

CHAPTER 10

ORDERLY CONDUCT

SECTION	NAME	PAGE
10.0	Offenses against State Law.	2
10.01	Discharging and Carrying Firearms and Guns Prohibited.	3
10.02	Throwing or Shooting of Arrows, Stones and Other Missiles Prohibited.	3
10.03	Disorderly Conduct Prohibited.	4
10.04	Obedience to Officers.	4
10.05	Prostitution Prohibited.	4
10.06	Disorderly Conduct with Motor Vehicle	4
10.07	Loitering Prohibited.	4
10.08	Indecent Conduct and Language Prohibited.	5
10.09	Destruction of Property Prohibited.	6
10.10	City Parks, Use of	6
10.11	Unauthorized Presence on School Property Prohibited.	7
10.12	Civil & Traffic Ordinance Violations by Juveniles.	7
10.13	Habitual Truancy	10
10.14	Deposit of Refuse or Garbage in Private or Public Dumpster	11
10.15	Restricting the use of Cigarettes and Tobacco Products	11
10.16	Curfew	13
10.17	Repealed	14
10.18	Regulation of Marina and Pier Facilities	14
10.19	Launching and Loading of Watercraft	16
10.20	False Alarms	17
10.25	Penalties.	17

10.0 OFFENSE AGAINST STATE LAW.

The following State Statutes are hereby adopted and incorporated, as if fully set forth, by reference:

- (1) 159.81 Littering
- (2) 161.41(3r) Possession of Marijuana – State Statute #964.41(3g)
 - (a) State Statute #961.573(1) Possession of drug paraphernalia.
 - (i) State Statute #961.573(2) Possession of drug paraphernalia by a person under the age of 17 years.
 - (b) State Statute #961.574(1) Manufacture or delivery of drug paraphernalia.
 - (i) State Statute #961.574(2) Manufacture of delivery of drug paraphernalia by a person under 17 years.
 - (c) State Statute #961.575(1) Delivery of drug paraphernalia to a minor.
 - (i) State Statute #961.575(2) Delivery of drug paraphernalia to a minor by a person under 17 years.
 - (d) State Statute #961.576 Advertisement of drug paraphernalia.
- (3) 167.10 Fireworks Regulated
- (4) 940.19 (1) Battery
- (5) 941.13 False Alarm
- (6) 941.20 Endangering Safety by use of Dangerous Weapon
- (7) 941.23 Carrying a Concealed Weapon
- (8) 941.37 Obstructing Emergency or Rescue Personnel
- (9) 943.01 (1) Criminal Damage to Property
- (10) 943.13 Trespass to Land
- (11) 943.14 Criminal Trespass to Dwelling
- (12) 943.145 Criminal Trespass to Medical Facility
- (13) 943.15 Entry onto Construction Side or into Locked Building Dwelling or Room
- (14) 943.20 Theft
- (15) 943.21 Fraud as a Hotel or Restaurant Keeper
- (16) 943.215 Absconding without pay Rent
- (17) 943.24 Issue of Worthless Checks
- (18) 943.34 Receiving Stolen Property
- (19) 943.45 Obtaining Telecommunication Service by Fraud
- (20) 943.46 Theft of Cable Television Service
- (21) 943.47 Theft of Satellite Cable Programming
- (22) 943.50 Retail Theft
- (23) 943.55 Removal of Shopping Cart
- (24) 943.61 Theft of Library Material
- (25) 944.20 Lewd and Lascivious Behavior
- (26) 945.02 Gambling
- (27) 946.41 Resisting or Obstructing Officer
- (28) 946.42 Escape
- (29) 947.01 Disorderly Conduct
- (30) 947.012 Unlawful Use of Telephone
- (31) 947.013 Harassment
- (32) 948.045 Contributing to Truancy

10.01 DISCHARGING AND CARRYING FIREARMS AND GUNS PROHIBITED.

- (1) DEFINITION. A handgun, for purposes of this Ordinance is herein defined as any weapon designed or made or remade and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore. This definition includes a handgun that is operated by spring or air.
- (2) REGULATION OF HANDGUNS. It is hereby deemed unlawful for any individual to carry, transport or to bring any handgun as herein defined, upon any premises within which the sale and/or consumption of alcoholic beverages takes place or within any businesses establishment which is open to the public.
- (3) EXCEPTIONS.
 - (a) The following shall be exceptions to provisions of Section (b).
 1. This Ordinance shall not apply to any person who keeps or carries any handgun upon premises owned by said person or to any duly authorized employee of said person;
 2. This Ordinance shall not apply to peace officers, members of the Armed Forces or military personnel who go armed in the line of duty to be any person duly authorized by the Sheriff or Chief of Police to possess a firearm in any premises described in (b).
 3. This Ordinance is not meant to prohibit or hinder the sale, purchase or trade of such firearms as defined above by a retail business establishment doing so in the course of its regular business, nor hinder the prospective customer in his or her attempt to buy, sell or trade such firearms or devices to or from said retailer.
 - (b) No person, except a sheriff, constable, police officer or their deputies, shall fire or discharge any firearm, rifle, spring or air gun within the City or have any firearm, rifle, spring or air gun in his possession or under his control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container, provided the Chief of Police may grant a permit for such use to any adult resident of the City for not more than 30 days.

10.02 THROWING OR SHOOTING 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. The Chief of Police after inspection, may issue a permit for the shooting of arrows upon premises approve by him.

10.03 DISORDERLY CONDUCT PROHIBITED.

No person shall within the City of Algoma:

- (1) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.
- (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

10.04 OBEDIENCE TO OFFICERS.

No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the City while such officer is doing any act in his or her official capacity and with lawful authority, nor shall any person refuse to assist any officer in carrying out his or her duties when so requested by the officer.

10.05 PROSTITUTION PROHIBITED.

No person shall operate or be an inmate of a house of prostitution or engage in prostitution within the City.

10.06 DISORDERLY CONDUCT WITH MOTOR VEHICLE.

- (1) CONDUCT PROHIBITED. No person shall within the City of Algoma, by or through the use of any motor vehicle, including, but not limited to, an automobile, truck, motorcycle, mini bike, or snowmobile, cause or provoke disorderly conduct with a motor vehicle.
- (2) DEFINITION. Disorderly conduct with a motor vehicle shall mean engaging in violent, unreasonably loud or otherwise disorderly conduct, including, but not limited to, unnecessary, or deliberate or intentional spinning of wheels, squealing of tire, revving of engine, blowing the horn, causing engine to backfire, or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.

10.07 LOITERING PROHIBITED.

- (1) DEFINITION. "Loitering", as used in this section, shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, or waling about aimlessly, and shall also include the colloquial expression "hanging out".
- (2) LOITERING OR PROWLING. No person shall loiter in public in such time, place or manner as to:
 - (a) Create of cause to be created a danger of the breach of peace.

ORDERLY CONDUCT

(b) Cause 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:

1. The person takes flight upon appearance of a police or peace officer;
2. Refuses to identify himself or manifestly endeavors to conceal himself or any object.

(3) **REQUEST TO LEAVE.** Whenever the presence of any person in any public place is causing any of the conditions enumerated in Section (2), any police officer may order the person to leave that place or request him to identify himself and explain his presence and conduct.

Any person failing to leave or refusing to identify and explain his presence and conduct after being so ordered by a police officer, shall be guilty of a violation of this section.

No person shall be convicted of an offense under this section if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled there alarm.

(4) **OBSTRUCTION OF HIGHWAY BY LOITERING.** No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

(5) **OBSTRUCTION OF TRAFFIC BY LOITERING.** No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossing or bridges or in any other public places within the City in such manner as to prevent, interfere with or obstruct the ordinary free use of said public streets, sidewalks, street crossing and bridges or other public places by persons passing along and over the same.

(6) **LOITERING AFTER BEING REQUESTED TO MOVE.** No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move by any police officer or by any person in authority at such places.

(7) **LOITERING IN PUBLIC PLACES.** No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place or assembly or public use after being requested to move by any police officer. Upon being requested to move, a person must immediately comply with such request by leaving the premises or area thereof at the time of the request.

10.08 INDECENT CONDUCT AND LANGUAGE PROHIBITED.

No person shall use any indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the City.

10.09 DESTRUCTION OF PROPERTY PROHIBITED.

No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the City, or its departments or to any private person without the consent of the owner or proper authority.

10.10 CITY PARKS, USE OF

- (1) No person shall camp or maintain a campsite in any City park.
- (2) No person shall enter, be in or remain in any City park between 11 PM and sunrise the following morning.
- (3) The exception to (1) and (2) above shall be Olson Park and the Municipal Marina area where rules and regulations are established by the Marina Committee.
- (4) No person shall build or maintain any open or uncontained fire or burn any rubbish in a City park.
- (5) Pedestrian traffic only is allowed on the Crescent Beach Boardwalk, running from the south end of the City Chamber of Commerce building to the marina, and on the stairways leading from Lake Street to the Boardwalk. This section specifically prohibits the use on such boardwalk and stairways of bicycles, motorcycles, motor vehicles, roller-skates, in-line skates a/k/a roller-blades, motor bicycles, and skateboards. This section does not prohibit the use on such boardwalk and stairways of baby carriages and devices or equipment necessary to accommodate persons with disabilities.
- (6) Crescent Beach Boardwalk will be open 24 hours between April 1st and October 31st, and the lights will remain on during the hours of darkness during this period. Prior to April 1st and after October 31st of each year the Boardwalk will follow the regulations for other City Parks per Section 10.10 of the Municipal Code. The Common Council, upon recommendation of the parks and Recreation Board or Community Affairs Committee, can allow the Boardwalk to be lighted for special events and holidays outside the April 1st to October 31st period.
- (7) FEEDING OF BIRDS OR FOWL.
 - (a) The feeding of birds or fowl in City Parks as to create a public nuisance is hereby prohibited.
 - (b) The Recreation, Parks and Playground Committee shall cause such areas affected to be posted with a notice that such feeding of birds or fowl is prohibited.
 - (c) Any person found to be violating such posted notice may be proceeded against under Section 20.04 of this Municipal Code.

10.11 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.

- (1) PROHIBITED AUTHORIZATION. Presence within any school building or upon any school grounds is restricted to the following unless authorization to be present has been secured from the school principal or other person in charge of the school building or school grounds:
 - (a) Student presently enrolled to attend school under the jurisdiction of the School District of Algoma.
 - (b) Employee of the School District.
 - (c) Parent or guardian of a student enrolled.
- (2) PRESENCE PROHIBITED. No student who is under suspension, expulsion, exemption or other discipline excluding him from attending school may be present within any school building or upon any school grounds without proper authorization.
- (3) DEFINITION.
 - (a) Authorized Person. Includes any person who is present at any school building or school grounds for any purpose previously authorized by the School District of Algoma or its designee.
- (4) PROOF OF AUTHORIZATION. Any person shall, upon the request of the principal or other person in charge of any school building or school grounds, or police officer, display any written authorization to be present which he may have in his possession or otherwise explain his presence.
- (5) ENTRANCES TO BE POSTED. All entrances to the school building referred to in sub. (1) shall be posted with a notice stating "Entry into School Building by Unauthorized Persons Prohibited". All school grounds referred to in sub. (1) shall be posted with a notice stating "entry Upon School Grounds by Unauthorized Persons Prohibited".

10.12 CIVIL & TRAFFIC ORDINANCE VIOLATIONS BY JUVENILES.

Pursuant to Wisconsin Statutes 48.17, the City of Algoma Police Officers may issue citations in traffic violations to those juveniles sixteen (16) years of age or older for violations of any civil law violations adopted in Chapter 7 of the Traffic Code of the City of Algoma.

- (1) GENERAL ORDINANCE VIOLATIONS. Subject to the provisions and limitations of Section 48.17 (2) of the Wisconsin Statutes, the law enforcement officers of the City of Algoma shall have the power to issue a citation to a child twelve (12) years of age or older when that said child is alleged to have violated a Civil Law or Ordinance.

- (2) The Law Enforcement Officer shall have the following powers:
- (a) To issue a citation directing the child to appear in the Circuit Court of Kewaunee County, Juvenile Court Branch at a certain time and date or shall make a deposit or stipulation and deposit in lieu of the parents as provided in Wisconsin Statutes 48.237;
 - (b) The child shall be referred to Intake for a determination whether a petition shall be filed in the Circuit Court of Kewaunee County, Juvenile Court Division pursuant to Wisconsin Statutes 48.125.
- (3) **PROCEDURE.** The issuing of citations to a juvenile pursuant to this section shall be made pursuant to Wisconsin Statutes 48.237 shall apply to the Circuit Court of Kewaunee County, Juvenile Court Branch.
- (a) The citation forms under Wisconsin Statutes 23.54, 66.119, 778.25, or 800.02 may be used to commence an action in the Juvenile Court.
 - (b) The procedures set forth in the above mentioned Chapters will govern the issuance and filing of the citation against said juvenile, along with the provisions for forfeitures, and stipulations and deposits.
 - (c) If a child to whom a citation has been issued does not submit a deposit or a stipulation and deposit, the child shall appear in the Kewaunee County Circuit Court, Juvenile Branch at a time and date certain pursuant to this Chapter for a plea hearing under Wisconsin Statutes 48.30 at the date, time and place for the Court appearance specified on the citation.
 - (d) When law enforcement officers of the City of Algoma issue the subject citations to juveniles pursuant to the Section, they shall note that the juvenile's case is returnable to Juvenile Court and not Circuit Court.
 - (e) Pursuant to this Section, if a child is issued a citation for an ordinance violation returnable to the Kewaunee County Circuit Court, Juvenile Division, the arresting officer must within seven (7) days of the issuance of the citation notify the juveniles parents or legal guardian of the existence and return date of said citation as best as practicable.
- (4) **PENALTY.** The penalty imposed by the Circuit Court of Kewaunee County Juvenile Division, shall be pursuant to Wisconsin Statutes 48.17 and commensurate with any penalty provision for any ordinance found in the Code of Ordinances for the City of Algoma.
- (5) **SPECIAL PROVISIONS JUVENILE ALCOHOL CONSUMPTION POSSESSION.** The provisions of Section 125 of the Wisconsin Statutes, as created are hereby acknowledged for the purposes of this Chapter which relate to juvenile alcohol related offenses. Sections are the following:

ORDERLY CONDUCT

- (a) Violations of Wisconsin Statutes, Section 125 relating to a person under the age of Eighteen (18) entering or remaining on the premises for which a Class B Liquor License is issued.
 - (b) Wisconsin Statutes 125, a minor not accompanied by a parent or guardian or adult spouse may not possess fermented malt beverages.
 - (c) Wisconsin Statutes 125, no person may falsely represent that he or she is twenty-one (21) years of age or older for the purposes of asking for or receiving fermented malt beverages.
 - (d) Wisconsin Statutes 125, no person may possess or consume a fermented malt beverage on (1) School premises, (2) in a motor vehicle, if the pupil attending the school is in the motor vehicle, or (3) while participating in a school sponsored activity.
 - (e) Section 48.34 (4) shall govern the disposition of cases referred to the Court under either Sections 125, 176.29, 176.30, 176.31, 176.32 (1) or a local ordinance which strictly conforms to these Statutes and contained in the City of Algoma body of ordinances.
- (6) DISPOSITION. Pursuant to Wis. Stats. 48.343 if the Kewaunee County Circuit Court, Juvenile Branch finds that a child violated a Civil Law or Ordinance, it shall enter an order making one or more of the following dispositions:
- (a) Counsel the child, parent or guardian.
 - (b) Impose a forfeiture not to exceed the amount of Twenty-five (\$25.00) Dollars. Any such order shall include a finding that the child alone is financially able to pay, and shall allow up to Twelve (12) months for said payment.
 - (c) Order the child to participate in a supervised work program.
 - (d) Order the child to make repairs or pay restitution for any property damage an incident to the citation.
 - (e) If the citation is related to the unsafe use of a boat, order the child to attend a safety course under Wis. Statutes 30.74(1).
 - (f) If the violation is of Chapter 29 suspension of license or licenses of the child issued under that Chapter for not more than one (1) year, or until the child is eighteen (18) years of age, which ever occurs first.
 - (g) If the violation is related to the unsafe use of firearms the Court shall order the child to attend a safety course under Wis. Statutes 29.225.
 - (h) If the violation is under Chapter 350 or a similar Ordinance concerning the use of snowmobile, order the child to attend a safety course pursuant to Wis. Statutes 350.005.
- (7) NON-PAYMENT OF FORFEITURE. If the child fails to pay the forfeiture as ordered by the Court, the Court may:

ORDERLY CONDUCT

- (a) Suspend any license issued under Chapter 29 or suspend the Child's operating privileges for not less than thirty (30) days but not more than ninety (90) days.
- (b) The Court shall immediately take possession of the license and forwarded it to the Department which issued the license.

10.13 HABITUAL TRUANCY.

- 1. PROHIBITION OF TRUANCY: A child is prohibited from being truant.
 - a. Simple Truancy
 - b. Habitual Truancy
- 2. DEFINITIONS: For the purposes of these Sections:
 - a. "Truant" means a pupil who is absent from school without an acceptable excuse under WIS. STATS. 118.15 and WIS. STATS. 118.16(4) for part of or all day on which school is being held during a school semester. This definition shall have the meaning defined in WIS. STATS. 118.163(1), as is may be amended from time to time.
 - b. "Habitual Truancy" means a pupil who is absent from school without an acceptable excuse under WIS. STATS. 118.16, Subsection (4) and WIS. STATS. 188.15 for part or all of five (5) or more days on which school is held during a school semester. This definition shall have the meaning defined in WIS. STATS. 118.16(1), as is may be amended from time to time.
 - c. "Acceptable Excuse" shall mean an excuse as defined in WIS. STATS. Sections 118.15 and 118.16(4).
 - d. "Contributing to Truancy" shall mean any act or failure to act by one 18 years of age or older who, knowingly encourages or contributes to the child's truancy and shall be subject to the penalties as set forth below.
- 3. PENALTY: Upon finding that a child is simple truant or habitual truant, the court shall enter an order making one or more of the following dispositions:
 - a. Upon finding a violation of Sub Section (1), the court shall impose one or more of the dispositions available under WIS. STATS. 118.163 (2), as it may be amended from time to time.
 - b. Upon conviction for violations of Sub Section (1)(a) or (1)(b), the court shall impose a forfeiture of not more than \$500.00 or imprisonment for not more than 30 days or both, together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the county jail until said forfeiture is paid, but not to exceed thirty (30) days.
 - 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 a parent or guardian accompanies the child.

ORDERLY CONDUCT

- d. Order the child to attend an educational program under Section 48.34(12) of the WIS. STATS.

4. ENFORCEMENT:

- a. Enforcement shall be by citation.

10.14 ILLEGAL DUMPING REFUSE OR GARBAGE IN PRIVATE OR PUBLIC DUMPSTER.

(1) Deposit of Refuse or Garbage in Private or Public Dumpster

It shall be unlawful to place, deposit, leave or dump any trash, ashes, broken articles, garbage, junk, refuse or waste material of any kind into any dumpster located in the City except:

- a) Where the dumpster is privately owned or owner consents, or
- b) Where reasonable excuse or justification exists.

(2) City Recycling Site:

- a) It is unlawful to place, leave behind, or otherwise dump anything but scrap metal, concrete and yard waste at the City recycling site. The said items are to be placed in the proper location at the site.

- 1) The registered owner of any vehicle involved will be responsible for any violations.
- 2) Any person violating this section will be responsible for costs associated with proper disposal of the materials.

- b) City recycling site is defined as an area behind 1520 Jefferson Street, Algoma, WI.

(3) Definitions

- a) Illegal dumping is defined as the act of illegally placing any material on any location other than the appropriate place of disposal whether the location is public or private.
- b) Scrap metal as defined in WIS. STATS. 134.405(1)(g) means a metal article; metal removed from or obtained by cutting, demolishing or disassembling a building, structure or manufactured item; or other metal that is no longer used for its original intended purpose and that can be processed for reuse in a mill, foundry or other manufacturing facility.

10.15 RESTRICTING THE USE OF CIGARETTES AND TOBACCO PRODUCTS.

(1) DEFINITIONS.

- (a) Cigarette: Any roll of tobacco wrapped in paper or any substance other than tobacco.

ORDERLY CONDUCT

- (b) Tobacco Products: Cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco, snuff, snuff flour, and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings, and swiping of tobacco, and other forms or kinds of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.
- (2) RESTRICTIONS ON SALE OR GIFT OF CIGARETTE OR TOBACCO PRODUCTS. Section 134.66, Wis. Statutes, as amended from time to time, is hereby adopted by reference as though it were fully set herein.
 - (3) USE OF CIGARETTE AND TOBACCO PRODUCTS BY CHILDREN PROHIBITED. Section 48.983, Wisconsin Statutes, as amended from time to time, is hereby adopted by reference as though fully set forth herein.
 - (4) POSSESSION OR USE OF CIGARETTES AND TOBACCO PRODUCTS IN SCHOOL BUILDINGS, ON SCHOOL GROUNDS AND AT SCHOOL FUNCTIONS. No student may possess, smoke, light, ingest, or chew, inhale or otherwise use any cigarette, tobacco product or smoke from a cigarette or tobacco product at any time inside any building owned, leased or used by a public school in the City.
 - (5) NO USE AT SCHOOL ACTIVITIES. No student, school district employee, parent or guardian may possess, smoke, light, ingest chew, inhale or otherwise use any cigarette or tobacco products or smoke from cigarette or tobacco project while attending a function, event or trip sponsored, endorsed or supervised by the Public School in the City.
 - (6) ADOPTION OF STATEWIDE SMOKING BAN
 - a) The provisions of Subsections 101.123(1), (2), (2m), (3), (6) and (9) of the Wisconsin Statutes, and all acts amendatory thereof, are adopted by reference in this Section as if fully set forth herein.
 - b) In addition to the definition of “enclosed indoor area” set forth in Section 101.123, Wis. Stats., for the purposes of this ordinance an enclosed place shall be any enclosed indoor area or any space within a building that is open to the public.
 - c) The person in charge of a restaurant, tavern, private club, or retail establishment located in an area subject to this Section may designate an outside area that is a reasonable distance from any entrance where smoking is permitted.
 - d) Additional prohibitions.
 - a. Public buildings. No person shall smoke in any city-owned or leased public building or within 25 feet of a main entrance thereof.
 - b. It shall be unlawful for any person to remove, deface or destroy any legally required “No Smoking” sign.

e) Penalties.

- a. Any person who violates the provisions of Subsection 101.123(2), Wis. Stats., as incorporated herein in Sec.10.15 (6) shall be subject to forfeiture as provided in the Municipal Code.

(7) No Smoking – Perry Field. There shall be no smoking permitted within the Perry Field Complex at any time.

(8) PENALTY. Except as otherwise provided in this Chapter, any person who violates any provision of this Chapter shall be subject to a penalty as provided in the Municipal Code.

10.16 CURFEW.

(1) HOURS.

(a) SPECIFIED. No person under the age of 18 shall loiter, idle or remain upon any street, alley or other public place in the City between 11 p.m. and 5 a.m. the next day unless such person is accompanied by his parent, guardian or other adult person having legal custody of such person. This would include Sunday through Saturday.

(b) DEFINITIONS. As used in this section: Loitering means remaining idle in essentially one (1) location and shall include the concept of spending time idly; to be dilatory, to linger aimlessly; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression, “hanging around”.

(c) EXCEPTIONS:

1. This section shall not apply to a child:

- a. Who is performing an errand as directed by his parent, guardian or person having lawful custody,
- b. Who is performing an errand of urgent necessity,
- c. Who is on his own premises or in the areas immediately adjacent thereto,
- d. Whose employment makes it necessary to be upon the streets, alleys, or public places or in any motor vehicle during such hours,
- e. Who is returning home from a supervised school, church or civic function, or going to or from places of business or amusements or private homes.

2. These exceptions shall not, however, permit a person to loiter unnecessarily about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

(2) PARENTAL VIOLATION. No parent, guardian or other person having legal custody of a person under the age of 18 years shall permit such person to loiter, idle or remain upon any street, alley or other public place in the City between 11 p.m. and 5 a.m. the next day, unless such person is accompanied by his parent, guardian or other adult person having legal custody of such person.

ORDERLY CONDUCT

- (3) **RESPONSIBILITY OF OPERATORS OF HOTELS, MOTELS AND ROOMING HOUSES.** No person operating a hotel, motel or lodging or rooming house within the City, or any agent, servant or employee or such person, shall permit any person under the age of 18 years, to visit, idle, wander or stroll in any portion of such hotel, motel or lodging or rooming house between 11 p.m. and 5 a.m. the next day unless such person is accompanied by his parent, guardian or other adult person having legal custody of such person.
- (4) **LOITERING IN SCHOOL AND PLAYGROUND AREAS.** No person not in official attendance or on official school business shall enter into, congregate, loiter, wander stroll, stand or play in any school building or in or about any playground area adjacent thereto within the City between 8 a.m. and 4 p.m. on official school days.
- (5) **DETAINING A PERSON UNDER 18 YEARS OF AGE.** A person under 18 years of age, believed to be violating the provisions of this section, shall be taken to the Police Department or the County Sheriff's Department for proper identification. Any law enforcement officer on duty may detain any person under the age of 18 years violating subs. (1), (3) or (4) until such time as the parent guardian or adult person having legal custody of such person has been immediately notified and the person so notified has, as soon as reasonably possible thereafter, reported to the Police Department for the purpose of taking such person into custody and has signed a release for him.
- (6) **GENERAL PENALTY.**
 - (a) Any parent, guardian or person having legal custody of a person under 18 years of age described in subs. (1), (3) or (4) and who thereafter violates any of the provisions of this section, shall be subject to a penalty as provided in 20.04 of this Municipal Code.
 - (b) Any person under 18 years of age who violates this section after being detained and released under sub. (5) shall be dealt with under Chapter 48, Wis. Statutes.

10.17 REPEALED

10.18 REGULATION OF MARINA, PIER FACILITIES AND FISHING

- (1) **Scope.** The spirit of this ordinance is to balance the rights of persons to be free from actions of others that tend to create a disturbance while they are using the marina and pier facilities; and the right of persons to fish from the marina and pier facilities for recreational purposes.
- (2) **Orderly conduct.**
 - (a) No person shall engage in unruly, loud, boisterous, or disorderly behavior, or actions that would tend to create a disturbance while in the marina or pier facilities particularly, but not limited to, in areas designated for public fishing or boat docking.
 - (b) **Alcoholic consumption.** No alcohol may be consumed by any person within 25 feet of the dock edge except on moored or docked boats.

ORDERLY CONDUCT

- (c) Quiet period. To promote and enhance the aesthetics of the marina, pier area, or breakwaters, no loud noises, including but not limited to, hollering, singing, swearing, laughing, or the playing of loud music, or any other noise or the type of activity tending to cause a disturbance shall be permitted; particularly but not limited to and between the hours of 10:00 PM and 6:00 AM.
 - (d) Swimming, diving or jumping prohibited. No person shall swim, dive or jump into, from or around the area of the marina or pier facilities.
 - (e) Only authorized slip holders and their guests are allowed in the slip areas.
 - (f) The Marina park area, except for launch ramps for boat launching, will close at 11:00 PM and open at sunrise. (This is consistent with Section 10.10(2) of the Municipal Code covering City parks.)
 - (g) "No Wake" zone shall be observed by all boats, jet skis or other watercraft within the harbor, harbor entrance or within 100 feet of the terminus of the breakwater.
- (3) Regulation of fishing. To promote the health and safety and for the protection of persons, no person engaged in fishing shall obstruct, hinder or touch with line, tackle or otherwise make contact with boats either moored at the Marina or in transit in the channel.
- (4) Safety of persons using marinas and piers. To ensure the health and safety of the public in their recreational pursuits as well as to protect property within the marina and pier facilities, it shall be prohibited:
- (a) For any boat to anchor in the navigation lane or slow no-wake zone.
 - (b) For anyone engaged in fishing activities within the marina or pier facilities to fail to yield the right-of-way to boats leaving or entering the marina or the individual boat slip area.
 - (c) For anyone engaged in any recreational activities within the marina or pier facilities to cause or be the proximate cause of injury to, or damage to property, of another person by an act or omission to act, or to create a risk of probable harm to another person.
- (5) Definitions.
- (a) Fishing is defined as the pursuit of catching fish or for sport or commercial purposes by hook and line, net or any other device or method.
 - (b) Marina and public pier is defined as that area known as the Algoma Marina, commonly known as Steele Street Point, the public pier and the north and south breakwaters and as more specifically found in the tax map of the City of Algoma.
- (6) Penalties. Any person who violates any of the above provisions shall be subject to the penalties as found but not limited to the following sections of the Algoma Code of Ordinances:

ORDERLY CONDUCT

- (a) Penalties as found at Section 10.25 of the Algoma Ordinances and the Wisconsin Uniform Bond Schedule.
- (b) Chapter 10 and subsections as amended.
- (c) Chapter 22 and subsections as amended.

10.19 Launching and Loading of Watercraft.

To assure that the health and safety of the City's citizens and visitors is protected, and to assure that the public peace is kept prohibiting conditions which may create a disturbance, the City does ordain the following:

(1) Definitions

- (a) Watercraft. "Watercraft" shall include all motorized and non-motorized boats, personal watercraft, hydroplanes, amphibious vehicles, jet-skis, sailboats, hovercraft, or any other craft or vehicle used upon the water.
- (b) Power loading. "Power loading" is defined as the practice of putting on, or taking off, from a trailer, carriage or device, a watercraft while under motor power, whether by main, auxiliary or trolling power devices.
- (c) Unsafe loading practices. "Unsafe loading practices" is defined as the practice of launching or loading a watercraft that is done in such a manner as to either put participants or others, or the property of participants or others, at risk of injury or damage, and/or such loading procedure is done in such a way that the actions tend to create a disturbance in a public place as is prohibited by appropriate sections of the Algoma Municipal Code.

(2) Power Loading Prohibited.

Watercraft must be loaded and unloaded from the watercraft trailer, carriage or other device used to transport said watercraft without the use of the watercraft's main, auxiliary or trolling power devices. A rope, strap or similar device is to be used. It shall be unlawful to otherwise launch or trailer a watercraft.

(3) Exclusive area for boat launching within the City.

The launching or loading of watercraft shall only be allowed at designated municipal boat launch areas; and at those times as designated and posted by the appropriate municipal officer or Department and by virtue of Municipal Ordinances.

(4) Violations

Those violating the provisions of this Ordinance may be prosecuted for a civil forfeiture pursuant to the procedures as found in Chapter 22 and Chapter 10 of the Algoma Code of Ordinances allowing for the prosecution of "disorderly conduct" with the use of the appropriate Uniform Municipal Citation and Uniform Bond Schedules as allowed by those Ordinances as subsequently amended or renumbered.

10.20 FALSE ALARMS

(1) False Alarm Defined. A False Alarm is defined as the activation of an automatic alarm system with transmission of the alarm to the Kewaunee County Sheriff's Department, which is the result of some defect in the alarm system, some failure on the part of the person or persons responsible for the premises on which the system is installed to operate or maintain the alarm system properly, or any cause other than that which the alarm system is designed to protect against.

(2) General Provisions. After the Algoma Police Department has recorded three (3) false alarms within any continuous 12 month period, the owner, lessee or agent of such alarm shall be assessed a fee of:

\$25.00 for the next or fourth (4th)

\$50.00 for the next or fifth (5th)

\$100.00 for the next or sixth (6th)

Any subsequent false alarms in violation of this ordinance shall result in the issuance of a citation.

(3) Such fees shall be billed by the Algoma Police Department and may be added to the real property taxes for the property if not paid within 60 days. Fees will be payable to the Algoma City Clerk.

(4) The Police Chief shall have the authority to waive false alarm fees in appropriate circumstances.

10.25 PENALTIES.

Any person who shall violate any provisions of this chapter shall be subject to penalties as follows:

(1) Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 20.04 of this Code.

(2) In addition to any penalty imposed for violation of Section 10.15 of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing such damage or destroyed property. The parent or parents of any unemancipated minor child who violates Section 10.15 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Section 331.035, Wis. Statutes.