

Chapter 2

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Sec. 11-2-1 Regulation of Firearms and Explosives.

- (a) **Discharge of Firearms and Guns Regulated.** No person shall fire or discharge any cannon, gun, pistol, air or spring gun or any firearm of any description within the City of Onalaska without having first obtained written permission from the Chief of Police, which permission shall limit the time and fix the place of such shooting and shall be subject to be revoked at any time after the same may have been granted, except this section shall not be construed to prohibit the discharge of firearms by the Sheriff or any of his deputies, the Chief of Police or any of his subordinates or any public officer when required and made necessary in the performance of any duty imposed by law.
- (b) **Shooting Into City Limits.** No person shall in the territory adjacent to the City discharge any firearm in such manner that the discharge shall enter or fall within the City.
- (c) **Shooting Ranges.** This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Common Council, after an advisory recommendation from the Chief of Police, where proper safety precautions are taken.
- (d) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the City without first obtaining a permit to do so from the Chief of Police.

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- (e) **Hunting Prohibited.** Hunting with a firearm is prohibited within the corporate limits of the City of Onalaska.
- (f) **Definitions.** For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.
- (g) **Penalty.** Any person who violates this section shall upon conviction be subject to a fine of not less than \$100.00 nor more than \$500.00 per offense.

Sec. 11-2-2 Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited.

(a) Concealed Weapons Prohibited.

- 1) No person shall within the City wear or in any manner carry under his/her clothes or conceal upon or about his/her person any Dangerous Weapon except that those individuals who carry a current and valid Conceal and Carry Weapon License shall be allowed to wear or carry under his/her clothes or conceal upon or about his/her person a Weapon, in those areas of the City where allowed. A person with a current and valid Conceal and Carry Weapon License may not carry a Weapon, where it has been posted by the business or property owner that Weapons are prohibited pursuant to Wis. Stat. §943.13. This Subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.
- 2) "Conceal and Carry Weapon License" means a license issued under Chapter 175.60 of the Wisconsin Statutes or a permit issued by another state designate^{4d} by the Wisconsin Department of Justice authorized to carry concealed Weapons in Wisconsin.
- 3) "Dangerous Weapon" means any firearm, whether loaded or unloaded, or any devise designated as a weapon and capable of producing death or great bodily harm, or any other devise or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
- 4) "Weapon" has the meaning given under Sec. 175.60(1)(j), Wis. Stats., namely a handgun, not to include a machine gun, short barreled rifle or short barreled shotgun' electric weapon as defined in Wis. Stat. 941.2959(1c)(a) or a billy club.

- (b) **Concealed Weapons in City Government Buildings Prohibited.** No person shall carry or be possessed of a Dangerous Weapon, Weapon or knife in any City of Onalaska governmental building where such building has posted signs prohibiting weapons or firearms at all public entrances, pursuant to Wis. Stat. §943.13(1m)(c)4. The City shall display a sign, in place where a reasonable person can be expected to see it, which shall be a minimum of five inches by seven inches and that notifies all persons entering the building that weapons and firearms are prohibited pursuant to Wis. Stat. §943.13(2)(bm)2.b. This subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties.

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- (c) **Specific Concealed Weapons Prohibited.** No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his/her person any Dangerous Weapon, including but not limited to a pistol, revolver, firearm, sling shot, cross-knuckle of lead, brass or other materials or any other dangerous or deadly weapon within the City, except that a person with a current and valid Conceal and Carry Weapon License or such persons as may be authorized to carry such weapons may carry a Weapon in those areas of the City where allowed. A person with a current and valid Conceal and Carry Weapon License and such persons as may be authorized to carry such weapons may not carry a Weapon, where it has been posted by the business or property owner that Weapons are prohibited.
- (d) **Possession, Sale or Manufacture of a Dangerous Weapon by a Person under 18 Prohibited.**
- 1) In this section “dangerous weapon” means any firearm, loaded or unloaded; any electric weapon as defined in 941.295(1)(c)(a); metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of two sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather’ a cestus or similar material weighted with metal or other substance and worn on hand; a shuriken or any similar pointed star-like object intended to injure a person when thrown; or a manrikigusari or similar length of chain having weighted ends.
 - 2) No person under the age of 18 shall sell, possess or manufacture those dangerous weapons as outlined in section 1) above, except that this section does not apply to those members of the armed forces or national guard when such use is in the line of duty or to persons whose possession or use is for target practice under the supervision of an adult or in a course of instruction in the traditional and proper use of the dangerous weapon under the supervision of an adult.
- (e) **Carrying a Concealed Knife.** Any person who is prohibited from possessing a firearm under Wis. Stat. §941.29 is prohibited from being armed with a concealed knife that is a dangerous weapon.

Sec. 11-2-3 Safe Use and Transportation of Firearms and Bows.

- (a) **Definitions.** In this Section:
- (1) **Aircraft** has the meaning given under Sec. 114.002(3), Wis. Stats.
 - (2) **Conceal and Carry Weapon License:** A license issued under Chapter 175.60 of the Wisconsin Statutes or a permit issued by another state designated by the Wisconsin Department of Justice authorized to carry concealed Weapons in Wisconsin.
 - (2) **Encased** means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
 - (3) **Firearm** means a weapon that acts by force of gunpowder.
 - (4) **Highway** has the meaning given under Sec. 340.01(22), Wis. Stats.
 - (5) **Motorboat** has the meaning given under Sec. 30.50(6), Wis. Stats.
 - (6) **Roadway** has the meaning given under Sec. 340.01(54), Wis. Stats.
 - (7) **Unloaded** means any of the following:
 - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
 - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.

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- c. In the case of a flint lock muzzle-loading firearm, having the flash-pan cleaned of powder.
 - (8) **Vehicle** has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.
 - (9) **Weapon** has the meaning given under Sec. 175.60(1)(j), Wis. Stats., namely a handgun, not to include a machine gun, short barreled rifle or short barreled shotgun; electric weapon as defined in Wis. Stat. 941.295; knife, not including a switchblade knife; and a billy club.
- (b) **Prohibitions; Motorboats and Vehicles; Highways and Roadways.**
- (1) Except as provided in Subsection (c), no person may place, possess or transport a Firearm, bow or crossbow in or on a Motorboat with the motor running, unless the Firearm is Unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
 - (2) Except as provided in Subsection (c), no person may place, possess or transport a Firearm, bow or crossbow in or on a Vehicle, unless the Firearm is Unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
 - (3) Except as provided in Subsection (c), no person may load or discharge a Firearm or shoot a bolt or an arrow from a bow or crossbow in or from a Vehicle.
 - (4) Except as provided in Subsection (c), no person may load or discharge a Firearm or shoot a bolt or an arrow from a bow or crossbow from or across a Highway or within fifty (50) feet from the center of a road.
 - (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture of not more than One Hundred Dollars (\$100.00).
- (c) **Exceptions.**
- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a Firearm in, on or from a Vehicle, Motorboat or Aircraft or discharge a Firearm in, on or from a Vehicle, Motorboat or Aircraft or discharge a Firearm from or across a Highway or within fifty (50) feet of the center of a Roadway:
 - a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
 - b. A member of the U.S. armed forces.
 - c. A member of the National Guard.
 - (2) Subsection (b) does not apply to the holder of a current and valid Conceal and Carry Weapon License from carrying a concealed Weapon in a Vehicle except where the Vehicle owner has prohibited Weapons in the Vehicle and it has been posted by the Vehicle owner that Weapons are prohibited in the Vehicle.
 - (3) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
 - (4) Subsections (b)(2) and (3) do not apply to the holder of a permit under Sec. 29.09, WI Stats., who is hunting from a standing automobile in accordance with that Subsection.

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Sec. 11-2-4 Throwing or Shooting of Arrows, Stones and Other Missiles Prohibited.

- (a) **Throwing or Shooting of Arrows, Stones and Other Missiles.** It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, arrow, stone, snowball or other missile within the City of Onalaska for any purpose other than the hunting of wild animals as defined in section (b) below, provided, however, upon written application to the Chief of Police and Common Council, a person may be granted permission by the Common Council to construct and maintain supervised non-commercial archery ranges if, in the opinion of the Common Council, the construction or maintenance of such ranges will not endanger the public health and safety.
- (b) **Hunting Wild Animals with Bow & Arrows and Cross Bows.** To preserve the general health, safety and welfare of the citizens of Onalaska, the use of bow and arrow or cross bow for the purposes of hunting of wild animals under this Section shall not be permitted in City parks or parkways, on school property and City or Federal Property, except as set forth in the City's Urban Deer Management Plan. For the purposes of this ordinance, wild animal shall have the definition assigned in Wis. Stat. §29.001(90).
- a. Anyone engaged in hunting wild animals in the City of Onalaska must receive prior permission from the landowner.
 - b. Persons hunting with a bow and arrow or crossbow must discharge the arrow or bolt from the respective weapon into the ground.
 - c. Hunting wild animals with a bow and arrow or crossbow is prohibited within One Hundred (100) yards of any building. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt within the specified distance of the building. For purposes of this Section, "building" means permanent structure used for human occupancy and includes a manufactured home as defined in Wisconsin Statute Section 101.91(2)(d).
- (c) **Penalty.** Any person who violates section (a) or (b), shall upon conviction be subject to a fine of not less than \$100.00 nor more than \$500.00 per offense.

Sec. 11-2-5 Harassing or Obscene Telephone Calls.

Whoever commits any of the following acts shall be subject to the general penalty as provided in this Municipal Code:

- (a) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- (b) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;

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- (c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- (d) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- (e) Knowingly permits any telephone under his control to be used for any purpose prohibited by this Section;
- (f) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

Sec. 11-2-6 Sale and Discharge of Fireworks Restricted.

No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks within the City limits of the City of Onalaska unless he shall be authorized by a fireworks permit as provided for in Title 7, Chapter 7 of this Code of Ordinances. Fireworks shall be defined as set forth in Section 7-7-1(1). The penalty for a violation of this Section shall be as set forth in Section 7-7-1(6).

Sec. 11-2-7 Obstructing Streets and Sidewalks Prohibited.

- (a) **Obstructing Streets.** No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, 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.
- (b) **Blocking Sidewalk Prohibited.** No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (c) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.
- (d) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
 - (1) **Block.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
 - (2) **Sidewalk.** Any sidewalk owned or maintained by the City. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

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Sec. 11-2-8 Loitering Prohibited.

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 person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection 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 person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

Sec. 11-2-9 Loud and Unnecessary Noise Prohibited.

- (a) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- (b) **Types of Loud and Unnecessary Noises.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
 - (1) **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the City for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
 - (2) **Radios, phonographs, similar devices.** The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the properly line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
 - (3) **Loudspeakers, amplifiers for advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph,

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- loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (4) **Animals, birds.** The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
 - (5) **Steam whistles.** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper City authorities.
 - (6) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.
 - (7) **Construction or repair of buildings.** The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Building Inspector shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
 - (8) **Schools, courts, churches, hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
 - (9) The provisions of this Section shall not apply to:
 - a. Any vehicle of the City while engaged in necessary public business.
 - b. Excavations or repairs of streets or other public construction by or on behalf of the City, County, or State at night when public welfare and convenience renders it impossible to perform such work during the day.
 - c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
- (c) **Stationary Noise Limits.**
- (1) **Maximum Permissible Sound Levels.**
 - a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.

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Zone	Noise Rating-Daytime	Noise Rating-Nighttime
Residential	75 db	65 db
Commercial	85 db	75 db
All Other Zones	75 db	75 db

- b. Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor and the subject noise shall exceed the ambient noise by 5 db in any octave band to be designated excessive.
 - c. Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection a. above, if the subject noise consists primarily of a pure tone or if it is impulsive in character.
- (2) **Construction Noise.** Construction equipment in any zone may be operated between the hours of 7:00 a.m. and 7:00 p.m. provided that said equipment does not exceed a maximum sound level of 80 db(a) measured at the property line of the location at which said equipment is in use.
 - (3) **Noise in Residential Districts.** In Residential Zones, the person in violation of this Section shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officer.
 - (4) **Operation of Certain Equipment.** Lawnmowers, chainsaws, powered garden equipment, electric insect killing/repelling devices, and other non-construction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.
 - (5) **Exemptions.** Operations of emergency equipment shall be exempt from this Chapter. Snowblowers not operated on a commercial basis shall be exempt from this Chapter when used to gain access to a City street. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the City.
 - (6) **Methods of Measuring Noise.**
 - a. Equipment. Noise measurement shall be made with a sound level meter.
 - b. Location of Noise Meter. Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three (3) feet above the ground and at least three (3) feet away from walls, barriers, obstructions, and all other sound reflective surfaces.
 - (7) **Appeals.** The Common Council may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this Chapter for existing industries.

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(d) **Permits for Amplifying Devices.**

- (1) **Permit Required.** The use of loudspeakers or amplifying devices on the streets or in the parks of the City of Onalaska is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.
- (2) **Grounds or Reasons for Denial or Allowance.** The Chief of said Police Department shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.
- (3) **Time Restrictions.** The Chief of the Police Department shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 10:00 p.m. No permit shall be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

Sec. 11-2-10 **Disorderly Conduct.**

- (a) **Disorderly Conduct Prohibited.** No person within the City of Onalaska shall:
 - (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (b) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the City, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.

Sec. 11-2-11 **Possession of Controlled Substances.**

- (a) **Controlled Substances.** It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes.
- (b) **Possession of Marijuana.** No person shall possess any amount of marijuana, tetrahydrocannabinol or any derivative thereof, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a licensed physician or pharmacist for a valid medical purpose.

State Law Reference: Chapter 961, Wis. Stats.

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Sec. 11-2-12 Unauthorized Presence on School Property Prohibited.

- (a) It shall be unlawful for any person, except as provided in Subsection (b) hereof, to be present in, loiter or enter into any public school building, school parking lot or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days.
- (b) This Section shall not apply to:
 - (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof to leave the school building or school grounds;
 - (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;
 - (3) Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- (c) The exceptions set forth in Subsection (b) shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
- (d) All entrances to the school buildings shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited." All school grounds shall be posted with a notice stating "Entry Upon School Grounds by Unauthorized Persons Prohibited."

Sec. 11-2-13 Hours for Playing Ball.

- (a) It shall be unlawful for any person to play ball or to be engaged at playing any game or amusement upon the City of Onalaska school play grounds and outdoor basketball courts after the hour of 10:30 p.m. and prior to 7:00 a.m.
- (b) It shall be unlawful for any person to play ball or to be engaged at playing any game or amusement upon the City of Onalaska school play grounds, property, outdoor basketball courts or upon private property if said game, amusement or activity shall excessively annoy or, in an unreasonable manner, interfere with the passage of persons, bicycles or vehicles upon or along any of the streets, alleys, sidewalks or public grounds of the City of Onalaska.

Sec. 11-2-14 Failure to Obey Lawful Order.

It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

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Sec. 11-2-15 Fortune Telling Prohibited.

No person, persons or body of persons shall practice or pretend to practice the business or pretended business of fortune telling, palmistry, card reading and the like, as such, and no person or persons or body of persons shall advertise or pretend to foretell future events for a fee or other compensation.

Sec. 11-2-16 Interference With Television, Radio or Telephone Reception.

- (a) It shall be unlawful for any person to knowingly operate or cause to be operated any machine, device, apparatus or device of any kind whatsoever within the corporate limits of the City if said operation creates electrical, electromagnetic or radio-wave interference with radio, television or telephonic (including modem) reception within the City. This prohibition does not apply to machine, apparatus or device operated by police, fire, or other emergency services.
- (b) This ordinance shall not be construed to embrace or cover the regulation of any transmitting, broadcasting or receiving instrument, device or apparatus that is licensed by or under the provisions of any state or federal regulation.
- (c) The penalty provisions of Section 1-1-7 of the Code of Ordinances of the City of Onalaska shall apply to any violation of this section.

Sec. 11-2-17 Prohibition of Smoking in Enclosed and Specified Places

- (a) The provisions of Section 101.123 of the Wisconsin Statutes as amended by 2009 Wisconsin Act 12 relating to the prohibition of smoking in various enclosed spaces are hereby adopted and made part of this Code by reference, including any revisions or amendments thereto. The prohibition of smoking in Section 101.123 shall be extended to include electronic cigarettes defined as any electronic smoking device that can be used to deliver nicotine or any other substances to the person inhaling from the device. Pursuant to Wisconsin Statute, a warning notice shall be issued to the Person in Charge as defined in Wisconsin Stat. Sec. 101.123(1)(d) for the first offense.
- (b) **Penalty.** Any person violating any provision of this section, including those provisions of the Wisconsin Statutes, which are incorporated herein by reference, shall upon conviction thereof forfeit not less than \$100.00 nor more than \$250.00 and the costs of prosecution for each violation, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provisions of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.)

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Sec. 11-2-18 Possession, Manufacture and Delivery of Drug Paraphernalia.

- (a) **Definition.** In this Section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance, as defined in Ch. 961, Wis. Stats., in violation of this Section. It includes but is not limited to:
- (1) Kits used, intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - (2) Kits used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, or preparing controlled substances.
 - (3) Isomerization devices used, intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance.
 - (4) Testing equipment used, intended for use, or designed for use, in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
 - (5) Scales and balances used, intended for use, or designed for use, in weighing or measuring controlled substances.
 - (6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
 - (7) Separation gins and sifters used, intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
 - (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use, in compounding controlled substances.
 - (9) Capsules, balloons, envelopes, or other containers used, intended for use, or designed for use, in packaging small quantities of controlled substances.
 - (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
 - (11) Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting controlled substances into the human body.
 - (12) Objects used, intended for use, or designed for use, in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil, into the human body, including but not limited to:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons and cocaine vials;

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- g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs;
 - m. Ice pipes or chillers.
- (b) **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of other considerations a court may deem relevant:
- (1) Statements by an owner or by anyone in control of the object concerning its use.
 - (2) Prior convictions, if any, of an owner or of anyone in control of the object, under any city, municipal, state or federal law relating to any controlled substance.
 - (3) The proximity of the object in time and space to a direct violation of this Chapter.
 - (4) The proximity of the object to controlled substances.
 - (5) The existence of any residue of controlled substance on or in the object.
 - (6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Chapter. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Chapter, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
 - (7) Oral or written instructions provided with the object concerning its use.
 - (8) Descriptive materials accompanying the object which explain or depict its use.
 - (9) National and local advertising concerning its use.
 - (10) The manner in which the object is displayed for sale.
 - (11) Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise.
 - (12) The existence and scope of legitimate uses for the object in the community;
 - (13) Expert testimony concerning its use.
- (c) **Prohibited Uses.**
- (1) **Possession of Drug Paraphernalia.** No person may use, or possess with the intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter. Possession of drug paraphernalia shall give rise to a rebuttable presumption of prohibited use.
 - (2) **Manufacture, Sale or Delivery of Drug Paraphernalia.** No person may deliver, sell or possess with intent to deliver, drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be solely used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter.

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- (3) **Delivery of Drug Paraphernalia by a Minor to Minor.** Any person who is under eighteen (18) years of age, who violates Subsection (c)(3) by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than the violator, is guilty of a special offense and shall be subject to the maximum penalty authorized.
- (4) **Exemption.** This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Chapter 161, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 961, Wis. Stats.
- (d) **Penalties.** Any person who violates Subsection (c)(1), (2) or (3), shall upon conviction, be subject to a fine of not less than \$100.00 nor more than \$500.00 per offense, no portion of which may be suspended. Any drug paraphernalia used or possessed in violation of this chapter shall be seized and forfeited to the City.