portions of North Water Street - 9.46(1)

- (2) The following area shall be subject to this Ordinance: The South side of North Water Street from Taft Park to Pearl Street.
- (3) Prohibition. Every residence and business located in the area described in paragraph (2) shall be required to dispose of their garbage, recycling, cooking oil and grease in the central receptacles. Individual trash, recycling and used oil and grease containers are prohibited in the area described in (2) above.
- (4) Penalties. Any person who shall violate any provision of this section shall be subject to a penalty as provided in Section 9.30 of the New London Municipal Code.

11/2018

9.47 SEXTING PROHIBITED [Cr. Ord. # 1360]

(1) Definitions

- a. "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not under any circumstance constitute "nudity," irrespective of whether or not the nipple is covered during or incidental to feeding.
- b. "Harmful to Minors" means any reproduction, imitation, characterization, description, exhibition, presentation or representation, of whatever kind of form, depicting nudity, sexual conduct, or sexual excitement when it:
 - i. Predominately appeals to prurient, shameful, or morbid interest;
 - ii. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
 - iii. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
- c. "Minor" means any person under the age of 18 years.

(2) A minor commits the offense of sexting if he or she knowingly:

- a. Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity, as defined above, and is harmful to minors, as defined above.
- b. Possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined above, and is harmful to minors, as defined above. A minor does not violate this paragraph if all of the following apply:
 - i. The minor did not solicit the photograph or video
 - ii. The minor took reasonable steps to report the photograph or video to a school or law enforcement official.
 - iii. The minor did not transmit or distribute the photograph or a video to a third party other than a law enforcement official.
- c. Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text, correspondence, or message of a sexual nature when it:

- i. Predominately appeals to a prurient, shameful, or morbid interest;
 - ii. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
 - iii. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
 - d. Solicits the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would itself be prohibited under this section 9.47 of the Municipal Code.
- (3) Any person who shall violate this section prohibiting “sexting” shall pay a forfeiture plus costs established in Ordinance 25.04 of the New London Municipal Code.

12/2018

9.48 TO PROHIBIT POSSESSION OF TOBACCO AND VAPOR PRODUCTS BY MINORS

(Cr. Ord. # 1361)

PURPOSE: The purpose of this Ordinance is to add Section 9.48, to prohibit Vaping by Minors

The purpose of this ordinance is to protect the public health, safety and welfare of the property and persons in the city by prohibiting persons under eighteen (18) years of age from possessing tobacco products and vapor products, and prohibiting the sale of tobacco products and vapor products to persons under eighteen (18) years of age.

- (1) Persons under age eighteen (18) are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. There are new tobacco-less products, however, commonly referred to as “electronic cigarettes,” “e-cigarettes,” “e-cigars,” “e-cigarillos,” “e-pipes,” “e-hookahs,” or “electronic nicotine delivery systems,” which allow the user to simulate cigarette smoking. These products may be purchased by minors and are being marketed without age restrictions or health warnings and come in different flavors that appeal to young people.
- (2) E-cigarettes, and similar devices, are a relatively new nicotine delivery system. While devices vary in their appearance and specific method of operation, they have a few basic elements in common. A solution of water, dissolved nicotine, and other ingredients (usually flavoring) is heated with a heating element (usually battery-powered). This vaporizes the nicotine solution, which passes into a mouthpiece and is inhaled in a manner similar to cigarette smoking. Often, glycerol or propylene glycol is added to the solution to give the appearance of smoke when the solution is vaporized. The concentration of nicotine contained in the solution can be customized by the retailer to the buyer’s specifications, and many manufacturers make nicotine-free solutions.
- (3) The production and distribution of e-cigarettes is not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration has not completed testing of these products. But, initial studies by the FDA have determined that e-cigarettes can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks.
- (4) The use of e-cigarettes and similar devices has increased significantly in recent years.

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- (5) Existing studies on electronic smoking devices' vapor emissions and cartridge contents have found a number of dangerous substances including:
 - Chemicals known to cause cancer such as formaldehyde, acetaldehyde, lead, nickel and chromium;
 - PM 2.5, acrolein, tin, toluene, and aluminum, which are associated with a range of negative health effects such as skin, eye, and respiratory irritation, neurological effects, damage to reproductive systems, and even premature death from heart attacks and stroke.
- (6) Some cartridges used by electronic smoking devices can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine.
- (7) Clinical studies about the safety and efficacy of these products have not been submitted to the FDA for the over four hundred (400) brands of electronic smoking devices that are on the market and for this reason, consumers have no way of knowing whether electronic smoking devices are safe, what types of potentially harmful chemicals the products contain, and what dose of nicotine the products deliver.
- (8) Electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.
- (9) The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverses the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.
- (10) It is the intent of the city council, in enacting the ordinance codified in this section, to provide for the public health, safety and welfare by facilitating uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; by reducing the potential for children to associate the use of electronic smoking devices with a normative or healthy lifestyle; and by prohibiting the sale or distribution of electronic smoking devices to minors.
- (11) Therefore, the City of New London Common Council determines that prohibiting the sale, giving, or furnishing of e-cigarettes to minors and prohibiting the purchase, possession, or use of e-cigarettes by minors is in the City's best interest and will promote public health, safety, and welfare.

(A) Definitions:

For the purpose of construction and application of this section, the following definitions shall apply:

Minor means an individual who is less than eighteen (18) years of age.

Person who sells tobacco products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to the state sales tax.

Person who sells vapor products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.

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Possession of a tobacco product shall mean either actual physical control of the tobacco product without necessarily owning that product, or the right to control the tobacco product even though it is in a different room or place than where the person is physically located.

Public place means a public street, sidewalk, or park or any area open to the general public in a publically owned or operated building or premises, or in a public place of business or school.

Educational Facility is any building or property owned by the school district used principally for education purposes or school related events in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

Tobacco product means a product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the Tobacco Products Tax Act, and cigars. Tobacco product does not include a vapor product or a product regulated as a drug or device by the United States Food and Drug Administration.

Use a tobacco product or vapor product means to smoke, chew, suck, inhale, or otherwise consume a tobacco product or vapor product.

Vapor product means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product.

Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

(B) Prohibited conduct

- (1) Consistent with Wis. Stat. 254.92, a minor shall not do any of the following:
 - (a) Purchase or attempt to purchase a tobacco product or vapor product.
 - (b) Possess or attempt to possess a tobacco product or vapor product.
 - (c) Use a tobacco product or vapor product in a public place.
 - (d) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.
- (2) No individual, regardless of age, who is enrolled in secondary school may possess or attempt to possess a tobacco product or vapor product while on school property.

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- (a) It shall be unlawful for any person to smoke in any educational facility or outside on the property of any educational facility between the facility and the public sidewalks
- (3) An individual who violates this ordinance shall be subject to the penalties listed in ordinance 25.04.
- (4) Subsection (1) does not apply to a minor participating in any of the following:
 - (a) An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
 - (b) An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product or vapor product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.
 - (c) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted with the prior approval of the state police or a local police agency.
- (5) Subsection (1) does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of that minor's employment.
- (6) This section does not prohibit an individual from being charged with, convicted of or found responsible for, or sentenced for any other violation of law that arises out of the violation of subsection (1).

(C.) Furnishing to minors.

Consistent with Wis. Stat. 134.66;

- (1) A person shall not sell, give or furnish any vapor product to a minor, including, but not limited to, through a vending machine. A person who violates this subsection or subsection (h) of this section is subject to a fine of not more than one hundred dollars (\$100.00) for each violation.
- (2) Subsection (1) of this section does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of the minor's employment.
- (3) Before selling, offering for sale, giving, or furnishing a vapor product to an individual, a person shall verify that the individual is at least eighteen (18) years of age by doing one (1) of the following:
 - (a) Examining a government-issued photographic identification that establishes that the individual is at least eighteen (18) years of age.

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(b) For sales made by the internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares Information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is eighteen (18) years of age or older.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

9.49 ALL-TERRAIN/UTILITY TERRAIN VEHICLE

(Cr. Ord. # 1392)

- (1) Purpose. The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the City of New London and to regulate the operation of all-terrain and utility terrain vehicles in the City of New London.
- (2) Authority. The City Council of the City of New London, Waupaca/Outagamie County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.
- (3) Definitions. For this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words “shall”, “will”, and “must” are always mandatory. The words “may” and “should” are discretionary terms. The masculine shall include the feminine. Terms not defined in this section, shall be interpreted based on common usage.
 - (a) All-Terrain Vehicle (ATV): means a commercially designed and manufactured motor driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires.
 - (b) City: means the City of New London, the City Council, Common Council, or any other City of New London official(s) or agent authorized by the City Council to act on behalf of the City of New London.

(c) Utility Terrain Vehicle (UTV): means any of the following:

(i) A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy mini-truck, or tracked vehicle, that is designed to be used primarily off a highway, and that has, and was originally manufactured with, all the following:

1. A weight, without fluids, of 2,000 pounds or less.
2. Four or more tires.
3. A steering wheel.
4. A tail lights.
5. A brake lights.
6. Two headlights.
7. A width of not more than 65 inches.
8. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
9. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

(ii) A commercially designed and manufactured motor driven device to which all of the following applies:

1. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
2. It has a width of 50 inches or less.
3. It is equipped with a seat designed to be straddled by the operator.
4. It travels on 3 or more tires.

(4) Designation of All-Terrain and Utility Terrain Vehicle Routes. Pursuant to s.23.33(4)(d)4., Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., no person may operate an all-terrain or utility terrain vehicle on any road, freeway, or highway in the City, except on those roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.

(a) All streets in the City of New London are open to ATVs/UTVs except the following: CTH S, CTH T/Mill St (south of Beckert Rd), N. Shawano St. (north of Partridge Dr.), HWY 45, STH 54/Fairview Dr.; N. Shawano St (from N. Water St to Partridge Dr. is point to point travel only).

(b) The route(s) does not include public properties, City-owned parks, School District property, etc. except for those with designated parking areas where motorized vehicles normally park. ATV/UTV operators must receive permission from the New London School District to utilize parking lots on school district properties.

- (c) The routes do not include private roads or driveways nor any private property in the City. The City or Chief of Police shall retain the right to close any City street to ATV/UTV operation for special events or street construction/repair without notice.
- (5) Route Restrictions. Pursuant to s. 23.33(8)(d), Wis. Stats, the following restrictions are placed on the use of the City all-terrain and utility terrain vehicle routes designated by this ordinance. Routes shall be marked with uniform all-terrain and utility terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following regarding signs marking City ATV/UTV routes unless authorized to do so.
 - (a) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.
 - (b) Possess any uniform ATV/UTV route or trail sign or standard of the type established by the City for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- (6) Maintenance of All-Terrain and Utility Terrain Vehicle Routes.
 - (a) Designation of segments of the City road system as ATV/UTV routes does not impose upon the City a greater duty of care or responsibility for maintenance of those segments than for any other segment of City road.
 - (b) Operators of ATV/UTVs on City roads assume all the usual and normal risks of ATV/UTV operation.
 - (c) The City accepts no liability for the operation of ATVs/UTVs on any city streets under the provisions of this ordinance.
- (7) Operation of All-Terrain and Utility Vehicles.
 - (a) Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.
 - (b) Operation of ATV/UTV's on city streets will not be legal until official signage is installed designating ATV/UTV routes within the New London municipal boundaries.

- (c) Operators must abide by all traffic laws unless further restricted by this Ordinance.
- (d) Operators will be held to the same enforcement, expectations, permissions, penalties, restrictions, in addition to all other standards adopted by Wisconsin Statutes., which apply to the offense of driving a motorized vehicle under the influence of alcohol, drugs, and/or other chemical agents which impair an operator's safe use of a motorized vehicle, including but not limited to s. 346.63, Wis. Stats., Operating under influence of intoxicant or other drugs.
- (e) The speed limit for ATVs and UTVs shall be established at not greater than 35 (thirty- five) miles per hour or the speed limit for automobiles, whichever is lower, on all segments of City roads designated as ATV/UTV route.
- (f) ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
- (g) All ATV/UTV operators shall ride single file.
- (h) No ATV/UTV may be operated on any designated route(s) without fully functional Headlights (turned on), tail-lights, and brake lights.
- (i) No ATV/UTV may be operated on any designated route(s) between the hours of 10:00 p.m. and 6:00 a.m. daily, unless a different restriction on hours of operation has been specified by the City and notice of the same is duly posted on the segment. Routes will be closed from December 15th -April 1st. ATVs/UTVs but may still be used for plowing snow.
- (j) All ATV/UTV operators shall ride on the right-hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.
- (k) No ATV/UTV may be operated on any designated ATV/UTV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.
- (l) No person under the age of sixteen (16) may operate an ATV/UTV on any segment of City road which is a designated ATV/UTV route unless accompanied by an adult.
- (m) No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.

- (n) No person may operate an ATV/UTV with a passenger if the vehicle is not intended for a passenger. 23.33 (3) (em) With Except as provided in sub. (11m), with a passenger riding in or on any part of a an all-terrain vehicle or utility terrain vehicle that is not designed or intended to be used by passengers while the all-terrain vehicle or utility terrain vehicle is being operated on an all-terrain vehicle route, all-terrain vehicle trail, or roadway as authorized in this section.

(8) Licensing, Insurance, and Registration.

- (a) *Driver's License.* Every person who operates an ATV/UTV on a segment of City road which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in s. 23.33(12), Wis. Stats.

Reference s. 23.33(12), Wis. Stats. regarding All-terrain vehicles and utility terrain vehicles, Enforcement.

Reference s. 346.04, Wis. Stats. regarding Obedience to traffic officers, signs /signals; fleeing from officer.

- (b) *Insurance.* Every person who operates an ATV/UTV on a segment of City road which is designated as an ATV/UTV route, and/or every ATV/UTV operated on a segment of City road which is designated as an ATV/UTV route, shall carry liability, and/or other insurances consistent with Wisconsin state law for the operation of a motorized vehicle.

Reference s. 344.62, Wis. Stats. regarding Motor vehicle liability insurance required.

(9) Disturbing of the Peace, and Nuisance activities

- (a) *Cruising prohibited.* No person shall, while operating an ATV or UTV, engage in the practice of cruising on any authorized road. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their residence, or place of lodging, or departing or arriving, at a public boat landing. ATV/UTV travel should be limited to going from point A to point B in a direct route.

- (b) *Exhaust system/Muffler modifications prohibited.* No person shall operate on a City route any ATV/UTV unless such ATV/UTV is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke.

Reference s. 347.39(1) Wis. Stats.

- (c) Radios or the electric sound amplification devices: No person may operate or park, stop or leave standing an ATV/UTV vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.

Reference s. 346.94(16), Wis. Stats.

- (d) Use of trailers or sleds prohibited. No person shall operate an ATV /UTV upon any street within the city with any person, trailer or sled attached or trailing said vehicle, unless it is designed for such activities. Anyone operating such conveyance in an unsafe or reckless manner shall be deemed in violation of this section.

(10) Enforcement

- (a) This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin. A copy of this ordinance shall be sent by the City Clerk, to the New London Police Department, the Waupaca and Outagamie County Sheriff's Department, and the Department of Natural Resources, and any other law enforcement agency serving the City of New London's jurisdiction.
- (b) As a substitute for or in addition to forfeiture actions, the City attorney may, on behalf of the City, seek enforcement of any and all parts of this ordinance by court actions seeking injunction orders or restraining orders and/or pursuing nuisance actions against the violator.

Reference s. 23.33(12), Wis. Stats. regarding All-terrain vehicles and utility terrain vehicles, Enforcement.

Reference s. 346.04, Wis. Stats. regarding Obedience to traffic officers, signs/signals; fleeing from officer.

- (11) Penalties. The penalties under s. 23.33(13)(a), Wis. Stats. are adopted by reference. Any person who shall violate this section shall pay a forfeiture plus costs established in Ordinance 25.04 of the New London Municipal Code.
- (12) Severability. Should any portion of this ordinance be declared unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.