

CHAPTER 7

ORDERLY CONDUCT

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7.01 DISCHARGING AND POSSESSION OF FIREARMS AND GUNS PROHIBITED.

(Ord. #1084 11/15/2011, Ord. #843 9/3/97)

No person, except a sheriff, constable, police officer, or their deputies, shall fire or discharge any firearm, (as defined under Section 167.31 (1)(c) of the Wisconsin Statutes) unless such discharge is subject to a defense under WI Statute Section 939.45. No person shall or carry or possess either on his person or in any vehicle any firearm under any circumstances in which such carriage or possession is prohibited by the Wisconsin Statutes.

7.015 FIREARMS RESTRICTED IN MUNICIPAL BUILDINGS.**(1) DEFINITIONS**

a. Firearm means a weapon that acts by force of gunpowder.

b. Law Enforcement means any person employed by the State of Wisconsin or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

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

- a. City Hall/ Community Center/ Fire Station
- b. Buildings Operated by the Department of Public Works
- c. Library

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

(4) Trespasser Status. Any person who enters or remains in any aforementioned City building contrary to such signage shall be considered a trespasser subject to penalty as proscribed under Municipal Code § 7.166 and subject to a penalty as provided in Section 20.04 of the Municipal Code of Ordinances of the City of Chilton.

7.02 DISCHARGING OF ARROWS, STONES, BB'S, PELLETS OR OTHER PROJECTILES.

(Ord. #844 10/7/97, Ord. #1104 4/1/2014)

(1) Except as provided in (2), no person shall discharge any arrows, stones, BB's, pellets or other projectiles, whether by hand or by use of a bow, sling shot, spring or air gun, or other mechanical device.

(2) The prohibitions in (1) shall not apply to such discharging in the following circumstances:

Revised 4/1/2014

- (a) When done on private property with the permission of the owner, for target practice only, under the supervision and in the presence of an adult when the person is less than 14 years old, the discharge is parallel to or toward the ground, and the projectile does not leave the private property from where it was discharged.
- (b) When done on private property with the permission of the owner, for hunting, under the supervision and in the presence of an adult when the person is less than 14 years old, the discharge is parallel to or toward the ground, the projectile does not leave the private property from where it was discharged, and more than 100 yards from any building used for human habitation unless the owner of that building gives permission.

7.03 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

Section 167.10 of the Wisconsin Statute to regulate the sale and use of fireworks exclusive of any penalty imposed thereby is adopted by reference and made a part of this section as though set forth in full. In addition, pursuant to Section 167.10(5) of the WI Statutes, no display of fireworks shall occur after 11:00 PM. The City of Chilton Fire Chief is authorized as the designated person to issue permits. The City requires proof of a bond or certificate of insurance with expiration date. A copy of the permit and proof of insurance shall be filed with the Clerk/Treasurer and a copy of the permit shall be given to the Fire Chief and Police Chief at least two (2) days before the authorized use. The City may establish a permit fee by resolution from time to time.

7.04 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

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

7.05 DISORDERLY CONDUCT PROHIBITED. (Ord. #1060 6/1/2010)

No person shall within the City, in any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonable loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.

7.055 PUBLIC URINATION and DEFECATION. (Ord. #1132 10/4/2016)

It shall be unlawful for anyone to urinate or defecate on any street, park, alley, or any other public place or upon the property of another person without the consent of the owner of the property. Urination or defecation on private property shall only be permitted by the owner in an acceptable receptacle for such action.

7.06 POSSESSION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES.

- (1) No person shall consume or possess any open can, bottle or other container containing fermented malt beverages or intoxicating liquor on any public way, public

street, sidewalk, safety zone, alley or parking lot used by the public, or on or in any motor vehicle parked on a public way, public street, alley or parking lot used by the public in the City of Chilton, except that fermented malt beverages may be consumed on the premises on which a picnic is being held for which a Picnic Class B license has been issued but only during those hours which fermented malt beverages are sold pursuant to said Picnic Class B license.

- (2) Consumption of fermented malt beverages by passengers on a commercial quadricycles is prohibited. (Commercial Quadricycle shall mean a vehicle as defined in section 340.01(8m) of the Wisconsin Statutes) Ord. #1107 7/15/14)

7.07 LOUD AND UNNECESSARY NOISE PROHIBITED. (Ord. 1128 2/2/2016, Ord. 1137 3/7/2017)

- (1) No person shall make or cause to be made any loud, disturbing and unnecessary sounds or noises such as may tend to unreasonably annoy and disturb another in or about any public street, alley or park or any private residence.
- (2) **MOTOR VEHICLES.** No person shall make unnecessary or annoying noise with a motor vehicle by squealing tires, idling of engine or the excessive acceleration of the engine.
- (3) **SEVERABILITY.** If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

7.08 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.

7.09 RESISTING OR OBSTRUCTING OFFICER. (Ord. #736 3/19/91)

No person shall, without reasonable excuse or justification, resist or obstruct any officer of the City while such officer is doing any act in his official capacity and with lawful authority.

- (a) "Obstruct" includes without limitation knowingly giving false information to the officer with intent to mislead him in the performance of his duty.
- (b) "Officer" means a peace officer or other public employee having the authority by virtue of his office or employment to take another into custody.

7.10 GAMBLING, LOTTERIES, FRAUDULENT DEVICES AND PRACTICES PROHIBITED. (Ord. #694 10/18/88)

All forms of gambling, lotteries and fraudulent devices and practices, not specifically allowed by the State of Wisconsin (e.g. the state sponsored lottery and pari-mutual betting) are prohibited within the City. Any police officer or policeman of the City shall seize anything devised solely for gambling or found in actual use for gambling within the

City and dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling.

Revised 3/7/2017

7.11 PROSTITUTION PROHIBITED.

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

7.12 LOITERING PROHIBITED.

(1) **LOITERING OR PROWLING.** 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.

(2) **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.

(3) OBSTRUCTION OF TRAFFIC BY LOITERING.

No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings 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 such public street, sidewalk, streets, street crossings and bridges or other public places by persons passing along and over the same.

7.125 CURFEW. (Ord. #986 6/21/05, Ord. #786 10/4/94)

(1) No child 17 years of age or under 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 Chilton between the times indicated as follows:

(a) Between 10:00 p.m. on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays, and 6:00 a.m. the next day.

(b) Between 12:01 a.m. and 6:00 a.m. on Saturdays and Sundays.

(c) Defenses: It shall NOT be a violation of this section for a child to be in a public place between the above hours if:

1. The child is accompanied by his/her parent(s), guardian, or custodian;
 2. The child is participating in, going to or returning from lawful employment, a school-sanctioned activity, or religious event;
 3. The child is engaging in any activities protected by the First Amendment to the United States Constitution or Article 1, Sections 3 and 4 of the Wisconsin Constitution;
 4. The child is involved in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 5. The child is involved in any activity conducted by a non-profit or governmental entity that provides recreation, education, training or other care under the supervision of one or more adults or;
 6. The child is engaged in interstate or international travel from a location outside Wisconsin to another location outside Wisconsin;
- (d) Probable Cause. Before an officer may issue a citation, he/she must have probable cause to believe the child has violated the curfew ordinance and that no defense exists.
- (e) "Remaining upon any street or alley" shall include and encompass the act of cruising (driving around with no immediate destination) whether or not the child is a passenger or driver of such vehicle.
- (2) PARENTAL VIOLATION. No parent, guardian or other person having legal custody of a child under the age of 18 shall permit such child to violate the provisions of sub. (1).
- (3) DETAINING A CHILD. A child believed to be violating the provisions of this section may, in the discretion of the law enforcement officer, be taken to the police department or the sheriff's department for Calumet County either for proper identification or to be detained until such time as the parent, guardian or person having legal custody of the child is notified, takes the child into custody and signs a release for the child.
- (4) WARNING. As to imposing a parental violation under sub. (2), the first time a parent, guardian or person having legal custody of a child shall be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by this child or any other child under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
- (5) PENALTY. Any child 17 years of age or under who violates sub. (1) shall be subject to a penalty as provided in Section 20.04 of this Code. Any parent, guardian or person having legal custody of a child 17 years of age or under who has been warned in the manner prescribed in sub. (4) and who thereafter violates sub. (2) shall be subject to a penalty as provided in Section 20.04 of this code. (Ord. #986 6/21/05)
- 7.13 No person shall, within the City, provide outdoor feeding to unlicensed cats and dogs. (Ord. # 1166 dtd May 5, 2020)

- 7.14 OBSCENE LITERATURE. No person shall within the City sell, offer for sale, or give away or exhibit any obscene book, pamphlet, paper, card, picture, toy or device.
- 7.15 DESTRUCTIN 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.
- 7.155 PETTY THEFT. (Ord. #610 3/6/84, Ord. #678 4/6/88, Ord. #706 5/2/89)
- (1) No person shall take and carry away, use, transfer, conceal, alater indicia of price or value, or retain possession of movable property of another, the value of which does not exceed five hundred and 00/100 (\$500.00) dollars without his consent and with the intent to deprive the owner permanently either of possession or of full purchase price of such property.
 - (2) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a peace officer wh may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- 7.156 UNLAWFUL RETENTION, MUTILATION, OR THEFT OF LIBRARY MATERIALS.
- (1) UNLAWFUL RETENTION OF LIBRARY MATERIALS. No person shall fail, following demand sent by regular mail, to return or make full restitution for any overdue book, periodical, pamphlet, picture or any other article or property belonging to or in charge of the Chilton Public Library and no person shall remove from the Chilton Public Library any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the Chilton Public Library without first having checked out such article pursuant to the rules and regulations of the library.
 - (2) MUTILATION OF LIBRARY MATERIALS. No person shall mar, deface, or in any other way damage any book, periodical, pamphlet, picture or other article or property belonging to or in the charge of the Chilton Public Library, or permit the same to be done without reimbursing the library for such damage following demand sent by regular mail.
 - (3) THEFT OF LIBRARY MATERIALS. Section 943.61 of the Wisconsin Statutes, relating to theft of library materials, is hereby adopted by reference with the exception of the penalty provisions of said section.

7.16 LITTERING PROHIBITED.

- (1) No person, shall throw any glass, cans, rubbish, waste or filth (hereafter referred to as "Waste") upon the streets, alleys, sidewalks, public parks or other public city property (hereafter referred to as "Public Property") or upon any private property now owned by said person or upon the surface of anybody of water within the city.
- (2) No person shall cause grass, leaves or any form of yard waste (hereafter referred to as "Yard Waste") to enter upon Public Property or upon any private property not owned by said person or upon the surface of any body of water within the city.
- (3) No person shall operate, park or store a motor vehicle so as to cause mud, dirt, stones, or vehicle fluids or lubricants (hereafter referred to as "Debris") to become deposited upon Public Property or upon any private property not owned by said person or upon the surface of any body of water within the city.
- (4) In addition to the penalty provided under S7.17 of the Municipal Code, any person violating paragraphs (1) (2) or (3) shall be responsible to clean or remove the Waste, Yard Waste or Debris from Public Property or upon any private property not owned by said person or upon the surface of any body of water within the city. If such person fails to do so the City shall cause such cleaning or removal to be done and the cost thereof shall be charged to such person.

7.164 STATE STATUTES ADOPTED.

The statutory provisions following the prefix 7.164 describing and defining regulations with respect to alcohol related laws and criminal action in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statutes incorporated herein by reference are required or prohibited by this chapter. (Ord. #940 11/20/01, Ord. #679 4/6/88, Ord. #702 2/21/89)

- 7.164.254.92 Purchase or Possession of Cigarettes or tobacco Products by Person Under 18 prohibited.
- 7.164.125.07 Underage and intoxicated persons; Presence on licensed premises; Possession; penalties
- 7.164.125.085 Proof of Age
- 7.164.125.66 Sale without license; Failure to obtain permit; penalties
- 7.164.134.66 Restrictions on sale or gift of cigarettes or tobacco products
- 7.164.943.11 Entry in locked Vehicle
- 7.164.943.125 Entry into locked coin box
- 7.164.943.13 Trespass to land
- 7.164.943.14 Criminal trespass to dwellings
- 7.164.943.24 Issue of worthless check
- 7.164.947.013 Harassment
- 7.164.948.21 Neglecting a Child
- 7.164.948.40 Contributing to the delinquency of a child

7.164.961 Uniform controlled substances Act
7.164.947.012 Unlawful use of telephone
7.164.947.0125 Unlawful use of computerized Communication Systems

(a) The penalty for violation of Sections 7.164.126.07, 7.164.125.085, 7.164.125.66, 7.164.134.66 and 7.164.961 shall be as set forth within those state statutes being incorporated herein.

(b) The penalty for violation of Sections 7.164.254.92, 7.164.943.11, 7.164.943.125, 7.164.943.13, 7.164.943.14, 7.164.943.24, 7.164.947.013, 7.164.948.21, 7.164.948.40, 7.164.947.012 and 7.164.943.14, 7.164.943.24, 7.164.947.013, 7.164.948.21, 7.164.948.40, 7.164.947.012 and 7.164.947.0125 shall be as set forth in Section 7.17.

7.165 GLASS AND METAL CONTAINERS PROHIBITED ON PUBLIC PROPERTY.

No person shall sell, offer for sale or dispense any beverage, including but not limited to, beer and soda in a glass, metal or other similar container upon any public parks or other property of the City within the City except upon permit granted by the City Council upon showing of due care for the safety of the public using such facilities.

7.166 TRESPASS.

It shall be unlawful for any person who enters upon the property of another to refuse to leave said property when requested to do so by the owner or a person in charge on behalf of the owner of said property. (Ord. #530 5/6/80)

7.168 BOAT REGULATIONS.

(1) **INTENT.** The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the wter resource. (Ord. #532 10/21/80)

(2) **DEFINITIONS.** For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein:

(a) "Boat" any description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(b) "City" is the City of Chilton

(c) "Waterway" is any waters, waterway, lake, river, tributary, canal, lagoon or connecting waters within the corporate limits of the City.

(d) "Boat Motor" is an outboard or inboard engine, which is capable of propelling any watercraft in the water.

(e) "PFD" is a personal flotation device.

(3) **BOAT MOTORS PROHIBITED.** No person shall use, run or operate a boat motor upon any waterway within the City, except during a publicly announced, properly authorized and supervised regatta or exhibition officially sanctioned by the Common Council of the City.

(4) **PFD'S REQUIRED.** (a) No person shall use or operate any boat under 16 feet in length and any canoe or kayak unless it is equipped with at least one PFD of the following types for each person on board, which is readily accessible and immediately available.

Type I- PFD – Life Preserver. This is a jacket type worn like a coat and designed to turn an unconscious person's face up in the water.

Type II – PFD – Buoyant Vest. Horse collar type and worn like a bib.

Type III – PFD – Special Purpose Device. Ski-vest, fishermen's vest, float-coats.

Type IV – PFD – Buoyant Cushion, Ring Buoy. These are throwable devices and are not designed to be worn.

(b) No person shall use or operate any boat 16 feet or over in length (except canoes or kayaks) unless at least one Type I, II, or III Wearable Type PFD is available for each person on board. In addition, each such boat must have at least one Type IV PFD – Buoyant cushion or ring buoy on board.

(5) **ENFORCEMENT.** This ordinance shall be enforced by duly authorized police officers of the City of Chilton, who may institute in the name of the City any appropriate actions or proceedings against a violator as provided by law.

7.169 SWIMMING AND DIVING PROHIBITED. (Ord. #594 6/21/83)

(1) Swimming, diving, and wading in or into that part of the Manitowoc River located between South Madison Street and 50 feet west of the State Street Bridge is prohibited.

(2) **ENFORCEMENT.** This Ordinance shall be enforced by duly authorized police officers of the City of Chilton who may institute in the name of the City any appropriate actions or proceedings against a violator as provided by law.

7.17 PENALTIES. (Ord. #822 6/18/96)

Any person who shall violate any provision 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 Municipal Code.

(2) In addition to any penalty imposed for violation of Section 7.15, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 7.15 may also be held

liable for the cost of repairing such damaged or destroyed property in accordance with Section 895.035, Wis. Stats.

- (3) In addition, in regard to the violation of Section 7.07 of the Municipal Code, the provisions of Sec. 66.948 of the Wisconsin Statutes pertaining to impounding, seizing, the costs thereof, and disposal are hereby adopted and by reference included and made a part of this Chapter as if fully set forth herein.

7.18 TRUANCY AND HABITUAL TRUANCY. (Ord. #900 4/2/00)

- (1) The Chilton City Truancy and Habitual Truancy Policy shall read as follows:

(a) **Definitions.** All terms herein, to the extent not specifically defined, shall have the same meaning as those terms used in context of the Wisconsin Statutes referred to below.

1. **Acceptable excuse** – means permission of the parent/guardian legal custodian of a pupil, within limits of policies on truancy established by the school in which the pupil is enrolled. Except in emergencies or unforeseeable circumstances, such permission shall be communicated in writing from the parent/guardian/legal custodian to the school, prior to the absence in emergencies or unforeseeable circumstances, such communication is expected to be as soon as practicable following the absence.
2. **Truant** – means a pupil who is absent from school without an acceptable excuse under Wisconsin Statutes ss.118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.
3. **Habitual truant** – means a pupil who is absent from school without an acceptable excuse under Wisconsin Statutes s.118.15 for part or all of 5 or more days on which school is held during a school semester.

(b) **Prohibited Acts.** It shall be a violation of this section for a child to be a truant or habitual truant. Any child violating this section shall be subject to one or more of the penalties provided in subsections (c) and (d) below, respectively.

(c) **Truancy Penalties.** For a child under the age of eighteen (18) who is found to be truant.

- (1) A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Wisconsin Statutes s.938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for

all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, parents or guardian of the person, or both.

(2) An order for the person to attend school.

(d) Habitual Truancy Penalties. For a child under the age of eighteen (18) who is found to be a habitual truant:

(1) Suspension of the child's operating privilege, as defined in Wisconsin Statutes s.340.0(40), for not less than thirty (30) days nor more than one year. Any license to suspend shall be immediately taken by the court and forwarded to the Department of Transportation together with a notice stating the reason for the duration of suspension;

(2) A forfeiture of not more than \$500.00 plus costs.

(3) An order for the person to attend school.

7.19 PROHIBITING LIVE, NUDE DANCING and RESTRICTING LIVE, SEMI-NUDE DANCING on PUBLIC PREMISES OPERATING UNDER a RETAIL CLASS B LIQUOR LICENSE (Ord. #960 6/17/03)

(a) Recitals.

- (1) The Common Council of the City of Chilton ("Common Council") has explicit authority under sec. 125.10(1), Statutes, to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in Chapter 125, Stats.
- (2) The Common Council has authority under its general police powers set forth in sec. 62.11(5), 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;
- (3) The Common Council, recognizing it lacks authority to regulate obscenity in light of sec. 66.0107, Stats., and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, declares its intent to enact an ordinance addressing the secondary effects of live, nude dancing in licensed public premises;
- (4) Licensed public premises featuring live, nude 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 efforts are detrimental to the public health, safety and general welfare of citizens;

- (5) The Common Council recognizes the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer parameters of the First Amendment to the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; however, the governing body is aware, based on the experiences of other communities, that licensed public premises in which live, nude dancing occurs may and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the City of Chilton;
- (6) Among these secondary effects are: (a) the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses, (b) the potential depreciation of property values in neighborhoods where licensed public premises featuring live, nude dancing exist, (c) health risks associated with the spread of sexually transmitted diseases, and (d) the potential for infiltration by organized crime for the purpose of unlawful conduct;
- (7) The governing body 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 Chilton; 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;
- (8) The governing body has determined that enactment of an ordinance prohibiting live, nude dancing in licensed public premises licensed to serve alcohol beverages promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity;

(b) Definitions.

- (1) Licensed Public Premises. Places of entertainment, taverns, bars, restaurants and clubs holding a Class B liquor license under Chapter 125 of the Wisconsin Statutes.
- (2) Live, Nude Dancing. Any live act, demonstration, dance or exhibition which shows the human genitals, pubic hair, anus, vulva, or the nipple or areola of the female breast with less than a full opaque covering; or the showing of the covered male genitals in a discernibly turgid state.
- (3) Live, Semi-Nude Dancing. Any live act, demonstration, dance or exhibition which shows, not only the parts of the human body described in the definition of Live, Nude Dancing, but also shows the bare male or female buttocks or the female breast below a horizontal line across the top

of the areola at its highest point with less than a complete and opaque covering.

- (c) **Live, Nude Dancing in Licensed Public Premises Prohibition.** It is unlawful for any person to be engaged in live, nude dancing or to allow any person to be engaging in live, nude dancing in licensed public premises.
- (d) **Proximity and Location Restrictions for Live, Semi-Nude Dancing.** It is unlawful for any person, engaged in live, semi-nude dancing, to have any physical contact with any other person, employee, or patron in a licensed public premise. Live, semi-nude dancing shall only occur on a stage or table that is elevated at least 18 inches above the immediate floor level. To prevent actual physical contact between a person engaged in live, semi-nude dancing and another person, employee, or patron, all such semi-nude dancing shall not be less than five feet from an area occupied by any patron.
- (e) **Exception.** The prohibition described in Section 2 and the restrictions described in Section 3 shall not apply where the nudity is part of a live dance, ballet, musical or dramatic performance of serious artistic merit and in which the predominant attraction is not to provide sexual or erotic stimulation or gratification to the customers.
- (f) **Penalties.** Any person who violates this ordinance shall be subject to the penalty provisions in Section 20.04 of the Municipal Code. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under sec. 125.12, Wis. Stats.
- (g) **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.

7.20 SEXUAL OFFENDER RESIDENCY RESTRICTIONS. (Ord. #1119 7/21/2015)

(1) Finding and Issue:

- (a) Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) It is the intent of this section not to impose a criminal penalty but rather to serve the City's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein

certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

- (2) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:
- (a) Child means a person under the age of 18 for the purpose of this section.
 - (b) Designated Offender means any person who is required to register under Wis. Stat. § 301.45 for any sexual offense against a child or any person who is required to register under Wis. Stat. § 301.45 for whom a bulletin to law enforcement agencies has been issued under Wis. Stat. § 301.46(2m).
 - (c) Loitering means whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle.
 - (d) Permanent Residence means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
 - (e) Temporary Residence means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.
 - (f) Adult Child for the purposes of this section means a person who is 18 years of age or older.
- (3) Sexual Offender and Sexual Predator Residence; Prohibition; Penalties; Exceptions
- (a) Prohibited Location of Residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, licensed day care center, park, recreational trail, playground, place of worship, library, theater or outdoor theater.
 - (b) Prohibited Loitering. It is unlawful for any designated offender to loiter within 500 feet of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the City as a place where children are known to congregate.
 - (c) Prohibited Activity. It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are

present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.

(d) Measurement of Distance.

1. For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, licensed day care center, park, recreational trail, playground, place of worship or any other place designated by the City as a place where children are known to congregate.
2. The City Clerk shall prepare an official map showing prohibited locations as defined by this section. The City Clerk shall maintain the map on file at the City Hall and update the map at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as child safety zones.

(e) Exceptions. A designated offender residing within a prohibited area as described in Paragraph (3) does not commit a violation of this section if any of the following apply:

1. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45 before the effective date of this ordinance.
2. The person is a minor and is not required to register under WI Statutes 301.45 or 301.46.
3. The school, licensed day care center, park, recreational trail or playground within 2,000 feet of the person's permanent residence was opened after the person established and the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45.
4. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or adult children, provided that such parent, grandparent, sibling, spouse or adult child established the residence at least two years before the designated offender established residence at the location.

(f) Property Owners Prohibited from Renting Real Property to Certain Sexual Offenders and Sexual Predators.

- (1) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this article, if such place, structure, or part thereof, trailer or other conveyance, is located

within a prohibited location zone described in Paragraph 3(a), and not subject to an exception set forth in Paragraph 3(e) above.

- (2) A property owner's failure to comply with this section shall constitute a violation of this ordinance and shall subject the property owner to the penalties set forth in Section 5.

(g) **Appeal**

- (1) **Sex Offender Residence Board.** The above 2,000 foot requirement may be waived upon approval of the Sex Offender Residence Board through appeal by the affected party. Such appeal shall be made in writing to the City Clerk's Office, who shall forward the request to the Sex Offender Residence Board, which shall receive reports from the City of Chilton Police Department on such appeal. The Board shall convene and consider the public interest, as well as the affected party's presentation and concerns. After deliberation, the Board shall forward its decision in writing via the minutes or otherwise to the City of Chilton Police Department for their information and action. A written copy of the decision shall be provided to the affected party.

- (2) **Membership.** The Sex Offender Residence Board shall consist of the Public Safety Committee.

(4) **Severability.**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Common Council would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this Ordinance or the application to any person or circumstance are held invalid, the remainder of this Ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

(5) **Penalties.**

A person who violates any provision of this section shall be punished by a forfeiture set forth in Section 20.04 of this Municipal Code. Each day a person maintains a residence in violation of this section constitutes a separate violation. The City of Chilton may also seek equitable relief.

Revised 7/21/2015