

## CHAPTER 9. ORDERLY CONDUCT

### SECTION 9.01 OFFENSES ENDANGERING PUBLIC SAFETY

#### (1) Discharge and Possession of Uncased Firearms Prohibited

- (a) No person, except a sheriff, police officer, or their deputies, or any law enforcement personnel of the State of Wisconsin, in the exercise of their official duties, may load, fire, or discharge any bow, crossbow, or firearm of any description within the City of Mondovi.
- (b) No person, except a sheriff, police officer, or their deputies, or any law enforcement personnel of the State of Wisconsin, in the exercise of their official duties, may possess a bow, crossbow or firearm unless such bow or crossbow is unstrung or enclosed within a carrying case or such firearm is unloaded and enclosed within a carrying case.
- (c) This subsection shall not be construed to prohibit the maintenance of duly supervised rifle or pistol ranges or shooting galleries or ranges authorized by the Common Council.

#### (1a) Possession of Firearms in Public and Business Establishments Prohibited

- (a) No person, except a sheriff, police officer or their deputies, or any law enforcement personnel of the State of Wisconsin, in the exercise of their official duties, shall have in his possession any bow, crossbow, or firearm within any public or business establishment except as permitted by subparagraph (c) of this subsection.
- (b) No person, except a sheriff, police officer or their deputies, or any law enforcement personnel of the State of Wisconsin, the exercise of their official duties, shall have in his possession any bow, crossbow, or firearm on the public street or sidewalk within the City of Mondovi unless such a bow or crossbow is unstrung or enclosed within a carrying case or such firearm is unloaded and enclosed within a carrying case.
- (c) This subsection shall not prohibit the sale, purchase or trade of firearms, bows or crossbows and related devices by retail business establishments doing so in the course of their regular business, nor hinder the prospective customer in his or her attempt to buy, sell or trade such firearm, bow or crossbow or related device to or from said retailer.

#### (1b) Defining Enclosed

For the purpose of ss. 9.01 (1) and 9.01 (1a), “enclosed within a carrying case” means completely contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened, with no portion of the bow, crossbow, or firearm exposed.

#### (2) Throwing or Shooting of Arrows, Stones, and other Missiles Prohibited

No person shall throw or shoot any object, arrow, stone, or snowball, or other missile or projectile, by hand, or by any other means at any other person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the City of Mondovi.

(3) Burning of Grass and Trash Restricted

No person shall kindle any grass fire within the City of Mondovi without first securing a written permit from the fire chief who shall issue such permit only upon approval of and subject to any conditions for the protection of life and property imposed by the fire chief.

(4) Sale and Discharge of Fireworks Restricted

(a) Private Use and Sale

No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers, and toy snakes within the limits of the City unless he/she is authorized by a fireworks permit and hereinafter provided. The term "fireworks" as used in this section shall be defined as provided in s. 167.10 (1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.

(b) Fireworks Permits

Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and pond by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the mayor. All applications shall be referred to the fire chief for investigation and no permit shall be granted unless the mayor from the port of the fire chief determines that the application will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regards to the protection of the lives and property of all persons, that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permits, the mayor shall require the applicant to post indemnity bond in the sum of \$5,000.00 for the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit.

(5) Obstruction of 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 a 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.

(6) Open Bottle

No person shall have possession of any open container of fermented malt beverage or intoxicating liquor while such person is in or upon any of the streets, alleys or public places in the City of Mondovi in the area south of Vine Street and north of Water Street and from Franklin Street east of Mill Creek.

(7) Sale of Cigarettes and Tobacco Products to and Possession by Minors Regulated

(a) False Representation of Age

No person under the age of 18 years may falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.

(b) Purchase or Attempted Purchase Restricted

No person under the age of 18 years may purchase, attempt to purchase, or possess any cigarette or tobacco product except as follows:

- (i) A person under the age of 18 years may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.
- (ii) A person under the age of 18 years, but not under the age of 15 years, may purchase, attempt to purchase or possess cigarettes or tobacco products in the course of his or her participation in an investigation under ss. 254.916, ss. 254.916 (3), Wis. Stats.

(c) Seizure of Cigarettes or Tobacco Products

Any cigarette or tobacco product which has been sold to and is in the possession of a person under the age of 18 years shall be seized by law enforcement officers.

(d) Restrictions on Sale or Gifts of Cigarettes or Tobacco Products to Minors

The provisions of ss. 134.66, Wis. Stats., are hereby adopted by reference and it is hereby declared to be a violation of this ordinance for any of the persons described in ss. 134.66 (2), Wis. Stats., to engage in any of the acts prohibited under paragraphs (a), (cm), (d), or (e) of ss. 134.66 (2), Wis. Stats. All definitions set forth by ss. 134.66 (1), Wis. Stats., are incorporated herein by reference.

(e) Definitions

As used in this ordinance, the following terms shall have these definitions unless the context dictates otherwise:

- (i) "Cigarette" shall have the meaning set forth in ss. 139.30 (1), Wis. Stats.
- (ii) "Tobacco Product" shall have the meaning set forth in ss. 139.75 (12), Wis. Stats.
- (iii) "Law Enforcement officer" shall have the meaning set forth in ss. 165.85 (2) (c), Wis. Stats.

(f) Forfeiture

For this section, the penalties shall be as follows:

- (i) Any person who shall violate paragraphs (a) to (c), above, shall be subject to a forfeiture of not less than \$25.00 nor more than \$100.00 for his or her first offense within a twelve (12) month period of time and of not less than \$25.00 nor more than \$200.00 for his or her second or additional offenses within a twelve (12) month period of time.
- (ii) Any person who shall violate paragraph (d) above shall be subject to a forfeiture of between \$100.00 and \$500.00 for a violation if the person has not committed a previous violation within twelve (12) months of the said violation and of not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within twelve (12) months of the violation.

## SECTION 9.02 OFFENSES ENDAGERING PEACE AND GOOD ORDER

### (1) Disorderly Conduct Prohibited

No person shall within the City of Mondovi:

- (a) In any public or private place engage in violent, 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 disturb or annoy any other person or persons.
- (b) Intentionally causing, provoking or engaging in any fight, brawl, and riot of noisy altercation other than a bona fide athletic contest.

### (2) 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, park, or any private residence.

### (3) False Fire Alarms Prohibited

No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false.

### (4) 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 official capacity and with lawful authority.

### (5) Assisting Escape of Prisoner

No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the City.

### (6) Personating Police Officer

No person shall personate a policeman or peace officer within the City of Mondovi.

### (7) Excessive and Unnecessary Acceleration

No driver of any vehicle shall cause by excessive and unnecessary acceleration, the tires of such vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by or any unnecessary acceleration any loud noises as would disturb public peace.

### SECTION 9.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY

- (1) All forms of gambling, lotteries, and fraudulent devices and practice are prohibited within the limits of the City. Any peace officer or policeman of the City is hereby authorized to seize anything devised solely for gambling or found in actual use of gambling within the City and to dispose thereof after a judicial determination that said device was used solely for gambling or found in the actual use of gambling.
- (2) Vagrancy and Loitering Prohibited  
No person shall within the City loiter or loaf about any public building, place or premises or wander about the streets, alleys, parks or other public places either by day or night, whose actions give rise to a suspicion of wrongdoing and who is unable to give a satisfactory account of him or herself, or who, having the physical ability to work is without any visible means of support and does not seek employment or who derives part of his/her support from begging, prostitution, pandering, fortune telling or as a similar imposter.
- (3) Indecent Conduct and Language Prohibited  
No person shall use any indecent, vile, profane, or obscene language or conduct him or herself in any indecent, lewd, lascivious or obscene manner within the City.
- (4) Curfew  
No child under the age of 16 years shall loiter, idle or remain and no parent or guardian shall knowingly permit his child or ward of such age, to loiter, idle, or remain in or upon any of the streets, alleys or public places in the City of Mondovi between the hours of 10:00 p.m. and 6:00 a.m. Sunday nights through Thursday nights and between the hours of 12:00 a.m. and 6:00 a.m. Friday and Saturday nights unless the child is accompanied by a parent, guardian, or some person of lawful age, having legal custody of such child. This subsection shall not be constructed to prohibit such child from performing an errand or duty, if directed by his parent or guardian, or of urgent necessity, or from pursuing the duties of his employment in an expeditions or orderly manner, or from going to or from places of business, or amusement, or private homes.

### SECTION 9.03A NUDE DANCING IN LICENSED ESTABLISHMENTS

- (1) Authority and Purpose  
The City Council of the City of Mondovi has explicit authority under s. 125.10 (1), Wis. Stats., to adopt regulations governing the sale of alcoholic beverages which are in addition to those set forth in Ch. 125, Wis. Stats., and has authority under its general police powers set forth in s. 62.11 (5), Wis. Stats., to act for the good order of

the municipality and for the health, safety, and welfare of the public and may carry out its powers by regulation and suppression. The City Council recognizes its lack of authority to regulate obscenity in light of s. 66.051 (3), Wis. Stats., and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, and declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns.

The City Council finds that bars and taverns featuring live, totally nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities, and to negatively affect the quality of life of the communities, and such secondary effects are detrimental to the public health, safety, and general welfare of citizens. The City Council recognizes that the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the first amendment of the United States constitution and therefore entitled to some limited protection under the first amendment, and the city council further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of these rights.

The City Council is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs and do generate secondary effects which the City Council believes are detrimental to the public health, safety, and welfare of the citizens of the City of Mondovi, namely the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses; the potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist; health risks associated with the spread of sexually transmitted diseases; and the potential for infiltration by organized crime for the purpose of unlawful conduct. The City Council thus desires to minimize, prevent and control these adverse effects and thereby protect the health, safety, and general welfare of the citizens of the City of Mondovi; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight. Therefore, the City Council has determined that enactment of this chapter prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to serve alcoholic beverages promotes the goal of minimizing, preventing and controlling the negative, secondary effects associated with such activity.

(2) Definitions

For purposes of this ordinance, the term “licensed establishment” means any establishment licensed by the City Council of the City of Mondovi to sell alcoholic beverages pursuant to Ch. 125, Wis. Stats. The term “licensee” means the holder of a retail “Class A”, “Class B”, or “Class C” license granted by the City Council of the City of Mondovi pursuant to Ch. 125, Wis. Stats.

(3) Nude Dancing in Licensed Establishments Prohibited

It is unlawful for any person to perform or engage in, or for any licensee, manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition the premises of a licensed establishment which:

- (a) Shows his or her genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than fully opaque covering
- (b) Shows any portion of the female breast below a point immediately above the top of the areola
- (c) Shows the covered male genitals in a discernibly turgid state.

(4) Exemptions

The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(5) Penalties

Any person, partnership, or corporation who violates any of the provisions in this ordinance shall be subject to a forfeiture of not less than \$25.00 and not more than \$1,000.00 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. IN addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under s. 125.12, Wis. Stats.

(6) Severability

If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

## SECTION 9.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY

(1) 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 of property authority.

(2) Littering Prohibited

No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks, or other property of the City or upon any private property not owned by him or upon the surface of any body of water within the City of Mondovi.

## SECTION 9.04A ISSUANCE OF WORTHLESS CHECKS

- (1) In Regards to the Wisconsin Statutes
  - (a) The statutory provisions of s. 943.24 of the Wisconsin Statutes, describing and defining regulations with respect to prohibition of issuance of worthless checks, exclusive of any regulations for which the statutory penalty is a fine or a term of imprisonment are hereby adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions, or modifications of the statutory regulation in s. 943.24 incorporated herein are made part of this code.
  - (b) Whenever this section incorporates by reference specific sections of the Wis. Stats., such references shall mean the Wis. Stats., of 1991 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (2) Whoever issues any single check or other order for the payment of money which, at the time of issuance, he or she intends shall not be paid, is guilty of a violation of this ordinance.
- (3) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment, intended it should not paid:
  - (a) Proof that, at the time of issuance, the person did not have an account with the drawee; or
  - (b) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five days after receiving notice of non-payment or dishonor to pay the check or other order; or
  - (c) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five days after receiving of nonpayment or dishonor to pay the check or other order.
- (4) This section shall not apply to a postdated check or to a check given for a past consideration, except a payroll check.
- (5) In addition to other penalties provided for violation of this section, a judge may order a violator to pay restitution. A victim may not be compensated under this section and s. 943.245, Wis. Stats.

## SECTION 9.05 PENALTIES

- (1) First Offense – Penalty

Any person found guilty of violation of this chapter shall upon conviction thereof forfeit not more than \$100.00 together with costs of prosecution.

(2) Second Offense – Penalty

Any person found guilty of a second or subsequent violation of this chapter within one year shall, upon conviction thereof, forfeit not less than \$10.00 not more than \$200.00 for each such offense, together with costs of prosecution.

(3) In Reference to 9.04 (1)

- (a) In addition to any penalty imposed for violation of s. 9.04 (1) of this chapter, any person who shall cause physical damage or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property.
  - (b) The parent or parents having legal custody of a non-emancipated minor child found guilty of violation of s. 9.04 (1) of this chapter shall be held liable for damages to property attributable to a willful, malicious, or wanton act of the child not to exceed \$1,000.00 in addition to taxable costs and disbursements directly attributable to any willful, malicious, or wanton acts of the child pursuant to s. 895.035 of the Statutes which statute is hereby adopted by reference and made a part thereof.
- (4) This section shall apply to violations of Section 9.04A rather than Sections 9.05 (1) and (2).
- (a) If the amount of the check or other order does not exceed \$25.00, a forfeiture of not more than \$25.00 together with the costs of prosecution.
  - (b) If the amount of the check or other order does not exceed \$100.00, a forfeiture of not more than \$100.00 together with the costs of prosecution.
  - (c) If the amount of the check or other order exceeds \$100.00 and is less than \$500.00, a forfeiture of not more than \$200.00 together with the costs of prosecution.
  - (d) If the amount of the check or other order exceeds \$500.00, a forfeiture of not more than \$500.00 together with the costs of prosecution.