AGENDA

REGULAR MEETING

PUBLIC SAFETY COMMISSION

City Hall – Large Conference Room

5211 SCHLUTER ROAD

Wednesday – May 25, 2016

6:00 P.M.

1. Call To Order

2. Roll Call

3. Approval Of Minutes
   a) March 23, 2016

4. Appearances
   a) Brad Bruun about Ad Hoc Bike/Ped Committee

5. Unfinished Business
   a) Discussion/Action on Volunteer FD Staffing – Sullivan
   b) Discussion/Action on Junked Vehicles and Appliances on Private Property 10-5-8 - Holmquist (Item tabled 4/22/15)
   c) Discussion/Action on the Bray Study

6. New Business
   a) Discussion/Action on City Ordinance Recodification Project
   b) Discussion/Action on Parking Complaint: Winnequah Road
   c) Discussion/Action on Parking Restrictions: Wallace, Gordon, Lofty and Parkway. – Public Works Committee
   d) Discussion/Action on Synthetic Cannabinoid Ordinance

7. Review Monthly Financial Reports: Law Enforcement, Fire Protection, Emergency Communications and Ambulance

8. Discussion of future agenda items.

9. Reports
   a) Fire Department
   b) Police Department
   c) Building Inspection

10. Next meeting date: June 22, 2016

11. Adjournment

NOTE: Upon reasonable notice, the City of Monona will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact Joan Andrusz at (608) 222-2525 (not a TDD telephone number), FAX: (608) 222-9225, or through the City Police Department TDD telephone number 441-0399.

It is possible that members of and a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information or speak about a subject, over which they have decision-making responsibility. Any governmental body at the above stated meeting will take no action other than the governmental body specifically referred to above in this notice.

CITY OF MONONA
PUBLIC SAFETY COMMISSION
Wednesday- March 23, 2016

MINUTES

1. **Call to Order:** Chair Holmquist called the meeting to order at 6:03 pm.

2. **Roll Call:**

Commissioners Present: Holmquist, Thomas (7pm), Hoelzel, Hanson, Reed and Kitslaar.

Commissioners Excused: Fadness, Bisbee and Fontaine.

Staff Present: Police Chief Ostrenga and City Administrator Little.

3. **Minutes:** A motion was made by Hoelzel and seconded by Kitslaar to approve the minutes of the February 24, 2016 meeting. Motion approved unanimously.

4. **Appearances:** None

5. **Unfinished Business**

a) Discussion/Action on Volunteer FD Staffing – Not discussed as Chief Sullivan is out of town.

b) Discussion/Action on Junked Vehicles and Appliances on Private Property 10-5-8
Chair Holmquist stated this is going to be addressed during the recodification project.

c) Discussion/Action on the Bray Study
Chair Holmquist reported this was discussed during the comprehensive plan presentation to the City Council and is part of the long term facility planning.

6. New Business

a) Discussion/Action on an MOU between the City and the Fire Department.
Administrator Little was present to explain the MOU between the City and the Fire Department. This MOU will allow the Fire Chief to assign a different schedule anytime the Fire Department has more than six full time employees. This MOU will expire at the end of the current contract, 12/31/16.

b) Discussion/Action on the Special Community/Police Task Force Recommendations regarding police "Use of Force".
Chief Ostrenga reviewed some of the highlights of the 35 page report that was co-authored by members of the Dane County Chiefs of Police Association, the Dane County Branch of the NAACP and the United Way of Dane County.

DRAFT

11. Next meeting date: The next scheduled meeting will be on April 27, 2016

12. Adjournment Motion was made by Reed and seconded by Thomas to adjourn. Motion approved unanimously at 7:12 pm.

DRAFT

PUBLIC SAFETY COMMISSION {Agenda Item 6a}

AGENDA ITEM:
Recodification Project

REQUESTED BY:
Walter J. Ostrenga, Chief of Police

POLICY ANALYSIS STATEMENT:

- Brief Description of Proposal:

  The City is in the process of recodification of the existing Monona City Ordinances. Different sections have been assigned to city different departments.

- Current Policy or Practice:

  Current ordinances are out of date.

- Impact of Adopting Proposal: Update ordinances and format.

The following are sections that have been assigned to the Police Department for review:

Ch. 29, Citations
29-2: add *or State approved Non-traffic citation form (TraCs).*
29-4: add *Also accept credit/debit card payment.*
29-5: (4) Weed Commissioner – does this exist
(7) Emergency Government Director – does this exist
Add Code Enforcement (i.e., Jeremy Small's position) and Park and Recreation Department Head for park violations.

Ch. 54, Emergency Management
54-1: Should it be Public Safety Committee or Public Safety Commission.
54-3: Who is the Emergency Government Director for the city? If it is the Administrator, it should state that in the ordinance.

Ch. 112, Police and Fire Commission
This chapter was recently revised and should be retained as written.

Ch. 145 Adult-Oriented Establishments
145-9 B (1): delete 71

Ch. 168, Bicycles and Play Vehicles
168-2B(3): Delete section, as it is covered in 168-2E.

Ch.272: Alcoholic beverages: No changes recommended

Ch. 281, Juveniles
Change "minor" to "juvenile" throughout the Code.
281-1, Curfew: Revise to read as indicated.
Sub D(1): Revise as suggested.
Sub D(2): Revise penalty as suggested.
Delete 281-6B(6), as it refers to a section that does not exist (938.255(2g)).
281-7, Truancy: Revise as suggested.

E(1)(b): Add wording as suggested.
E(2): Revise to match statute.

Ch. 312, Nuisances
312-3B, Definitions. Change wording from "calls" to "cases".
Sub (14) should refer to 11-6-3 (c)
312-3D(1) replace the fee with as set by Common Council fee schedule
312-7C delete "sanitarian"
312-8 add underlined wording

Ch. 335, Peace and Good Order
335-1 is satisfactory
335-3A If spring guns, air guns, pneumatic are prohibited, but BB guns and paintball guns are allowed makes no sense. We want to prohibit BB guns too.
335-4A(5) should be retained.
335-7E should be deleted, as it is covered in Ch. 272
335-7G should be referred to Ch. 404 Transient Merchants
335-8 changed the time frame from 10:00 to 9:00 to match the 480-10A
335-9B delete last sentence "or to indecently expose his person" (covered in A(4)).
335-11B(2) deleted; as 335-11B(1) revised with recommended language.
335-13 deleted, as 335-1 adopts the state statute.
335-24 deleted as it is covered in 367.

Ch. 367, Smoking
367-3D revise the references

Ch. 374, Snowmobiles
374-3 Update as noted
374-5 Revise as noted

Ch. 427, Vehicles, All-Terrain, Off-Road and Neighborhood Electric
427-1 Change to Low Speed Vehicle

Ch. 434, Vehicles and Traffic
434-5, Official Traffic Map – Should be deleted and replaced by annual fee ord.
434-8A(14) Change 6 feet to 4 feet
434-19A Add new wording about "jake brakes"
434-23 Revise wording on minimum fines

- Staff Recommendation:
  Adopting the recommended changes noted above.

FISCAL IMPACT:

Funds available in the 2015-2016 operational budgets for the recodification project.

Reviewed By City Administrator
_____ Yes _____ No

Action Taken: _____
Approval: _____
Disapproval: _____
Tabled: _____
Committee Meeting Date: _____

Decision:

☐ Updated references are correct as-is.

☐ Revise as follows: _____

G. Section 18-19C(2)(c) refers to the Broadband Telecommunications Citizens Commission, although the title used in § 18-10 is the Community Media Committee. Are these references to the same body? And if so, what is the correct title/title currently used?

Decision:

☐ Use Community Media Committee.

☐ Use Broadband Telecommunications Citizens Commission.

☐ Make no changes; two different bodies are referred to.

H. Section 18-19C(2)(e) refers to the Parks Gifts Committee. This Committee is not otherwise referenced in this chapter; is it a currently existing Committee?

Decision:

☐ Delete § 18-19C(2)(e), Parks Gifts Committee.

☐ Revise as follows: _____

☐ Retain as written.

Ch. 29, Citations

Title 1, Ch. 2, of the 1994 Code

A. We have updated § 66.119, Wis. Stats., to § 66.0113, Wis. Stats., in §§ 29-1 and 29-6.

B. The list of officials authorized to issue citations in § 29-5B should be reviewed to ensure it reflects current practice.

Decision:

☒ Revise as follows: See notes MP

☐ Retain as written.

Ch. 36, City Government

§ 2-1-1, of the 1994 Code

No changes are recommended.

alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent.

Decision:

☐ Revise § 18-2A(2) as follows: "The Mayor ~~may~~ **shall** appoint ~~one or~~ two alternate members for **staggered** terms of three years, who shall act with full power, only when a member of the Board refuses to vote because of interest or is absent."

☐ Retain as written.

C. In § 18-4, Transit Commission, Subsection B(2) states "Citizen members. The **four citizen members** of the Commission shall be appointed by the Mayor subject to confirmation by the Council. The terms of the first citizen members shall be staggered so that **three are appointed for one-year terms and four are appointed for two-year terms**. Thereafter each citizen member shall be appointed for a two-year term beginning May 1." In describing the terms of the first members, the total membership equals seven, not four.

Decision:

☐ Revise as follows:

Citizen members. The four citizen members of the Commission shall be appointed by the Mayor subject to confirmation by the Council. The terms of the first citizen members shall be staggered so that ~~three~~ _____ are appointed for one-year terms and ~~four~~ _____ are appointed for two-year terms. Thereafter each citizen member shall be appointed for a two-year term beginning May 1.

☐ Other: _____

D. In § 18-11 we have updated the reference to § 66.4325, Wis. Stats., to § 66.1335, Wis. Stats.

E. Sections 18-12C(2) and 18-17C(2) refer to the Finance Committee. Should this title be revised to the Finance *and Personnel* Committee (see § 18-14)?

Decision:

☐ Revise to Finance and Personnel Committee.

☐ Retain as written.

F. In § 18-13C we have updated the reference to "Title 7 of this Code of Ordinances" to refer to the new chapter numbers of former Title 7, as follows: "Chapters 63, Art. IV, 145, 159, 191, 198, 238, 272, Art. I, 296, 303, 328, 395, Art II, 404 and 457 of this Code." Please confirm that this is correct or indicate any revisions.

Chapter 29

CITATIONS

§ 29-1. Method of enforcement.
§ 29-2. Information contained in citation.
§ 29-3. Form of citation.
§ 29-4. Schedule of deposits.
§ 29-5. Issuance of citation.
§ 29-6. Procedure.
§ 29-7. Nonexclusivity.
§ 29-8. Court costs.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 1, Ch. 2, of the 1994 Code. Amendments noted where applicable.]

§ 29-1. Method of enforcement.

The City of Monona hereby elects to use the citation method of enforcement of ordinances. All City law enforcement officers and other City personnel charged with the responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.0113(1)(a), Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

§ 29-2. Information contained in citation.

The information required shall be that prescribed by the Wisconsin Uniform Municipal Citation form. or State approved Non-Traffic citation form (TraCS)

§ 29-3. Form of citation.

The form of the citation to be used by the City of Monona is on file in the City Clerk's office and is adopted by reference as though fully set forth herein.

§ 29-4. Schedule of deposits.

A. The schedule of cash deposits shall be established for use with citations issued under this chapter by the Common Council according to the penalty provision of this Code.

B. Deposits shall be made in cash, money order or personal check to the Clerk of Municipal Court who shall provide a receipt therefor. * now accept credit/debit card payment using a service

§ 29-5. Issuance of citation.

A. Law enforcement officer. Any law enforcement officer may issue citations authorized under this chapter.

B. City officials. The following City officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:

(1) Any law enforcement officer;

(2) Fire Chief or Fire Inspector;

(3) Building Inspector; Plumbing Inspector; Electrical Inspector; HVAC Inspector.

(4) Weed Commissioner. - Does this position exist?

(5) City Administrator.

(6) City Engineer/Director of Public Works.

(7) Emergency Government Director. - Does this position exist?

(8) Planning/Community Development Coordinator.

* Need to add Code Enforcement (e.g. Jeremy Small's position)

§ 29-6. Procedure. * Add Parks Dept head for Park Violations?

Section 66.0113(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

§ 29-7. Nonexclusivity.

A. Other ordinance. Adoption of this chapter does not preclude the Common Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

B. Other remedies. The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

§ 29-8. Court costs. [Amended 1-5-2009 by Ord. No. 12-08-590]

The court costs for municipal court shall be assessed in the amount established by state statute. If the applicable statute establishes a range of court costs, the costs shall be the maximum amount allowed by the statute.

Decision:

☐ Retain as written.

☐ Revise as follows: _____

Ch. 47, Elections

§ 2-1-2; amended in its entirety by Ord. No. 02-10-611, of the 1994 Code

No changes are recommended.

Decision:

☐ Retain as written.

☐ Revise as follows: _____

Ch. 54, Emergency Management

Title 5, Ch. 3, of the 1994 Code

A. This chapter provides for the Emergency Government Organization and the Emergency Government Director. Are these titles still correct? The term "emergency management" is now typically used rather than "emergency government." See Chapter 323, Emergency Management, of the Wisconsin Statutes.

Decision:

☒ Change "emergency government" to "emergency management" throughout chapter. OK w/ CUTO

☒ Revise as follows: Public Safety Commission

☐ Make no change. Also p 538 Sec. 15-4-15 should be Public Safety "Commission" not "committee"

B. Chapter 166, Emergency Management, of the statutes was renumbered Chapter 323 by 2009 Act 42. We have updated this reference in § 54-1C.

Chapter 54

EMERGENCY MANAGEMENT

§ 54-1. Policy and purpose.
§ 54-2. Emergency Planning Committee.
§ 54-3. Emergency Government Director.
§ 54-4. Utilization of existing services and facilities.
§ 54-5. Emergency regulations.
§ 54-6. Mutual aid agreements.
§ 54-7. Declaration of emergencies.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 5, Ch. 3, of the 1994 Code. Amendments noted where applicable.]

§ 54-1. Policy and purpose.

A. To ensure that the City of Monona will be prepared to cope with emergencies resulting from man-made or natural disasters, an Emergency Government Organization consisting of the Public Safety ~~Committee~~ Commission and Emergency Government Director is created to carry out all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from fire, tornado, or other natural or man-made causes.

B. To ensure that all civil emergency functions of the City are to be coordinated to the maximum extent practicable with existing services and facilities of the City and with comparable functions of the Federal, State, County and other political subdivisions, and of various private agencies to the end that the most effective preparation and use may be made of manpower, resources and facilities for dealing with any disaster that may occur.

C. Chapter 323, Wis. Stats., is herein incorporated in this chapter by reference.

§ 54-2. Emergency Planning Committee.

A. Composition. The Emergency Planning Committee shall consist of the Mayor and the Council's Public Safety ~~Committee~~ Commission.

B. Appointment. The Committee members shall be appointed by the Mayor, subject to confirmation by the Common Council.

C. Duties of the emergency planning committee. The Emergency Planning Committee shall be an advisory and planning group and shall advise the Mayor, Emergency Government Director, and the Common Council on all matters pertaining to emergency government. The Emergency Planning Committee shall meet upon the call of the Chairman.

§ 54-3. Emergency Government Director.

A. Appointment. The Emergency Government Director shall be appointed by the Mayor, subject to confirmation by the City Council, and shall receive such salary as may be authorized by the Common Council. The Emergency Government Director shall be appointed in odd-numbered years for a two-year term of office, commencing on May 1st of the year of appointment.

B. Duties and authority of the emergency government director.

(1) The Director shall have direct responsibility for the organization, administration and operation of the Emergency Government Organization, subject to the control of the Mayor and the Common Council.

(2) The Director shall coordinate all activities for emergency government within the City and shall maintain liaison and cooperate with emergency government agencies of other political subdivisions and of the County.

(3) The Director shall participate in County and State emergency government activities upon request of the Mayor.

(4) The Director shall maintain a comprehensive disaster plan for the City of Monona and shall present such plan to the City Council for its approval. All municipal agencies and emergency forces of the City shall perform the duties and functions assigned by the disaster plan.

(5) The Director shall have such additional authority, duties and responsibilities as are authorized in this chapter, and as may from time to time be required by the Common Council.

§ 54-4. Utilization of existing services and facilities.

In preparing and executing the Disaster Plan the Director, with the full cooperation of all City officers and personnel, shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the City to the maximum extent practicable.

§ 54-5. Emergency regulations.

Whenever necessary to meet a civil emergency for which adequate regulations have not been adopted by the Common Council; the Mayor (and in his absence, in order, the Council President or the senior member of the Common Council available) may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property, and to ensure the cooperation necessary in civil emergency activities. Such proclamations shall be posted in a public place and may be rescinded by the Common Council by resolution at any time.

§ 54-6. Mutual aid agreements.

The Emergency Government Director may enter into mutual aid agreements with other political subdivisions, subject to approval by the Common Council.

§ 54-7. Declaration of emergencies.

A. Upon declaration by the Governor, the Mayor, the Emergency Government Director in the absence of the Mayor, or the Common Council of a state of emergency, the Emergency Government Director shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the Disaster Plan.

B. The Emergency Government Organization shall take action in accordance with the Disaster Plan only after the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority with the provision that any such declaration not issued by the Governor may be terminated at the discretion of the Common Council.

Chapter 3

Emergency Government

5-3-1 Policy and Purpose
5-3-2 Emergency Planning Committee
5-3-3 Emergency Government Director
5-3-4 Utilization of Existing Services and Facilities
5-3-5 Emergency Regulations
5-3-6 Mutual Aid Agreements
5-3-7 Declaration of Emergencies

Sec. 5-3-1 Policy and Purpose.

(a) To ensure that the City of Monona will be prepared to cope with emergencies resulting from man-made or natural disasters, an Emergency Government Organization consisting of the Public Safety Committee and Emergency Government Director is created to carry out all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from fire, tornado, or other natural or man-made causes.

(b) To ensure that all civil emergency functions of the City are to be coordinated to the maximum extent practicable with existing services and facilities of the City and with comparable functions of the Federal, State, County and other political subdivisions, and of various private agencies to the end that the most effective preparation and use may be made of manpower, resources and facilities for dealing with any disaster that may occur.

(c) Chapter 166, Wis. Stats., is herein incorporated in this Chapter by reference.

Sec. 5-3-2 Emergency Planning Committee.

(a) **Composition.** The Emergency Planning Committee shall consist of the Mayor and the Council's Public Safety Committee.

(b) **Appointment.** The Committee members shall be appointed by the Mayor, subject to confirmation by the Common Council.

(c) **Duties of the Emergency Planning Committee.** The Emergency Planning Committee shall be an advisory and planning group and shall advise the Mayor, Emergency Government Director, and the Common Council on all matters pertaining to emergency government. The Emergency Planning Committee shall meet upon the call of the Chairman.

Sec. 5-3-3 Emergency Government Director.

(a) **Appointment.** The Emergency Government Director shall be appointed by the Mayor, subject to confirmation by the City Council, and shall receive such salary as may be authorized by the Common Council. The Emergency Government Director shall be appointed in odd-numbered years for a two (2) year term of office, commencing on May 1st of the year of appointment.

(b) **Duties and Authority of the Emergency Government Director.**

(1) The Director shall have direct responsibility for the organization, administration and operation of the Emergency Government Organization, subject to the control of the Mayor and the Common Council.

(2) The Director shall coordinate all activities for emergency government within the City and shall maintain liaison and cooperate with emergency government agencies of other political subdivisions and of the County.
(3) The Director shall participate in County and State emergency government activities upon request of the Mayor.
(4) The Director shall maintain a comprehensive disaster plan for the City of Monona and shall present such plan to the City Council for its approval. All municipal agencies and emergency forces of the City shall perform the duties and functions assigned by the disaster plan.
(5) The Director shall have such additional authority, duties and responsibilities as are authorized in this Chapter, and as may from time to time be required by the Common Council.

Sec. 5-3-4 Utilization of Existing Services and Facilities.

In preparing and executing the Disaster Plan the Director, with the full cooperation of all City officers and personnel, shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the City to the maximum extent practicable.

Sec. 5-3-5 Emergency Regulations.

Whenever necessary to meet a civil emergency for which adequate regulations have not been adopted by the Common Council; the Mayor (and in his absence, in order, the Council President or the senior member of the Common Council available) may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property, and to ensure the cooperation necessary in civil emergency activities. Such proclamations shall be posted in a public place and may be rescinded by the Common Council by resolution at any time.

Sec. 5-3-6 Mutual Aid Agreements.

The Emergency Government Director may enter into mutual aid agreements with other political subdivisions, subject to approval by the Common Council.

Sec. 5-3-7 Declaration of Emergencies.

(a) Upon declaration by the Governor, the Mayor, the Emergency Government Director in the absence of the Mayor, or the Common Council of a state of emergency, the Emergency Government Director shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the Disaster Plan.
(b) The Emergency Government Organization shall take action in accordance with the Disaster Plan only after the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority with the provision that any such declaration not issued by the Governor may be terminated at the discretion of the Common Council.

Also * P. 538

Sec. 15-4-15 Appears Refers to "Committee" instead of "Commission"

Decision:

☐ Revise § 103-20 to read as follows: "Elected and appointed officials shall take and file the official oath within 10 days after notice of their election or appointment as provided in § 62.09(4), Wis. Stats."

☐ Revise as follows: _____

☐ Retain as written.

Ch. 112, Police and Fire Commission

Title 5, Ch. 1, of the 1994 Code; amended in its entirety by Ord. No. 7-14-661

This chapter was recently revised; it appears suitable as written.

Decision:

☒ Retain as written. OKO

☐ Revise as follows: _____

Ch. 119, Property, Lost, Abandoned and Surplus

Title 3, Ch. 4, of the 1994 Code

In § 119-2B(1)(c) we will update the reference to the Alcohol, Tobacco and Firearms Bureau of the United States Department of the Treasury to the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. Otherwise this chapter appears satisfactory as written, provided that it reflects current procedures.

Decision:

☐ Retain as written.

☐ Revise as follows: _____

Ch. 128, Records

Title 3, Ch. 3, of the 1994 Code

A. The definition of "record" in § 19.32, Wis. Stats., was amended by 2013 Act 171 as follows:

"Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or

PART II, GENERAL LEGISLATION

Ch. 145, Adult-Oriented Establishments

Title 7, Ch. 8, of the 1994 Code

A. There appears to be a typo of some sort in § 145-9B(1), which reads as follows:

> Each booth, room or cubicle shall be separated from adjacent booths, rooms and 71 cubicles and any nonpublic areas by a wall.

Decision:

☒ Simply delete "71."

☐ Revise as follows: _____

(Or write-in above)

B. We will make the following minor revision to § 145-9B(2) so that it is a complete sentence: "Each booth, room or cubicle shall ~~H~~have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same."

Ch. 152, Ambulance Transportation

Title 5, Ch. 4, of the 1994 Code

This chapter provides that there shall be a fee charged for receiving transportation services from the Monona Emergency Medical Services. No changes are recommended.

Decision:

☐ Retain as written.

☐ Revise as follows: _____

Ch. 159, Animals

Title 7, Ch. V, of the 1994 Code

A. Definitions, § 159-1.

(1) In the definition of AT LARGE, is there missing or extra wording? Please review:

§ 145-9. Physical layout of adult oriented establishment.

Any adult oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

A. Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment and shall be unobstructed by any door, lock or other control type devices.

B. Construction. Every booth, room or cubicle shall meet the following construction requirements:

(1) Each booth, room or cubicle shall be separated from adjacent booths, rooms and ~~71~~ cubicles and any nonpublic areas by a wall.

(2) Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.

(3) All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet and be light colored, nonabsorbent, smooth textured and easily cleanable.

(4) The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.

(5) The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten-footcandles at all times as measured from the floor.

C. Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

§ 145-10. Responsibilities of the operator.

A. The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, Social Security number, date of employment and termination and duties of each employee. The above information on each employee shall be maintained in the register on the premises for a period of three years following termination.

B. The operator shall make the register of employees available immediately for inspection by police upon demand of a member of the City Police Department at all reasonable times.

C. Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs, either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator

Decision:

☐ Revise to read as indicated.

☐ Retain as written.

F. Section 159-11, Violations and penalties.

(1) The forfeiture amounts in Subsections A, B and C should be reviewed to ensure they are still satisfactory.

Decision:

☐ Revise as follows: _____

☐ Retain as written.

(2) Section 95.21(10)(a), Wis. Stats., provides as follows: "*An owner who fails to have a dog vaccinated against rabies as required under sub. (2)(a) may be required to forfeit not less than $50 nor more than $100.*" Should this penalty be added to the City's ordinance? According to § 159-11B(1) the penalty for violation of § 159-2, Rabies vaccination required for dogs and cats, is $25 to $200 for a first offense and $100 to $400 for any subsequent offense.

Decision:

☐ Omit § 159-2 from Subsection B and add "*An owner who fails to have a dog vaccinated against rabies as required in § 159-2 shall be subject to the penalty prescribed by § 95.21(10)(a), Wis. Stats.*"

☐ Revise as follows: _____

☐ Make no change.

Ch. 168, Bicycles and Play Vehicles

Title 10, Ch. 2, of the 1994 Code; amended in its entirety by Ord. No. 9-10-618

A. Section 168-2B(3) could be deleted as covered by § 168-2E:

§ 168-2B(3): *It shall be unlawful for any person riding upon a bicycle to cling to or attach himself or the bicycle to any other moving vehicle upon a street or highway.*

§ 168-2E: *No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or highway...*

bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three feet between his bicycle and the vehicle.

(2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.

(3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself or the bicycle to any other moving vehicle upon a street or highway.

(4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.

(5) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.

(6) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street.

(7) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(8) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.

C. Required equipment.

(1) Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.

(2) It shall be unlawful for any bicycle to be equipped with a siren or whistle, or to use any bell or horn otherwise than as a reasonable warning to other users of the highway. Law enforcement officers shall be exempt from this subsection while acting in the performance of their official duties.

D. Display of license. Valid license stickers must be displayed on the bicycle so that it is clearly visible.

E. Bicycles not to be pulled by moving vehicles. No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle which is not designed to be towed by a bicycle on such highway.

(2) Subsection B provides that violations of this article are subject to the general penalty in § 1-4 of the Code. However, a specific penalty is provided in § 272-4E(2) and F(2) of $200 for any person submitting false information on an application; and in § 272-21A of $1,000 for any violation of any provision of this article or any condition included on a license application or on the license itself or for providing any false or inaccurate information on a written application.

Decision:

- ☐ In § 272-23B revise "except as otherwise provided in Subsection A herein" to "except as otherwise provided herein."
- ☐ Revise as follows: _____
- ☐ Make no change.

Art. II, Offenses (Ch. 272)

Title 11, Ch. 4, of the 1994 Code; amended in its entirety by Ord. No. 2-14-658

No changes are recommended.

Decision:

- ☐ Retain as written.
- ☐ Revise as follows: _____

Ch. 281, Juveniles

Title 11, Ch. 5, of the 1994 Code

A. The terms "juvenile" and "minor" are used interchangeably throughout this chapter. If both terms are meant to apply to "a person who is less than 18," we recommend the use of one term.

Decision:

- ☑ Change "minor" to "juvenile" throughout the Code.
- ☐ Revise as follows: _____
- ☐ Make no change; retain both terms.

B. Section 281-1, Curfew.

(1) Subsection A begins with curfew hours of 11:00 p.m. to 5:00 a.m. the next day for any person under 18 years of age; however, the subsection goes on to also list additional curfew hours by age. Should the following revision be made?

Decision:

☒ Revise as follows: "*...and upon a second or subsequent offense, upon conviction thereof, forfeit not less than $1 nor more than $50 ~~and for each subsequent conviction~~.*

☐ Revise as follows: _____

☐ Make no change.

C. In § 281-4C(2) we have updated the reference to Section 946.71 or 946.715, Wis. Stats., to § 948.31, Wis. Stats.

D. In § 281-5A we will update "carbon copy" to "copy."

E. In § 281-5B we have updated the reference to Sections 48.17(2), 48.343, 48.344 and 48.345 of the Wisconsin Statutes to §§ 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats.

F. Section 281-6B(1) refers to § 938.255(2g), Wis. Stats., however that section does not contain a Subsection (2g).

Decision:

☐ Revise as follows: _____

☐ Other: _____

G. Section 281-6B(6) refers to § 938.348, Wis. Stats., however there is no such section.

Decision:

☒ Delete § 281-6B(6).

☐ Revise as follows: _____

H. Section 281-7, Truancy and school dropouts.

(1) Subsection E(1)(a) no longer matches § 118.163(2)(a), Wis. Stats., which reads as follows:

Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation a notice stating the reason for and the duration of the suspension.

G. Display of license. Each license issued under the provisions of this chapter shall be posted on the premises whenever the operator dispenses beverages or be in his possession, or carry a license card.

H. Revocation of operator's license. Violation of any of the terms or provisions of the State law or of this chapter relating to operator's licenses by any person holding such operator's license shall be cause for nonrenewal, suspension, or revocation of the license. Any such action shall proceed in accordance with section 125.12 of the Wisconsin Statutes, and License Review Committee shall be the official hearing body. **[Amended 11-3-2014 by Ord. No. 10-14-666]**

§ 272-23. Violations and penalties.

A. Forfeitures for violations of Secs. 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in § 272-1 of the Code of the City of Monona, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.

B. Any person who shall violate any provision of this chapter of the Code of Ordinances of the City of Monona, except as otherwise provided in Subsection A herein or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in § 1-4, Penalties, of Ch. 1, General Provisions, of the Code of the City of Monona.

C. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

ARTICLE II
Offenses

[Adopted as Title 11, Ch. 4, of the 1994 Code; amended in its entirety 3-3-2014 by Ord. No. 2-14-658]

§ 272-24. Alcoholic beverages in public areas.

A. Regulations. It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives or other public area within the City of Monona or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the City except as licensed premises.

B. Private property held out for public use. It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the City unless the property is specifically named as being part of a licensed premises.

C. Leaving licensed premises with open container.

Chapter 281

JUVENILES

§ 281-1. Curfew.
§ 281-2. Possession of controlled substances by juveniles.
§ 281-3. City jurisdiction over persons 12 through 17 years of age.
§ 281-4. Unlawful sheltering of minors.
§ 281-5. Enforcement and penalties.
§ 281-6. Dispositional authority of municipal court.
§ 281-7. Truancy and school dropouts.
§ 281-8. Contributing to truancy.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 11, Ch. 5, of the 1994 Code. Amendments noted where applicable.]

§ 281-1. Curfew.

A. Curfew established. It shall be unlawful for any person under 18 years of age to be present on any public street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building or any other public place in the City of Monona between the hours of 11:00 p.m. and 5:00 a.m. the next day, unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore - youth 15 and under: weeknights (Sunday - Thursday) 10:00 p.m. to 5:00 a.m.; weekends (Friday and Saturday) 11:00 p.m. to 5:00 a.m.; youths age 16 and up to 18: weeknights (Sunday - Thursday) 11:00 p.m. to 5:00 a.m.; weekends (Friday and Saturday) 12:00 a.m. to 5:00 a.m.

B. Exceptions.

(1) This section shall not apply to a child:

(a) Who is performing an errand as directed by his parent, guardian or person having lawful custody.

(b) Who is on his own premises or in the areas immediately adjacent thereto.

(c) Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.

(d) Who is returning home from a supervised school, church or civic function, but not later than 30 minutes after the ending of such function.

(e) Who is participating in, going to, or returning from, an activity involving the exercise of their rights protected under the First Amendment to the United States Constitution or any equivalent rights under the Wisconsin Constitution, including freedom of speech, the free exercise of religion, and the right of assembly.

DRUG PARAPHERNALIA — Shall have the same meaning as the term is defined in Section 961.571 of the Wisconsin Statutes.

B. Possession of drug paraphernalia. No person under 17 years of age may use, or possess with the primary 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 or controlled substance analog in violation of this chapter.

C. Manufacture or delivery of drug paraphernalia. No person under 17 years of age may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that is will be primarily 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 or controlled substance analog in violation of this chapter.

D. Penalties. Any person who violates any provision of this section shall be subject to a disposition in accordance with Section 938.344(2e) of the Wisconsin Statutes as adopted by § 281-6 of this Code.

§ 281-3. City jurisdiction over persons 12 through 17 years of age.

A. Adoption of state statute. Section 938.17(2), Wis. Stats., is hereby adopted and by reference made a part of this section as if fully set forth herein.

B. Provisions of ordinance applicable to persons 12 through 17 years of age. Subject to the provisions and limitations of Section 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against persons 12 through 17 years of age may be brought on behalf of the City of Monona and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.

C. No incarceration as penalty. The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this section.

D. Additional prohibited acts. In addition to any other provision of the City of Monona Code of Ordinances, no person age 12 through 17 shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Chapter 125, Wis. Stats.

E. Penalty for violations of Subsection D. Any person 12 through 17 years of age who shall violate the provisions of Subsection D shall be subject to the same penalties as are provided in § 1-4 of this Code exclusive of the provisions therein relative to commitment in the County Jail.

B. The following sections of the Wisconsin Statutes are hereby specifically adopted by reference for the dispositional authority of the Monona Municipal Court:

(1) Sec. 938.255(2g), Stats.

(2) Sec. 938.341, Stats.

(3) Sec. 938.342, Stats.

(4) Sec. 938.343, Stats.

(5) Sec. 938.344, Stats.

(6) Sec. 938.348, Stats. Delete

(7) Sec. 938.355, Stats.

§ 281-7. Truancy and school dropouts.

A. Definitions. In this section:

DROPOUT — A child who ceased to attend school, does not attend a public or private school, technical college or home-based private education program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under Section 118.15(1)(b) to (d) or (3), Wis. Stats.

HABITUAL TRUANT — A pupil who is absent from school without an acceptable excuse under Section 118.16(4), Wis. Stats., and Section 118.15 for part or all of five or more days on which school is held during a school semester.

TRUANT — A pupil who is absent from school without an acceptable excuse under Wis. Stats. Sections 118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.

B. Habitual truancy. No person under 18 years of age shall be a habitual truant from the school the person is supposed to be attending.

C. Dropout. No person who is at least 16 years of age but less than 18 years of age shall be a dropout.

D. Truancy. No person under the age of 18 years of age shall be a truant from the school the person is supposed to be attending.

E. Dispositions, truancy, habitual truancy, and school dropout.

(1) Habitual truancy. If the Court finds that a person under 18 years of age violates § 281-7B of this Code, the Court shall enter an Order making one or more of the following dispositions:

(a) Suspend the person's operating privileges, as defined in Wis. Stats. Section 340.01(40) for not less than 30 days nor more than one year. The Court shall immediately take possession of the suspended license and forward it to the

(k) Order the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

(2) School dropout. If the Court finds a person is subject to and has violated § 281-7C of this Code, the Court may suspend the person's operating privilege, as defined in Wis. Stats. Section 340.01(40), until the person reaches the age of 18. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation along with a notice stating the reason for and the duration of the suspension.

(3) Truancy. If the Court finds a person under 18 years of age violated § 281-7D of this Code, the Court shall enter an Order making one or more of the following dispositions:

(a) Order the person to attend school.

(b) Impose a forfeiture of not more than $50 plus costs for the first violation, or a forfeiture of $100 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Section 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than $500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or the guardian of the person, or both.

§ 281-8. Contributing to truancy.

A. Except as provided in Subsection B, any person 17 years of age or older who, by any act or omission, knowingly encourages or contributes to truancy, as defined under section 118.16(1)(c) of the Wisconsin Statutes, of a person 17 years of age or under shall be subject to a forfeiture of up to $500.

B. Subsection A does not apply to a person who has under his or her control a child who has been sanctioned under section 49.26(1)(h) of the Wisconsin Statutes.

C. An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

subsection shall be subject to a forfeiture of not more than $25. Each failure to report is a separate offense."

Decision:

☐ Add wording as indicated.

☐ Revise as follows: _____

☐ Make no change.

D. Section 303-3B refers to § 66.60(16), Wis. Stats., which subsection was repealed by 1999 Act 150. Should this reference be updated to § 66.0627, Special charges for current services, or § 66.0703, Special assessments?

Decision:

☐ Revise to § 66.0703, Special assessments.

☑ Revise to § 66.0627, Special charges for current services.

Ch. 312, Nuisances

Title 11, Ch. 6, of the 1994 Code

A. Section 312-3B, Definitions.

(1) The definition of CHRONIC NUISANCE PROPERTY, Subsection (1), should the word "calls" be "cases" in the following? (Note that Subsection I refers to building inspection cases.)

*Is a Property which has generated three or more calls for police services that have resulted in Enforcement Action for Nuisance Activities on three separate days within a ninety-day period and/or has generated five or more cases from building inspections from at least five building inspections occurring within a one year period, with such **calls** resulting in Enforcement Action.*

Decision:

☑ Revise as follows: "*...has generated five or more cases from building inspections from at least five building inspections occurring within a one year period, with such ~~calls~~ cases resulting in Enforcement Action.*"

☐ Revise as follows: _____

☐ Make no change.

(2) Subsection (14) in the definition of NUISANCE ACTIVITIES refers to "Sec. 10.17, MCO." We are unable to update this reference; perhaps it is a typo. Please advise.

We asked the City of Madison and had a similar issue. This might be a typo. Perhaps Monona ord. 11-6-3(c) should be better

Decision:

☒ Revise as follows: "Depositing rubbish as prohibited by Public Nuisance 11-6-3(a) ?"

☐ Revise as follows: _____

(3) Subsection (27) in the definition of NUISANCE ACTIVITIES reads "Violations of the Minimum Housing Code, as prohibited by Title 15, MCO." Former Title 15 was comprised of:

Ch. 1, Construction Standards Code (now Ch. 175)
Ch. 2, Erosion and Stormwater Runoff Control (now Ch. 216)
Ch. 3, Fair Housing (now Ch. 225)
Ch. 4, Fire Prevention Code (now Ch. 232)
Ch. 5, Grievances Regarding Access to Public Buildings, Programs, Services and Employment (now Ch. 79, Art. I)

Should this reference be updated to include ALL of these chapters, or only certain chapters?

Decision:

☐ Revise as follows:
"Violations of the Minimum Housing Code, as prohibited by _____
_____"

☐ Other: _____

B. Section 312-3D(1) contains an administrative fee of $100. This fee is included on the City's comprehensive fee schedule; should this dollar amount be replaced with wording that the fee is as set by the Common Council?

Decision:

(CW) ☒ Replace the fee with wording that the fee is as set by the Common Council in the City's fee schedule.

☐ Revise as follows: _____

☐ Retain as written.

C. Section 312-3D(2) contains a penalty of a forfeiture of not less than $100 nor more than $1,000 for each Enforcement Action. Is any revision desired?

Decision:

☐ Revise as follows: _____

☐ Retain as written.

D. In § 312-7C there is reference to "inspector or sanitarian." Does the City have a sanitarian? - No

Decision:

☒ Delete "or sanitarian."

☐ Revise as follows: _____

☐ Make no change.

E. We believe wording might be missing in § 312-8 as follows: "the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge."

Decision:

☒ Add underlined wording.

☐ Revise as follows: _____

☐ Make no change.

Ch. 321, Parks and Recreation Areas

Title 12, Ch. 1, of the 1994 Code

A. Section 321-1B(11) refers to "Chapters HS 171 and 172, Wis. Adm. Code, pertaining to public swimming pools." Note that the Department of Health Services does not have a Ch. 171; Ch. 172 is Safety, Maintenance and Operation of Public Pools and Water Attractions; and the Department of Safety and Professional Services contains Ch. 390, Design and Construction of Public Swimming Pools and Water Attractions.

Decision:

☐ Revise § 321-1B(11) as follows:

Swimming pool. The provisions of Chapters DHS ~~171 and~~ 172 and SPS 390, Wis. Adm. Code, pertaining to public swimming pools, as amended, ~~as~~ are adopted and incorporated herein by reference.

☐ Simply remove the reference to Ch. 171.

☐ Other: _____

period of six (6) consecutive months from the date stated on the notice declaring the premise a Chronic Nuisance Premise and/or there are no building inspection cases generated for a period of six (6) consecutive months from the date stated on the notice declaring the Premise. a Chronic Nuisance Premise.

(10) Severability. The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

Sec. 11-6-3 Public Nuisances Affecting Health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 11-6-2:

(a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

(b) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.

(c) **Breeding Places for Vermin, Etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

(d) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.

(e) **Garbage Cans.** Garbage cans which are not fly-tight.

(f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation in violation of this Code of Ordinances.

(g) **Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

(h) **Noxious Odors, Etc.** Any use of property, substances or things within the City causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.

(i) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.

(j) **Animals at Large.** All animals running at large.

(k) **Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood and other refuse.

(l) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits of the City in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

Sec. 11-6-4 Public Nuisances Offending Morals and Decency.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 11-6-2:

(a) **Disorderly Houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(b) **Gambling Devices.** All gambling devices and slot machines, except as permitted by state law.

Chapter 312

NUISANCES

§ 312-1. Public nuisances prohibited.
§ 312-2. Public nuisance defined.
§ 312-3. Chronic nuisance property.
§ 312-4. Public nuisances affecting health.
§ 312-5. Public nuisances offending morals and decency.
§ 312-6. Public nuisances affecting peace and safety.
§ 312-7. Abatement of public nuisances.
§ 312-8. Cost of abatement.
§ 312-9. Enforcement; violations and penalties.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 11, Ch. 6, of the 1994 Code. Amendments noted where applicable.]

§ 312-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City of Monona.

§ 312-2. Public nuisance defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;

B. In any way render the public insecure in life or in the use of property;

C. Greatly offend the public morals or decency;

D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

§ 312-3. Chronic nuisance property. [Added 7-7-2008 by Ord. No. 5-08-580; amended 7-15-2013 by Ord. No. 7-13-647]

A. Findings. The Monona Common Council finds that certain Property within the City receive and require more than the general, acceptable level of police services and Building Inspection Department services, place an undue and inappropriate burden on City of Monona taxpayers, and constitute public nuisances. Nuisance activity contributes to the general decay of an affected neighborhood and negatively impacts law-abiding residents in these neighborhoods. This ordinance is enacted to encourage Property owners and Persons in Charge, as defined below, to recognize their responsibility to ensure that

activities occurring on their Property conform to the law and do not unduly burden the City's police and Building Inspection resources and to provide a mechanism for the City to take action against Property owners and/or Persons in Charge who fail to ensure Property they own or control do not require a disproportionate level of police and Building Inspection resources to be devoted to such Property. This ordinance provides a method for Police and the Department of Building Inspection to use in a progressive manner when working with property owners and Persons in Charge to abate nuisance activities occurring on their Property. Therefore, the Common Council determines that the City will charge the owners of such Property and/or Person in Charge with the costs associated with abating nuisance activity at Property where nuisance activities chronically occur. This section is not intended to discourage crime victims or a person in legitimate need of police services from requesting them. This section does not affect a Property owner's duty to comply with Chapter 225, Fair Housing, of the Code of the City of Monona, nor does it affect a Property owner's duty to comply with all other laws governing residential tenancies which are contained in the Wisconsin Statutes, and the Wisconsin Administrative Code.

B. Definitions. For the purposes of this section:

CHIEF OF POLICE — The City of Monona Police Department Chief of Police or designee.

CHRONIC NUISANCE PROPERTY — A Property that meets any of the following criteria:

(1) Is a Property which has generated three or more calls for police services that have resulted in Enforcement Action for Nuisance Activities on three separate days within a ninety-day period and/or has generated five or more cases from building inspections from at least five building inspections occurring within a one year period, with such calls resulting in Enforcement Action. Three or more calls for police services resulting in Enforcement Action for Nuisance Activities includes Enforcement Action taken against any person associated with the Property while at or within 200 feet of the Property for a Nuisance Activity; or

(2) Is a Property for which a Dane County Court of law has determined that, pursuant to a search warrant request, probable cause exists that manufacture, distribution or delivery of a controlled substance has occurred on or in association with the Property within 30 days prior to the date of the search warrant application; or

(3) Is a Property which has had one Enforcement Action associated with the Property resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961 of the Wisconsin Statutes.

DIRECTOR OF BUILDING INSPECTION — The City of Monona Building Inspector.

ENFORCEMENT ACTION — Any of the following: The physical arrest of an individual(s), the issuance of a citation for a law violation and/or referral of charges by the police or the building inspection to the City Attorney or District Attorney for prosecution.

NUISANCE ACTIVITIES — Any of the following activities, behaviors or conduct:

(1) An act of harassment as defined in s. 947.013, Wis. Stats.

(2) Disorderly conduct as defined in § 335-9 of this Code or s. 947.01, Wis. Stats.

(3) Crimes of violence as defined in Ch. 940, Wis. Stats.

(4) Resisting or obstructing an officer as prohibited by s. 946.41, Wis. Stats.

(5) Indecent exposure as prohibited by s. 944.20(1)(b) Wis. Stats.

(6) Damage to property as prohibited by § 335-1 of this Code or s. 943.01, Wis. Stats.

(7) The production or creation of noises disturbing the peace, as prohibited by § 335-8A of this Code.

(8) Discharge of a firearm as prohibited by § 335-3A of this Code.

(9) Crimes involving illegal possession of firearms as defined in ss. 941.23, 941.26, 941.28, 941.29 and 948.60, Wis. Stats.

(10) Trespass to land as defined in s. 943.13, Wis. Stats. or criminal trespass to dwelling as defined in s. 943.14, Wis. Stats, or unlawful trespass as prohibited in § 335-23 of this Code.

(11) Obstructing a street or sidewalk, as prohibited by § 335-6.

(12) Theft as defined in s. 943.20, Wis. Stats.

(13) Arson as defined in s. 943.02, Wis. Stats.

(14) Depositing rubbish as prohibited by Sec. 10.17, MCO.

(15) Keeping a place of prostitution as defined in or s. 944.34, Wis. Stats.

(16) Loitering for the purposes of prostitution as prohibited by § 335-13 of this Code.

(17) Loitering for purposes of soliciting prostitutes, as prohibited by § 335-7 of this Code.

(18) Prostitution as prohibited by s. 944.30, Wis. Stats.

(19) Soliciting prostitutes as prohibited by s. 944.32, Wis. Stats.

(20) Keeping, or aiding or assisting in keeping, or being an inmate of any disorderly house, as prohibited in § 312-1 of this Code.

(21) Possessing an open container which contains alcohol beverages or consuming alcohol beverages upon any public street as prohibited by § 272-15M of this Code.

(22) Selling, offering for sale or giving away of any intoxicating liquors or fermented malt beverages without a license as provided in § 272-3 of this Code, or s. 125.04(1), Wis. Stats.

(23) Possession, manufacture, distribution or delivery of a controlled substance or related offenses as defined in Ch. 961, Wis. Stats.

(24) Maintaining a drug dwelling as defined in Sec. 961.42 of the Wisconsin Statutes.

(25) Illegal gambling as defined in s. 945.02, Wis. Stats.

(26) Owning, keeping or harboring a dangerous animal, as defined in § 159-6 of this Code.

(27) Violations of the Minimum Housing Code, as prohibited by Title 15, MCO.

PERSON — Any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using property in the City of Monona.

PERSON ASSOCIATED WITH — Any person who, whenever engaged in a Nuisance Activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a Property or person present on a Property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a Property.

PERSON IN CHARGE — Any person, in actual or constructive possession of a Property including but not limited to an owner, lessee, or occupant of Property under his or her ownership or control.

PROPERTY — A place of a commercial building, an abode, a residence, a house or multiple dwelling unit for one or more persons, including lodging houses, hotels, motels and tourist rooming houses, and associated common areas, yards and parking lots. In the case of multiple dwelling units, "Property", as used in this section, may consist of any single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

C. Procedure.

(1) Upon finding that a Property meets the definition of a Chronic Nuisance Property, the Chief of Police or the Director of Building Inspection may declare the Property a Chronic Nuisance Property. The Chief of Police or the Director of Building Inspection shall provide written notice of his or her determination to the Property owner identified by the City of Monona Assessor's records for that Property and/or Persons in Charge. The notice shall be deemed delivered if sent either by first class mail to the Property owner's or Person in Charge's last known address or delivered in person to them. If they cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the Property owner's or Person in Charge's (1) place of business with the person who is apparently in charge of the office, if the Property owner is a corporate entity; or if the Property owner is a natural person, at their usual place of abode in the presence of some competent member of the family at least 14 years of age, or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner as identified by the

records of the City Assessor or to the Person in Charge at the last known address on file with the City. The notice shall contain the following information:

(a) Street address, parcel number or a legal description sufficient to identify the Property.

(b) A concise statement, including a description of the relevant activities supporting the determination that the Property is a Chronic Nuisance Property.

(c) A statement that the owner or Person in Charge shall immediately notify the Chief of Police or Director of Building Inspection of any change in address to ensure receipt of future notices.

(d) A statement that the cost of future enforcement may be assessed as a special charge against the Property and/or charged to the Person in Charge.

(e) A statement that the owner and/or Person in Charge shall, within 10 days of receipt of the notice, respond to the Chief of Police or the Director of Building Inspection either with an appeal or to propose a written course of action to abate the Nuisance Activities. If the owner and/or Person in Charge responds to the notice in Subsection C(1) with a nuisance abatement proposal, the Chief of Police or the Director of Building Inspection may accept, reject or work with the owner to modify the proposal at his or her discretion. The plan is acceptable if it can reasonably be expected to result in abatement of the nuisance activities described in the Notice, within 60 days.

(2) Whenever the Chief of Police or the Director of Building Inspection determines that any of the following have occurred:

(a) A Property owner and/or Person in Charge has failed to respond to the notice in Subsection C(1), or

(b) Enforcement Action for an additional Nuisance Activity has occurred at a Property for which Notice has been issued pursuant to Subsection C(1) and this Enforcement Action has occurred not less than 15 days after the notice has been issued, or

(c) A course of action submitted pursuant to Subsection C(1)(e) has not been completed, then the Chief of Police and/or the Director of Building Inspection may calculate the cost of enforcement to abate this and any subsequent Nuisance Activities and may refer such cost to the Finance Director so that the cost may be billed to the Property owner and/or Person in Charge. The Chief of Police and/or the Director of Building Inspection shall notify the Property owner and/or Person in Charge of the decision to refer the cost of enforcement. Delivery of this notice, along with a copy of the Chief's or Building Inspection Director's referral letter to the Finance Director, shall be made as set forth in Subsecction C(1). The notice shall contain:

[1] The street address or legal description sufficient for identification of the Property.

[2] A Statement that the Chief of Police and/or the Director of Building Inspection has referred the cost of enforcement to the Finance Director with a concise description of the Nuisance Activities and the relevant sections of the ordinances.

[3] Notice of the Property owner's and/or Person in Charge's right to appeal pursuant to Subsection E.

D. Penalties and remedies.

(1) Cost recovery. The Chief of Police and the Director of Building Inspection shall keep an accurate account of the cost of enforcement and shall report it to the Finance Director. The Finance Director shall annually prepare a statement of enforcement expenses for each property reported by the Chief of Police and/or the Director of Building Inspection and shall furnish the statement to the City Clerk. The Clerk shall enter the amount in the tax roll as a special charge against the lot or parcel of land occupied by the property and the charge shall be collected in all respects like other taxes upon real estate. A $100 administrative fee shall be added to the special charge against the benefited property. Alternatively, the cost may be charged to the Person in Charge if they are determined to be responsible for the Nuisance Activities pursuant to Subsection D(3) below.

(2) Forfeiture. Any person who maintains a chronic nuisance property in violation of this chapter after receipt of the notice provided in Subsection C(1) may be subject to a forfeiture of not less than $100 nor more than $1,000 for each Enforcement Action.

(3) No person or property shall be subject to the cost recovery and forfeiture provisions of Subsection D(1) or (2), unless the Chief of Police or Director of Building Inspection determines the Nuisance Activities which cause the property to constitute a Chronic Nuisance Property were due, in whole or in part, to an act or omission of said person or a Person in Charge of the property.

E. Appeal. Appeal of the determination of the Chief of Police and/or the Director of Building Inspection pursuant to either Subsection C(1), or the action of the Finance Director imposing special charges pursuant to Subsection D(1) against the Property or Person in Charge, may be submitted in accordance with Chapter 7, Administrative Review, of the Code of the City of Monona.

F. Summary abatement. The Director of Building Inspection is authorized to cause the abatement, including summary abatement, of any nuisance found on any Property, according to the procedure prescribed in § 312-7B.

G. Injunction. This section may be enforced by injunction.

H. Abatement in accordance with state law. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State or other provisions of this Code of Ordinances.

I. When nuisance is deemed abated. The public nuisance created by a Chronic Nuisance Property shall be deemed abated when no Enforcement Action to address Nuisance

Activities occurs for a period of six consecutive months from the date stated on the notice declaring the premise a Chronic Nuisance Premise and/or there are no building inspection cases generated for a period of six consecutive months from the date stated on the notice declaring the Premise, a Chronic Nuisance Premise.

§ 312-4. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 312-2:

A. Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

B. Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

C. Breeding places for vermin, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

D. Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.

E. Garbage cans. Garbage cans which are not fly-tight.

F. Noxious weeds. All noxious weeds and other rank growth of vegetation in violation of this Code of Ordinances.

G. Water pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

H. Noxious odors, etc. Any use of property, substances or things within the City causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.

I. Street pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.

J. Animals at large. All animals running at large.

K. Accumulations of refuse. Accumulations of old cans, lumber, elm firewood and other refuse.

L. Air pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits of the City in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

§ 312-5. Public nuisances offending morals and decency.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of § 312-2:

A. Disorderly houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

B. Gambling devices. All gambling devices and slot machines, except as permitted by state law.

C. Unlicensed sale of liquor and beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the City.

D. Continuous violation of city ordinances. Any place or premises within the City where City Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

E. Illegal drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the City.

§ 312-6. Public nuisances affecting peace and safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of § 312-2:

A. Signs, billboards, etc. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

B. Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the City relating to materials and manner of construction of buildings and structures within the City.

C. Unauthorized traffic signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.

D. Obstruction of intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

E. Tree limbs. All limbs of trees which project over a public sidewalk less than 10 feet above the surface thereof and all limbs which project over a public street less than 14 feet above the surface thereof.

F. Dangerous trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

G. Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the City.

H. Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

I. Wires over streets. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

J. Noisy animals or fowl. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the City.

K. Obstructions of streets; excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Ordinances of the City or which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.

L. Open excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.

M. Abandoned refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

N. Flammable liquids. Repeated or continuous violations of the Ordinances of the City or laws of the State relating to the storage of flammable liquids.

O. Unremoved snow. All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

P. Yahara Cove Boardwalk at River Place. The operation of bicycles, skateboards, and in-line skates.

§ 312-7. Abatement of public nuisances.

A. Inspection of premises. Whenever complaint is made to City officials that a public nuisance exists within the City, such official shall promptly notify the Chief of Police or

Building Inspector who may inspect or cause to be inspected the premises and shall make a written report of findings to the City Administrator. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the City Clerk.

B. Summary abatement.

(1) Notice to owner. If the inspecting officer determines that a public nuisance exists within the City and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than 24 hours or greater than seven days and shall state that unless such nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.

(2) Abatement by city. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

C. Abatement by court action. If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspector or sanitarian shall file a written report of such findings with the Mayor who, upon direction of the Council, shall cause an action to abate such nuisance to be commenced in the name of the City in the Dane County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.

D. Court order. Except where necessary under Subsection A, no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

E. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin.

§ 312-8. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing,

permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

§ 312-9. Enforcement; violations and penalties.

A. Enforcement. The Chief of Police, Fire Chief, City Engineer and Building Inspector, and their authorized designees, shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under § 312-7 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.

B. General penalty. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4.

Ch. 335, Peace and Good Order

Title 11, Chs. 1 to 3, of the 1994 Code

A. We have updated the entries in the list of Wisconsin Statutes in § 335-1 to reflect the current numbering and section titles.

(1) We have deleted § 125.08 (Proof of age), which was repealed by 1989 Act 31, § 947.047 (Littering shores), which was repealed by 1989 Act 335, and § 943.23(4), which was repealed by 1993 Act 92.

Decision:

☒ § 335-1 is satisfactory.

☐ Revise as follows: _____

B. Section 335-2B and C refer to "Title 11" of the Code of Ordinances. Title 11 has been split into this chapter and three others: Ch. 272, Art. II, Offenses, Ch. 281, Juveniles, and Ch. 312, Nuisances. We have updated the references to Title 11 to refer to all of the new chapters; please confirm.

Decision:

☐ Updating of Title 11 reference approved as-is.

☐ Revise as follows: _____

C. In § 335-3A we recommend that the following wording be deleted: "the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Common Council, or." This wording is included in Subsection D of this section: "This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Common Council, upon the recommendation of the Chief of Police, where proper safety precautions are taken."

Decision:

☒ Delete indicated wording from § 335-3A.

☒ Revise as follows: Spring Guns / Air Guns / Pneumatic are prohibited but then BB guns / Paintball is allowed. - I don't think it should be - Discussion

☐ Make no change.

D. Section 335-4A(5) contains a penalty of a forfeiture of up to $500. Is any revision desired?

WE WANT TO PROHIBIT BB GUNS TOO

Decision:

☐ Revise as follows: _____

☒ Retain as written.

E. Section 335-7E deals with loitering by underage persons where alcoholic beverages are dispensed. This topic would appear to be covered by Chapter 272, Intoxicating Liquor and Fermented Malt Beverages. Section 125.07, Underage and intoxicated persons; presence on licensed premises, of the statutes is adopted by reference in Chapter 272.

Decision:

☒ Delete § 335-7E as covered by Ch. 272.

☐ Retain § 335-7E.

F. Section 335-7G reads in part "nor shall any person use any sidewalks or any part of a street as a place for vending, selling, or dealing in merchandise, except as permitted in Title 7, Chapter 4 of this Code of Ordinances." Title 7, Ch. 4, is now Ch. 303, Mobile Homes, which does not match the subject matter here.

Decision:

☒ Revise to refer to Ch. 404, Transient Merchants.

☐ Revise as follows: _____

G. Section 335-8, Loud and unnecessary noise. This section should be reviewed against the provisions of § 480-10A of the Zoning Chapter, Noise. Said Zoning section regulates noise between the hours of 7:00 a.m. and 9:00 p.m., and 9:00 p.m. and 7:00 a.m. using decibel levels. This section uses "community standards" regulations and not specific decibel levels, and the timeframes regulated are different (10:00 a.m./p.m. instead of 9:00 a.m./p.m.). Is any revision necessary? At a minimum, perhaps the timeframes should be made consistent.

Decision:

☒ Revise § 335-8 to change the 10:00 timeframes to 9:00 to match the timeframes in § 480-10A.

☐ Revise as follows: _____

☐ Make no change.

H. In § 335-9, Disorderly conduct, indecent exposure is prohibited twice, in Subsection A(4), "indecently expose his or her person," and again at the end of Subsection B, "or to indecently expose his person."

Decision:

☐ Delete Subsection A(4).

☐ Retain as written.

(a) ☒ Delete it from 335-9 B Delete "or to inherently expose his person."

I. The definition of "practitioner" in § 335-11B(2) no longer matches the definition of "practitioner" in § 961.01(19), Wis. Stats. Perhaps § 335-11B(2) could be deleted and § 335-11B(1) could be revised to read as follows:

No person shall possess 25 grams or less of marijuana, as defined in § 961.01(14), Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner, as defined in § 961.01(19), Wis. Stats., while acting in the course of his or her professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.

Decision:

(a) ☒ Revise as indicated above.

☐ Revise as follows: _____

☐ Make no change.

J. We question the need to retain § 335-13, Prostitution. Note that § 335-1 adopts by reference the following statutes: § 944.30, Wis. Stats., Prostitution; § 944.31, Wis. Stats., Patronizing prostitutes; and § 944.33, Wis. Stats., Pandering.

Decision:

(a) ☒ Delete § 335-13.

☐ Retain as written.

K. We have updated the reference to § 101.123(2)(c), Wis. Stats., in § 335-24B to § 101.123(4m).

335-24 ☒ DELETE - COVERED IN 367

Ch. 342, Property Maintenance

Art. I, Junked Vehicles and Appliances

§ 10-5-8 of the 1994 Code

This article appears generally satisfactory. Note that the City has also, in Chapter 335, § 335-1, adopted by reference § 175.25, Storage of junked automobiles, of the statutes.

Chapter 335

PEACE AND GOOD ORDER

ARTICLE I
State Statutes Adopted

§ 335-1. Offenses against state laws subject to forfeiture.
§ 335-2. Violations and penalties; attempt; parties to acts.

ARTICLE II
Offenses Against Public Safety and Peace

§ 335-3. Regulation of firearms, explosives, and other missiles.
§ 335-4. Firearms in city buildings; certain weapons prohibited.
§ 335-5. Sale and discharge of fireworks restricted.
§ 335-6. Obstructing streets and sidewalks prohibited.
§ 335-7. Loitering prohibited.
§ 335-8. Loud and unnecessary noise prohibited.
§ 335-9. Disorderly conduct.
§ 335-10. Unauthorized presence on school property.
§ 335-11. Possession of controlled substances; marijuana.
§ 335-12. Obstruction of aisles and approaches in public halls.
§ 335-13. Prostitution.
§ 335-14. Theft of taxi service.
§ 335-15. Merchandise not to be placed on sidewalk or terrace.
§ 335-16. Sleeping in vehicles.
§ 335-17. Inhaling toxic vapors.
§ 335-18. Menacing or aggressive panhandling prohibited.
§ 335-19. Bullying, harassment.

ARTICLE III
Offenses Against Property

§ 335-20. Littering prohibited.
§ 335-21. Theft of library material.
§ 335-22. Damage to public property.
§ 335-23. Trespass to property.
§ 335-24. Regulation of smoking.
§ 335-25. Theft.
§ 335-26. Advertisements on public or private property prohibited.
§ 335-27. Graffiti.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 11, Chs. 1 to 3, of the 1994 Code. Amendments noted where applicable.]

ARTICLE I
State Statutes Adopted

§ 335-1. Offenses against state laws subject to forfeiture.

A. The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City of Monona provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances.

Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

(1) 118.08 School Zones; Crossings.

(2) 118.09 Safety Zones.

(3) 118.10 School Safety Patrols.

(4) 118.105 Control of Traffic on School Premises.

(5) 118.11 School Fences.

(6) 118.123 Reports and Records.

(7) 118.163 Truancy.

(8) 125.07 Underage and Intoxicated Persons; Presence on Licensed Premises; Possession.

(9) 125.09 General Restrictions.

(10) 134.65 Cigarette and Tobacco Products Retailer License.

(11) 134.66 Restrictions on Sale or Gift of Cigarettes or Tobacco Products.

(12) 167.10 Regulation of Fireworks.

(13) 175.25 Storage of Junked automobiles.

(14) 346.94(23) Commercial Quadricycles [346.94(23)(f) is expressly not adopted by reference and shall be regulated pursuant to § 272-24E of the Code of the City of Monona.

(15) 939.05(2)(b) Aiding and Abetting.

(16) 939.22 Words and Phrases Defined.

(17) 940.19(1) Battery.

(18) 940.291 Failure of a Police Officer to Render Aid.

(19) 941.01 Negligent Operation of a Vehicle.

(20) 941.10 Negligent Handling of Burning Materials.

(21) 941.12(2),(3) Interfering With Firefighting.

(22) 941.13 False Alarms.

(23) 941.20(1) Reckless Use of Weapon.

(24) 941.23 Carrying Concealed Weapon.

(25) 941.235 Carrying a Firearm in a Public Building.

(26) 941.24 Possession of Switchblade Knife.

(27) 941.35 Emergency Telephone Calls.

(28) 941.36 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes.

(29) 941.37(1),(2) Obstructing Emergency or Rescue Personnel.

(30) 942.05 Opening Letters.

(31) 943.01(1) Criminal Damage to Property.

(32) 943.11 Entry Into Locked Vehicle.

(33) 943.125 Entry Into Locked Coin Box.

(34) 943.13 Trespass to Land.

(35) 943.14 Criminal Trespass to Dwellings.

(36) 943.145 Criminal Trespass to a Medical Facility.

(37) 943.15 Entry onto a Construction Site or into a Locked Building, Dwelling or Room.

(38) 943.20(3)(a) Theft of Property.

(39) 943.21(3) Fraud on Hotel or Restaurant Keeper, Recreational Attraction, Taxicab Operator, or Gas Station.

(40) 943.22 Cheating Tokens.

(41) 943.23(5) Operating Vehicle Without Owner's Consent.

(42) 943.24 Issuance of Worthless Check.

(43) 943.34(1)(a) Receiving Stolen Property.

(44) 943.37 Alteration of Property Identification Marks.

(45) 943.38(3) Forgery.

(46) 943.41 Financial Transaction Card Crimes.

(47) 943.50(4)(a) Retail Theft.

(48) 943.55 Removal of a Shopping Cart.

(49) 944.15 Public Fornication.

(50) 944.17 Sexual Gratification.

(51) 944.20 Lewd and Lascivious Behavior.

(52) 944.21 Obscene Material or Performance.

(53) 944.23 Making Lewd, Obscene or Indecent Drawings.

(54) 944.30 Prostitution.

(55) 944.31 Patronizing Prostitutes.

(56) 944.33 Pandering.

(57) 944.36 Solicitation of Drinks Prohibited.

(58) 945.01 Definitions Relating to Gambling.

(59) 945.02 Gambling.

(60) 945.04 Permitting Premises to be Used for Commercial Gambling.

(61) 946.40 Refusing to Aid Officer.

(62) 946.41 Resisting or Obstructing Officer.

(63) 946.42(2) Escape.

(64) 946.46 Encouraging Violation of Probation, Extended Supervision or Parole.

(65) 946.66 False Complaints of Police Misconduct. **[Added 9-8-2009 by Ord. No. 08-09-607]**

(66) 946.69 Falsely Assuming to Act as Public Officer or Employee or a Utility Employee.

(67) 946.70 Impersonating Peace Officers, Fire Fighters or other Emergency Personnel.

(68) 946.72(2) Tampering with Public Records and Notices.

(69) 947.01 Disorderly Conduct.

(70) 947.012 Unlawful Use of Telephone.

(71) 947.0125 Unlawful Use of Computerized Communication Systems. **[Added 5-20-2013 by Ord. No. 5-13-645]**

(72) 947.013 Harassment.

(73) 947.02 Vagrancy. **[Added 8-17-2009 by Ord. No. 08-09-600]**

(74) 947.06 Unlawful Assemblies.

(75) 948.01 Definitions Relating to Crimes Against Children.

(76) 948.09 Sexual Intercourse With a Child Age 16 or Older.

(77) 948.10 Exposing Genitals, Pubic Area, or Intimate Parts.

(78) 948.11(1)(b) Exposing a Child to Harmful Material.

(79) 948.21 Neglecting a Child.

(80) 948.40 Contributing to the Delinquency of a Child.

(81) 948.50 Strip Search by School Employee.

(82) 948.51(3)(a) Hazing.

(83) 948.60 Possession of a Dangerous Weapon by a Person Under 18.

(84) 948.61(2)(a) Dangerous Weapons Other than Firearms on School Premises.

(85) 948.63 Receiving Property From a Child.

(86) 951.01 Definitions Relating to Crimes Against Animals.

(87) 951.015 Construction and Application.

(88) 951.02 Mistreating Animals.

(89) 951.03 Dognapping or Catnapping.

(90) 951.04 Leading Animal from Motor Vehicle.

(91) 951.05 Transportation of Animals.

(92) 951.06 Use of Poisonous and Controlled Substances.

(93) 951.07 Use of Certain Devices Prohibited.

(94) 951.08 Instigating Fights Between Animals.

(95) 951.09 Shooting at Caged or Staked Animals.

(96) 951.10 Sale of Baby Rabbits, Chicks and Other Fowl.

(97) 951.11 Artificially Colored Animals; Sale.

(98) 951.13 Providing Proper Food and Drink to Confined Animals.

(99) 951.14 Providing Proper Shelter.

(100) 951.15 Abandoning Animals.

(101) 173.10 Investigation of Animal Cruelty Complaints.

(102) 173.24 Reimbursement for Expenses.

§ 335-2. Violations and penalties; attempt; parties to acts.

A. Penalty. In addition to the general penalty provisions of this Code in § 1-4 or any other penalty imposed for violation of any Section of this Title, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates § 335-20 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the

Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

B. Attempt.

(1) Whoever attempts to commit an act prohibited by this chapter, Ch. 272, Art. II, Offenses, Ch. 281, Juveniles, and Ch. 312, Nuisances, may be required to forfeit amounts not to exceed 1/2 the maximum penalty for the completed act.

(2) An attempt to commit an act prohibited by this chapter, Ch. 272, Art. II, Offenses, Ch. 281, Juveniles, and Ch. 312, Nuisances, requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

C. Parties to acts prohibited in this chapter, Ch. 272, Art. II, Offenses, Ch. 281, Juveniles, and Ch. 312, Nuisances.

(1) Whoever is concerned in the commission of an act prohibited by this chapter, Ch. 272, Art. II, Offenses, Ch. 281, Juveniles, and Ch. 312, Nuisances, is a principle and may be charged with and convicted of the commission of said act although he did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.

(2) A person is concerned in the commission of an act prohibited by these ordinances if he:

(a) Directly commits the act; or

(b) Intentionally aids and abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his mind and no longer desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

ARTICLE II
Offenses Against Public Safety and Peace

§ 335-3. Regulation of firearms, explosives, and other missiles. [Amended 8-17-2009 by Ord. No. 08-09-601]

A. Discharge of firearms regulated. No person, except a law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun or bow and arrow of any description in his possession or under his control within the City of Monona, provided that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Common Council, or the firing or discharging of BB guns or paintball guns upon private premises by persons over 16 or under the direct personal supervision of a parent or guardian.

B. Hunting prohibited. Hunting within the City of Monona is prohibited.

C. 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 of Monona.

D. 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, upon the recommendation of the Chief of Police, where proper safety precautions are taken.

E. 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 Common Council or its designee.

F. Throwing or shooting of arrows, stones, or other missiles prohibited.

(1) It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow or other means within 300 feet of any inhabited dwelling or building or any public park, square or enclosure.

(2) This Subsection shall not apply:

(a) To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.

(b) To a supervised archery range approved by the Common Council.

(c) Within the interior of a single-family dwelling.

G. Storage of gunpowder. No person shall keep or have, in any building or place owned or occupied by him, any greater quantity of gunpowder than 25 pounds, for any period longer than 10 hours. All gunpowder shall be securely kept in a metallic canister with a metallic cap or cover, and no such canister shall be opened at night.

H. Definitions. For purposes of this section, a firearm is defined as any instrumentality from or with which a shot, bullet, paintball, 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.

§ 335-4. Fircarms in city buildings; certain weapons prohibited. [Amended 12-5-2011 by Ord. No. 11-11-630]

A. Weapons in city buildings.

(1) Pursuant to section 943.13(1m)(c)4., Wis. Stats., no person shall enter or remain in any part of a building owned, occupied or controlled by the City of Monona while carrying a "weapon", as that term is defined in section 175.60(1)(j), Wis. Stats. This prohibition shall not apply to a person who leases residential or business premises in any such building, or if the weapon is in a vehicle driven or parked in a parking facility.

(2) The City Administrator shall cause signs to be erected at all entrances to all such buildings providing notice that no person is to enter or remain in any such building while carrying such a weapon. Such signs shall be in the form and location as provided in section 943.13(2)(bm), Wis. Stats.

(3) Nothing in this section shall be construed to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a weapon in any public building. Notwithstanding section 939.22(22), Wis. Stats., for purposes of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden.

(4) Nothing in this section shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to sections 941.23 or 941.235, Wis. Stats.

(5) Any person violating this section shall be subject to a forfeiture of up to $500 for each violation.

B. Possession, sale, and manufacture of certain weapons prohibited.

(1) No person shall sell, manufacture, purchase, possess or carry 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 "numchuk" (also called a "nunchaku") or any similar weapon, a "cestus" or similar material weighted with metal or other substance and worn on the hand, a "churkin" (also called a "suriken") or any similar object intended to injure a person when thrown, a "sucbai" or similar weapon, a "manrikigusari" or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person within the City of Monona.

(2) For the purpose of this section, the following definitions shall apply:

CHURKIN — A round throwing knife consisting of several sharp points protruding from a rounded disc.

NUMCHUK OR NUNCHAKU — An instrument consisting of two or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.

SUCBAI — A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.

C. Reckless use of weapons.

(1) Acts prohibited.

(a) No person shall endanger another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow.

(b) No person shall operate or go armed with a firearm, air gun, knife or bow and arrow while he is under the influence of an intoxicant.

(c) No person shall intentionally point a firearm, air gun, knife or bow and arrow at or toward another person.

(2) Reckless conduct defined. "Reckless conduct" consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take chances of perpetrating an injury.

§ 335-5. Sale and discharge of fireworks restricted.

A. Fireworks permit required. No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the City unless he shall be authorized by a fireworks permit as provided in Chapter 238, Fireworks, of the Code of the City of Monona. The term "fireworks" as used in this section shall be defined as provided in Section 167.10(1), Wis. Stats., and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

B. State laws adopted. Sec. 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this Code of Ordinances as if fully set forth herein.

§ 335-6. Obstructing streets and sidewalks prohibited.

A. Obstructing streets. No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City of Monona in such a manner as to:

(1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;

(2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or

(3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.

B. Obstructing sidewalk prohibited. No person shall block any sidewalk or bridge 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. 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:

NUISANCE — Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Monona.

OBSTRUCT — 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 sidewalk.

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.

D. 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 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.

§ 335-7. Loitering prohibited.

A. 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:

LOITER — To sit, stand, loaf, lounge, wander or stroll in an aimless manner, pause or remain in an area for no obvious reason.

NUISANCE — Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Monona.

B. Public property loitering prohibited.

(1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any police officer.

(2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

(3) No person shall loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious conduct or any unlawful act.

(4) No person shall loiter in or about any school or public place at or near which children or students attend or normally congregate. As used in this Subsection, "loiter" means to delay, to linger or to idle in or about any said school or public place without a lawful purpose for being present.

C. Private property loitering prohibited.

(1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps or entrance of any business place of private residence without the expressed consent of the owner thereof, or at any time other than usual business hours. Under this Subsection, business place shall include public building at such times that the same shall be closed for the usual and normal business conduct thereat.

(2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

(3) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the expressed consent of the owner thereof, whether such be parked upon a public street, alley, parking lot, driveway or private premises.

(4) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.

D. Loitering or prowling 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 law enforcement 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 law enforcement 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 law enforcement 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 law enforcement officer at the time, would have dispelled the alarm.

E. Loitering by underage persons where alcohol beverage is dispensed. No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

F. Loitering for purposes of prostitution prohibited. No person shall loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, that such person repeatedly beckons to stop or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or produce another to commit an act of prostitution. No arrest shall be made for a violation of this Subsection unless the sworn police officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this Subsection:

(1) Public Place is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.

(2) Known Prostitute or Panderer means a person who, within five years previous to the date of arrest for violation of this section, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

G. No person shall congregate on any public sidewalk or on any part of a public street or street corner so as to obstruct the same, nor shall any person use any sidewalks or any part of a street as a place for vending, selling, or dealing in merchandise, except as permitted in Title 7, Chapter 4 of this Code of Ordinances.

§ 335-8. Loud and unnecessary noise prohibited.

A. Loud and unnecessary noise prohibited. No person shall use within the City any equipment for the amplification of sound so as to cause such amplified sound to be transmitted into a public street, alley, or public place unless a permit has been granted, which states the time and place of the event, by the Chief of Police. It shall be unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.

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 seconds in any period of one 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 property 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, 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. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.

(9) Exceptions. 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. 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 Monona 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 Police 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 Police 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.

§ 335-9. Disorderly conduct.

A. Disorderly conduct prohibited. No person within the City of Monona 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;

(3) With intent to annoy another, make a telephone call, whether or not conversation ensues;

(4) Indecently expose his or her person;

(5) Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner.

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 rest room facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.

§ 335-10. Unauthorized presence on school property.

A. Unauthorized presence.

(1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him from attending any school located within the City or any person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise "authorized person," shall be present within any school building or upon any school grounds adjacent thereto without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.

(2) Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection A(1), shall be guilty of trespass.

(3) "Authorized person" shall:

(a) Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;

(b) Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;

(c) Any person utilizing a designated area for attending an athletic or other organized school event.

B. Disorderly conduct on public school property.

(1) No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

(2) Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the School System's

published rules and regulations shall be considered in violation of this section. The published rules and regulations of the School System are incorporated as if fully set forth herein.

(3) All entrances to the school buildings referred to in Subsection A shall be posted with a notice stating "Entry Into School Building by Unauthorized Person Prohibited."

(4) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a City summons that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.

C. Loitering near school prohibited. No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the City of Monona or upon any Monona Grove School District grounds or within adjacent posted school zones on any day when such schools are in session.

D. Possession of intoxicating liquor and fermented malt beverages. No person shall possess intoxicating liquor or fermented malt beverages while on any school property.

E. 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.

LOITER — To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.

NUISANCE — Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Monona.

§ 335-11. Possession of controlled substances; marijuana. [Amended 8-17-2009 by Ord. No. 08-09-605]

A. Possession of controlled substances. It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in schedule I and II which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this Code of Ordinances.

B. Possession of marijuana.

(1) No person shall possess 25 grams or less of marijuana, as defined in the Wisconsin Statutes, unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by the Wisconsin Statutes.

(2) For purposes of this section, "practitioner" means:

(a) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.

(b) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.

(3) This section does not apply to any person who is charged with possession of more than 25 grams of marijuana.

§ 335-12. Obstruction of aisles and approaches in public halls.

No owner, lessee, or occupant of any room or hall used for public meetings shall permit the approaches, aisles, halls, passageways, or aisles leading to or between the seats, to be obstructed with any benches, chairs, stools, or by any other means whereby the free passage to, through, or from such room shall be in any manner impeded.

§ 335-13. Prostitution.

Any person who does any of the following is guilty of violating this section:

A. Has or offers to have or requests to have non-marital sexual intercourse for any thing of value [Sec. 944.30(1), Wis. Stats.].

B. Commits or offers to commit or requests to commit an act of sexual perversion for any thing of value [Sec. 944.30(2), Wis. Stats.].

C. Is an inmate of a place of prostitution [Sec. 944.30(3), Wis. Stats.].

D. Masturbates a person or offers to masturbate a person or requests to be masturbated for any thing of value [Sec. 944.30(4), Wis. Stats.].

E. Commits or offers to commit or requests to commit an act of sexual contact for any thing of value [Sec. 944.30(5), Wis. Stats.].

F. Enters or remains in any place of prostitution with intent to have non-marital sexual intercourse or to commit an act of sexual perversion, masturbation, or sexual contact with a prostitute [Sec. 944.31, Wis. Stats.].

G. Solicits another to have non-marital sexual intercourse or to commit an act of sexual perversion, masturbation or sexual contact with a person the solicitor knows is a prostitute [Sec. 944.33(1)(a), Wis. Stats.].

H. With intent to facilitate another in having non-marital intercourse or committing an act of sexual perversion, masturbation or sexual contact with a prostitute, directs or transports

the person to a prostitute or directs or transports a prostitute to the person [Sec. 944.33(1)(b), Wis. Stats.].

§ 335-14. Theft of taxi service.

Any person who hires a taxicab at any place and fails to pay the fare for such service upon exiting the taxicab in the City shall be subject to the penalties provided in § 1-4 of the Code of the City of Monona.

§ 335-15. Merchandise not to be placed on sidewalk or terrace.

A. Unlawful to place articles on sidewalk. Except as provided in this section, no person shall place or deposit on any sidewalk or terrace or in any roadway, any cask, bottles, cans, or other substances or materials, excepting newspapers or magazines on sale and stands for the sale thereof, when consent therefor has been obtained from the occupant or owner of the abutting property, and when the same are placed only upon such portion of the sidewalk or terrace as shall be designated therefore by the Chief of Police.

B. Merchandise not to be left on sidewalk. No person shall place and leave for more than two hours on the outer edge of the sidewalk in front of his store or building, dry goods, wares, or merchandise for purposes of loading and unloading, or in business districts in actual use for merchandising purposes.

§ 335-16. Sleeping in vehicles. [Added 8-17-2009 by Ord. No. 08-09-603]

A. It shall be unlawful for any person to sleep or camp between the hours of 11:00 P.M. and 6:00 A.M., whether inside or outside of a vehicle, in or on any:

(1) Public road, or

(2) Public property, or

(3) Private property, including but not limited to beaches, vacant lots, parking areas and commercial properties, unless the person sleeping or camping in or on such private property;

(a) Is an owner or lessee of such property or the house guest of such owner or lessee, or

(b) Has the permission of the owner of such property, his agent or the person in lawful possession of such property, and suitable sanitary facilities are available on such property to the person sleeping or camping in or on such property.

B. Notwithstanding the above prohibition against sleeping on a public road, it is not the intent of this ordinance to prohibit persons, when necessary for their safety or the safety of others, to pull off the public road and sleep, whether inside or outside their vehicles.

C. Anyone found to have violated this section shall be subject to the penalty as set forth in § 1-4.

§ 335-17. Inhaling toxic vapors. [Added 8-17-2009 by Ord. No. 08-09-603]

A. No person shall inhale any substance or vapor, including but not limited to those containing ketone, aldehydes, organic acetates, ether chlorinated hydrocarbons, with intent to cause intoxication, stupefaction or hallucination, while the person is on a street, sidewalk, alley, public right-of-way, public park, other publicly-owned facility, or premises open to the general public whether the premises is publicly or privately owned and whether or not a fee is charged for the use of the premises.

B. Anyone found to have violated this section shall be subject to the penalty as set forth in § 1-4.

§ 335-18. Menacing or aggressive panhandling prohibited. [Added 8-17-2009 by Ord. No. 08-09-598]

A. Purpose. The purpose of this ordinance is to ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well-being of pedestrians and to otherwise foster a safe and harassment-free climate in public places in the City of Monona.

B. Definitions. As used in this section:

A CONVERSATION OR GESTURE OR BOTH — Shall be construed as "threatening" if a reasonably prudent individual would perceive such conduct as intending to result in the procurement of money or goods by threat or coercion.

BEHAVIOR — Shall be construed as "aggressive" or "intimidating" if a reasonably prudent individual could be deterred from passing through or remaining in or near any thoroughfare, or place open to the public because of fear, concern or apprehension.

INTERSECTION — Has the meaning designated in Section 340.01(25), Wis. Stats.

KNOWN PANHANDLER — A person who within one year previous to the date of arrest for violation of this section has been convicted in a court of competent jurisdiction of any civil or criminal offense involving panhandling.

PUBLIC PLACE OR PLACE OPEN TO THE PUBLIC — Is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways or entrances in buildings or dwellings and the grounds enclosing them;

C. In or near any thoroughfare or place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in a manner or under circumstances manifesting an express or implied threat or coercion. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that

such person repeatedly and in a threatening fashion, beckons to, stops, or attempts to stop passer(s)-by; that such person engages passer(s)-by in threatening conversation; or that such person utilizes threatening bodily gestures. The violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by threat or coercion. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

D. In or near any thoroughfare or place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in an aggressive or intimidating manner. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that such person continues to beckon to, accost or follow or ask passer(s)-by for a handout after the passer(s)-by has failed to respond or has told the person "no"; that such person engages in a course of conduct or commits any act which harasses or intimidates the passer(s)-by; or that such person utilizes or attempts to utilize bodily gestures or physical contact to impede the path of any passer(s)-by, including but not limited to unwanted touching or blocking the path or impeding the free movement of the passer(s)-by. The violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by aggressive or intimidating behavior. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

E. It shall be unlawful for any person to procure or attempt to procure a handout within 50 feet of an automatic teller machine (ATM) or within 25 feet of any open sidewalk cafe.

F. Anyone found to have violated this section shall be subject to the penalty as set forth in § 1-4.

§ 335-19. Bullying, harassment. [Added 5-20-2013 by Ord. No. 5-13-645]

A. 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:

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

COURSE OF CONDUCT — Is defined as a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

HARASSMENT — Is defined as any conduct; whether verbal, physical, written, or by means of any mode of communication; which:

(1) Is prohibited by section 947.01, 947.012, 947.0125, or 947.013 of the Wisconsin Statutes; or

(2) Is any intentional course of conduct which is likely to create an intimidating, hostile or offensive environment, and which serves no legitimate purpose.

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

C. Retaliation prohibited. No person shall retaliate against any person who reports any conduct which is prohibited by this section.

D. Constitutionally protected activity. This section shall not be construed to apply to any constitutionally protected activity or speech.

E. Parental responsibility. It shall be unlawful for any custodial parent or guardian of any unemancipated person under 18 years of age to allow or permit such person to violate the provisions of Subsection B above. The fact that prior to the present offense a parent, guardian or custodian was informed in writing by a law enforcement officer of a separate violation of Subsection B by the same minor occurring within 90 days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation.

F. Penalties. Any person who shall violate any provision of this section shall be subject to a penalty as provided in § 1-4.

ARTICLE III
Offenses Against Property

§ 335-20. Littering prohibited.

A. Littering prohibited. No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the City of Monona, or upon property within the City owned by the Monona Grove School District or any private person, or upon the surface of any body of water within the City.

B. Litter from conduct of commercial enterprise.

(1) Scope. The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.

(2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within 12 hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

(3) Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection B(2) within the time specified, the City shall arrange to have the same picked up by City crews or by private enterprise. The entire expense of picking up such litter, together with an additional

charge of 20% for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the City Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this section.

C. Depositing of materials prohibited. It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Common Council or City Engineer pursuant to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

D. Distribution of commercial handbills and advertising matter prohibited. No person, except the owner, shall place or cause to be placed in or upon any automobile standing on the streets, alleys, or public places in the City for advertising purposes any commercial handbill, advertising material, cards, pamphlet, sticker or paper of any kind. It shall be unlawful to deliver any handbills or advertising material to any premises in the City except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

§ 335-21. Theft of library material.

A. Definitions. For the purposes of this section, certain words and terms are defined as follows:

ARCHIVES — A place in which public or institutional records are systematically preserved.

LIBRARY — Any public library, library of an educational or historical organization or society or museum, and specifically the public libraries within the City of Monona and school libraries.

LIBRARY MATERIAL — Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics, belonging to, on loan to or otherwise in the custody of a library.

B. Possession without consent prohibited. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions

of this Code. The failure to return library material after its proper return date, after written notice from the library and City Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.

C. Concealment. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

D. Detention based on probable cause. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a law enforcement officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this section entitles the official, agent or 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.

E. Damaging material prohibited. No person shall mar, deface or in any other way damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library. Any person convicted of violating this Subsection shall be subject to the penalties as set forth in § 1-4.

F. Return demanded. No person shall fail, on demand, to return any book periodical, pamphlet, picture or other articles or property belonging to or in charge of the Monona Public Library according to the rules or regulations duly made and adopted by the Library Board and no person shall remove from the library any book, periodical, pamphlet, picture or other articles or property without first having it charged as provided by such rules and regulations. Any person convicted of violating any provision of this Subsection shall be subject to the penalties as set forth in § 1-4.

§ 335-22. Damage to public property.

A. Damaging public property. No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the City of Monona.

B. Breaking of street lamps or windows. No person shall break glass in any street lamps or windows of any building owned or occupied by the City.

C. Damaging fire hydrants and water mains. No person shall, without the authority of City authorities, operate any valve connected with the street or water supply mains, or open any fire hydrant connected with the water distribution system, except for the purpose of extinguishing a fire. No person shall injure or impair the use of any water main or fire hydrant.

§ 335-23. Trespass to property.

A. Trespass to property. No person shall enter or remain on any property after having been notified by the owner or occupant not to remain on the premises.

B. Trespass to dwelling. No person shall intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

§ 335-24. Regulation of smoking.

A. State statute adopted. The provisions of Chapter 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this section as is fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this section.

B. Smoking prohibited within or upon all buildings and equipment owned, leased or rented by the city. In recognition of a need to protect the health and comfort of the public and City employees from the detrimental effects of smoking, pursuant to the authority granted to the City by Sec. 101.123(4m), Wis. Stats., smoking as defined by Section 101.123(1)(h), Wis. Stats., is hereby prohibited by any person within or upon all buildings owned, leased or rented by the City of Monona, except in designated smoking areas.

§ 335-25. Theft.

No person shall intentionally take and carry away, use, transfer, conceal or retain possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of such property, where the value of the property does not exceed $500.

§ 335-26. Advertisements on public or private property prohibited.

No person shall place any advertisement on any public property in any street, alley or public ground, or upon any street, alley or public ground, or upon any private property except by the permission of the owner thereof, but this section shall not apply to the posting of notices required by law.

§ 335-27. Graffiti.

A. Definition. For purposes of this section:

GRAFFITI — Any unauthorized drawing, figure inscription or painting appearing on sidewalks, streets, walls or any other place in public view.

B. Prohibition. Anyone who defaces or causes damage to the property of another by affixing graffiti to the property without the owner's consent shall be subject to the penalty provisions of § 1-4.

C. Clean up required. Graffiti shall be removed by the property owner within two weeks of its application to the property.

Decision:

☐ Revise to refer to general penalty in § 1-4.

☐ Revise as follows: _____

☐ Retain as written.

(2) Subsection H contains a fine of not less than $50 nor more than $150.

Decision:

☐ Revise to refer to general penalty in § 1-4.

☐ Revise as follows: _____

☐ Retain as written.

Ch. 367, Smoking

Ord. No. 6-08-582 (§ 8-1-12 of the 1994 Code)

A statewide smoking ban was enacted by 2009 Wisconsin Act 12, effective 7-5-2010; local regulation of smoking in outdoor areas was largely preempted. Municipalities can still enact ordinances regulating smoking indoors, provided the local regulations are at least as stringent as the act. The City Attorney should be consulted as to whether or not inclusion of this section is necessary.

A. Section 367-3D, child care facilities.

(1) This subsection refers to § 101.123(1)(ad) and (2)(bm), Wis. Stats., however neither subsection exists. "Child care center" is defined in § 101.123(1)(abm); child care centers are mentioned again in § 101.123(2)(a)1r and 101.123(2)(d)2.

Decision:

☒ Revise the references to § 101.123(1)(ad) and (2)(bm), Wis. Stats., as follows: _____

☐ Other: _____

(2) This subsection also refers to HFS 45.02(4), 45.06(8)(g), 46.03(13), 46.06(2)(h), and 46.08(2)(c), Wis. Admin. Code. The Department of Health and Family Services was changed to the Department of Health Services (DHS), and there is no longer a Section 45 or 46. Perhaps the references should be changed to the Department of Children and Families? Please provide the updated references.

Decision:

- ☐ Revise to refer to general penalty in § 1-4.
- ☐ Revise as follows: _____
- ☐ Retain as written.

E. There seems to be some extraneous wording at the beginning of § 360-7B; we propose the following revision:

Policy. It shall be the policy ~~of each~~ of the City of Monona to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage system, including a replacement fund...

Decision:

- ☐ Delete the words "of each" as indicated above.
- ☐ Revise as follows: _____

F. Section 360-9C contains references to Ch. ILHR 82, which should be updated to Ch. SPS 382; note that Ch. SPS 382 does not contain a Section 382.04; please advise.

Decision:

- ☐ Revise the following references in § 360-9C(1) and (2) as follows:
  - ☐ Section ILHR 82.04, Building Sewers: _____
  - ☐ Section ILHR 82.04(5): _____
- ☐ Other: _____

G. In § 360-13B we have updated the reference to § 66.076(7), Wis. Stats., to § 66.0821, Wis. Stats.

H. Section 360-13C contains references to 40 CFR 35.929. Note that 40 CFR Part 35 does not contain a section 35.929. Please advise.

Decision:

- ☐ Revise the two references to 40 CFR 35.929 as follows: _____
- ☐ Other: _____

I. Section 360-14, Violations and penalties.

(1) Subsection E contains a fine of not less than $50 and in default of payment, imprisonment for up to five days.

Decision:

☐ Revise HFS 45.02(4), 45.06(8)(g), 46.03(13), 46.06(2)(h), and 46.08(2)(c), Wis. Admin. Code to: _____

☐ Other: _____

B. Section 367-8A contains a fine of up to $1,000. Is any revision desired?

Decision:

☐ Revise to refer to general penalty in § 1-4.

☐ Revise as follows: _____

☐ Retain as written.

C. Section 367-9, Enforcement, refers to the "Department of Public Health" and the "Department of Health"; these are the only such references in the Code. Is this a local Department? Please confirm that these references are correct.

Decision:

☐ Revise as follows: _____

☐ Retain as written.

D. Section 367-10A and B contain graduated fines for failure to comply with this chapter. Is any revision desired?

Decision:

☐ Revise as follows: _____

☐ Retain as written.

Ch. 374, Snowmobiles

Title 10, Ch. 3, of the 1994 Code

A. Please note that the following wording has been deleted from § 374-1 as it referred to the numbering of the old Code: "The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-3-1" to each statute section number."

B. We have deleted the reference to § 346.94(6) and (6m) from § 374-2, as these subsections were repealed by 1989 Act 335.

C. Section 374-3 reads "No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curbline of any street in the City, ~~except as specifically authorized by Section 10-3-8...~~" Note that the original numbering of this chapter only went up to Section 10-3-6, and we are unable to determine the correct updated reference. Delete

Decision:

☒ Update the reference as follows: _____

☐ Other: _____

D. Section 374-5 contains a forfeiture of not less than $20 and not more than $500, ~~and in default of payment thereof, imprisonment in the county jail for not exceeding 10 days. Is any revision desired?~~ Delete

↳ We don't like people for ord. violations

Decision:

☒ Revise as follows: _____

☐ Retain as written.

E. In § 374-6C we have updates the references to §§ 66.12 and 66.114, Wis. Stats., to §§ 66.0114 and 66.0111, respectively.

F. In § 374-6E the reference to the State Board of Circuit Court Judges will be changed to the Wisconsin Judicial Conference.

Ch. 381, Solid Waste

Title 8, Ch. 3, of the 1994 Code; amended in its entirety by Ord. No. 11-11-629

A. The definition of COLLECTABLE SOLID WASTE reads in part "...and does not include...materials defined as uncollectable wastes." Nowhere in this chapter are "uncollectable wastes" discussed or described, although § 381-8 establishes "nondisposable materials." Should the same terminology be used to avoid confusion?

Decision:

☐ Revise the definition of COLLECTABLE SOLID WASTE as follows: "...and does not include...materials defined as ~~uncollectable wastes~~ nondisposable in § 381-8."

☐ Revise the title of § 381-8 to "Uncollectable wastes."

☐ Other: _____

☐ Retain as written.

Chapter 367

SMOKING

§ 367-1. Purpose.
§ 367-2. Definitions.
§ 367-3. Prohibition of smoking in enclosed public places.
§ 367-4. Prohibition of smoking in places of employment.
§ 367-5. Prohibition of smoking in outdoor areas.
§ 367-6. Where smoking is not regulated.
§ 367-7. Signage.
§ 367-8. Nonretaliation; nonwaiver of rights.
§ 367-9. Enforcement.
§ 367-10. Violations and penalties.
§ 367-11. Clean indoor air.
§ 367-12. Liberal construction.

[HISTORY: Adopted by the Common Council of the City of Monona 6-2-2008 by Ord. No. 6-08-582 (§ 8-1-12 of the 1994 Code). Amendments noted where applicable.]

§ 367-1. Purpose.

The purposes of this Ordinance are:

A. To protect the public health and welfare by prohibiting smoking in public places and places of employment; and

B. To guarantee the right of nonsmokers to breathe smoke-free air.

§ 367-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BAR — An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

CHILDCARE FACILITY — Any state licensed or county certified child care facility including, but not limited to licensed family day care or licensed group day-care centers, licensed day camps, certified school-age programs and Head Start programs.

EDUCATIONAL FACILITY — Any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

EMPLOYEE — Any person who is employed by any employer for direct or indirect monetary wages or profit, including those full time, part-time, temporary or contracted for

from a third party; employee also means any person who serves as a volunteer for a business or nonprofit entity.

EMPLOYER — Any person, partnership, limited liability company, corporation, or other entity, including a public or nonprofit entity who employs the services of one or more individual persons.

ENCLOSED AREA — All space between a floor and a ceiling that is closed in on all sides by doors, walls, or windows, whether open or closed, the combination of which extend from the floor to the ceiling. A wall includes any physical barrier, whether temporary or permanent.

HEALTH CARE FACILITY — An office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

PERSON IN CHARGE — The person who ultimately controls, governs or directs the activities aboard a public conveyance or within or at a place where smoking is regulated under this section, regardless of the person's status as owner or lessee.

PLACE OF EMPLOYMENT — Any indoor area at which two or more individuals perform any type of a service for consideration of payment under any type of contractual relationship, including, but not limited to, an employment relationship with or for a private corporation, partnership, individual or government agency. Place of employment includes any indoor area where two or more individuals gratuitously perform services for which individuals are ordinarily paid. A place of employment includes, but is not limited to, public conveyances, factories, warehouses, offices, retail stores, restaurants, bars, banquet facilities, theaters, food stores, banks, financial institutions, employee cafeterias, lounges, auditoriums, gymnasiums, rest rooms, elevators, hallways, museums, libraries, bowling establishments, health care facilities, and rooms or areas containing office equipment used in common. Vehicles used in whole or in part for work purposes are places of employment during hours of operation if more than one person is present. An area in which work is performed in a private residence is a place of employment during hours of operation if: (1) the homeowner uses the area exclusively and regularly as a principal place of business and has one or more on-site employees; or (2) the homeowner uses the area exclusively and regularly as a place to meet or deal with patients, clients, or customers in the normal course of the homeowner's trade or business.

PRIVATE RESIDENCE — Premises owned, rented or leased for temporary or permanent habitation.

PUBLIC PLACE — Any enclosed, indoor areas used by the general public, including, but not limited to, restaurants, bars, and other food or liquor establishments; retail stores and other commercial establishments; educational facilities, both public and private; hospitals; nursing homes; auditoriums; sports arenas, including enclosed areas in outdoor arenas; public transportation vehicles, including buses and taxicabs, and ticket, boarding and waiting areas of

public transportation facilities; meeting rooms; elevators; polling places; rest rooms, lobbies, reception areas, hallways and other common-use areas; and common areas of apartment buildings and other multiple-unit residential facilities.

RETAIL TOBACCO STORE — A retail establishment that derives more than 80% of its gross revenue from the sale of cigars, cigarettes, pipes, or other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with a Class 'B' fermented malted beverages license or 'Class B' intoxicating liquor license or any restaurant in existence on 5-1-2008.

ROOM — A space within a building completely enclosed with walls, partitions, floor and ceiling, except for openings for light, ventilation, ingress and egress.

SMOKING — Inhaling or exhaling smoke from any lighted cigarette, cigar, pipe or similar tobacco product or other lighted plant product intended for inhalation. A person having in their possession or control a lighted tobacco product or lighted plant product is also considered smoking.

SPORTS ARENA — Sports pavilions, bleachers, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and indoor ice rinks, and bowling centers.

TOBACCO BAR — A bar that generates 50% or more of its total annual gross income from the on-site sale of tobacco products, not including any sales from vending machines.

§ 367-3. Prohibition of smoking in enclosed public places.

Except as otherwise provided, it shall be unlawful for any person to smoke in public places, including but not limited to the following:

A. Elevators and enclosed stairwells of City parking ramps.

B. Public forms of transportation, including but not limited to motor buses, taxicabs, or other public passenger vehicles.

C. Theatres, libraries, museums, auditoriums, and convention halls that are used by or open to the public.

D. Any childcare facility. Incorporated herein by reference are the following Wisconsin statutory and administrative code sections and any amendments or renumbering thereof: Sec. 101.123(1)(ad) and (2)(bm), Wis. Stats; Secs. HFS 45.02(4), 45.06(8)(g), 46.03(13), 46.06(2)(h), and 46.08(2)(c), Wis. Admin. Code.

E. Retail stores.

F. Health care facilities.

G. Meeting and conference rooms in which people gather for educational, business, professional, union, governmental, recreational, political or social purposes.

H. Polling places.

I. Service lobbies, waiting areas, and the common areas open to the public of financial institutions, business and professional offices, and multi-unit commercial facilities.

J. Self-service laundry facilities.

K. Enclosed, indoor areas of restaurants.

L. Common areas of malls.

M. City buildings.

N. City-owned or leased motor vehicles.

O. Sports arenas, including enclosed places in outdoor arenas.

P. Enclosed, indoor areas of bars.

Q. Bed-and-breakfast establishments, hotels and motels, except as provided in § 367-6B.

R. Educational facilities, both public and private.

§ 367-4. Prohibition of smoking in places of employment.

A. It shall be unlawful for any person to smoke cigarettes or tobacco products in places of employment.

B. Every building that is a place of employment shall have at least one entrance that is smoke-free. For buildings with fewer than four entrances, no more than one entrance may be designated as a smoking entrance. For buildings with four or more entrances, no more than 25% of all entrances may be designated as a smoking entrance.

§ 367-5. Prohibition of smoking in outdoor areas.

Smoking shall be prohibited in the following outdoor places:

A. Within a reasonable distance of five feet outside any entrances designated smoke free pursuant to § 367-4B above, open windows, and intake of ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.

B. In all outdoor arenas, stadiums, and amphitheaters, except in designated smoking areas, which may be established only in perimeter areas at least 15 feet from any seating areas or concession stands. Smoking shall also be prohibited in, and within 15 feet of, bleachers and grandstands for use by spectators at sporting and other public events.

C. In all public transportation stations, platforms, and shelters under the authority of the City of Monona.

D. In outdoor common areas of nursing homes, except in designated smoking areas, which must be located at least 15 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.

E. City Parks as posted and so designated by the Park and Recreation Board.

§ 367-6. Where smoking is not regulated.

The following areas shall not be subject to the smoking restrictions of this section:

A. Private residences, except when used as a childcare, adult day care, or healthcare facility.

B. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 25% of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

C. Tobacco bars, subject to the following:

(1) Smoking of tobacco products is permitted.

(2) Smoking of cigarettes is not permitted.

(3) Service of food is not permitted.

(4) The tobacco bar was in existence on May 1, 2008.

(5) To qualify for this exemption the owner must file written proof by providing an income statement sworn by the owner certifying the tobacco bar's total gross income and the percentage of tobacco product sales from the tobacco bar. The City Clerk or City Attorney may at any time request further information, including an audit of the tobacco bar's records, if there is reason to believe the financial data may not be accurate.

(6) Tobacco bars shall display signs, in accordance with the standards in § 367-7, that state that smoking is permitted but that cigarettes may not be smoked in the tobacco bar, and warning of the dangers of secondhand smoke.

D. Retail tobacco stores in existence on May 1, 2008.

E. Outdoor areas of places of employment except those covered by the provisions of § 367-5.

§ 367-7. Signage.

A. "Smoke-free Establishment" or "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Ordinance, by the owner, operator, manager, or other person in control of that place. Signs shall reference this Chapter 367, Smoking.

B. "Smoking Allowed" signs shall be clearly and conspicuously posted in every public place and place of employment where smoking is not prohibited by this Ordinance, by the owner, operator, manager, or other person in control of that place. Signs shall reference this Chapter 367, Smoking.

C. Every public place and place of employment where smoking is prohibited by this Ordinance shall have posted at every entrance a sign not smaller than 11 inches by 8 1/2 inches clearly stating that smoking is prohibited. Each sign and the language contained therein shall be clearly visible from a distance of at least 10 feet. Every vehicle that constitutes a place of employment under this Ordinance shall have at least one conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.

D. All ashtrays shall be removed from any area where smoking is prohibited by this Ordinance by the owner, operator, manager, or other person having control of the area.

E. It shall be unlawful for any person to remove, deface, or destroy any sign required by this section, or to smoke in any place where any such sign is posted.

§ 367-8. Nonretaliation; nonwaiver of rights.

A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Ordinance or reports or attempts to prosecute a violation of this Ordinance. Notwithstanding § 367-10, violation of this subsection shall be punishable by a fine not to exceed $1,000 for each violation.

B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

§ 367-9. Enforcement.

A. This Ordinance shall be enforced by the Department of Public Health, Building Inspector, and the Chief of Police or an authorized designee.

B. Notice of the provisions of this Ordinance shall be given in writing to all applicants for a business license in the City of Monona.

C. Any citizen who desires to register a complaint under this Ordinance may initiate enforcement with the Department of Health or the Chief of Police.

D. The Department of Health, Police Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Ordinance.

E. If an owner, manager, operator, or employee of an establishment subject to this Ordinance observes a person violating the Ordinance, he or she shall immediately direct the person in violation to stop smoking. If the person violating the Ordinance does not

stop smoking, the owner, manager, operator, or employee shall make reasonable efforts to prevent smoking in prohibited areas by:

(1) Approaching smokers who fail to voluntarily comply with this section and requesting that they extinguish their cigarette or tobacco product and refrain from smoking, or

(2) Refusing service to anyone smoking in a prohibited area.

F. In addition to the remedies provided by the provisions of this section, the Department of Health, the Chief of Police or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Ordinance may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

§ 367-10. Violations and penalties.

A. A person who smokes in an area where smoking is prohibited by the provisions of this Ordinance shall be guilty of an infraction, punishable by:

(1) A fine not exceeding $100 for a first violation.

(2) A fine not exceeding $200 for a second violation within one year.

(3) A fine not exceeding $500 for each additional violation within one year.

B. Except as otherwise provided in § 367-8A, a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Ordinance shall be guilty of an infraction, punishable by:

(1) A fine not exceeding $100 for a first violation.

(2) A fine not exceeding $200 for a second violation within one year.

(3) A fine not exceeding $500 for each additional violation within one year.

C. In addition to the fines established by this section, violation of this Ordinance by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

D. Violation of this Ordinance is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.

E. Each day on which a violation of this Ordinance occurs shall be considered a separate and distinct violation.

§ 367-11. Clean indoor air.

A. Intent and construction. The City of Monona finds that it is in the interests of the health, safety and welfare of the community to adopt by reference Sec. 101.123, Wis. Stats., and subsequent amendments, additions and recodifications thereto. It is the intent of this Ordinance that where there may be conflict between Sec. 101.123, Wis. Stats., or any subsequent amendments, additions and recodifications thereto, and this Ordinance, that the provisions of the applicable state statute shall apply. This Ordinance shall not be construed to mean that progressive discipline of City employees for violations of laws, rules, and regulations is only authorized where explicitly provided by Ordinance.

B. Penalty. The penalties provided by Sec. 101.123, Wis. Stats. shall be in addition to the penalties provided for violation of this Ordinance when a person has violated both laws. In addition to the penalties provided by this Ordinance and Sec. 101.123, Wis. Stats., any City employee who violates any provision of this Ordinance or Sec. 101.123, Wis. Stats., may also be subject to progressive discipline by his or her employer.

§ 367-12. Liberal construction.

This Ordinance shall be liberally construed so as to further its purposes.

Chapter 374

SNOWMOBILES

§ 374-1. State snowmobile and all-terrain vehicles laws adopted.
§ 374-2. Applicability of traffic regulations to snowmobiles.
§ 374-3. Operation on sidewalks prohibited.
§ 374-4. Snowmobile routes and trails designated.
§ 374-5. Violations and penalties.
§ 374-6. Enforcement.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 10, Ch. 3, of the 1994 Code. Amendments noted where applicable.]

§ 374-1. State snowmobile and all-terrain vehicles laws adopted.

Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

A. Section 350.01, Definitions.

B. Section 350.02, Operation of Snowmobiles on or in the Vicinity of Highways.

C. Section 350.03, Right-of-Way.

D. Section 350.04, Snowmobile Races, Derbies and Routes.

E. Section 350.045, Public Utility Exemption.

F. Section 350.125, Completion of Application for Registration by Snowmobile Dealers.

G. Section 350.13, Uniform Trail Signs and Standards.

H. Section 350.15, Accidents and Accident Reports.

I. Section 350.17, Enforcement.

J. Section 350.18, Local Ordinances.

K. Section 350.19, Liability of Landowners.

L. Section 350.99, Parties to a Violation.

§ 374-2. Applicability of traffic regulations to snowmobiles.

No person shall operate a snowmobile upon any street, highway or alley within the City of Monona in violation of the traffic regulation provisions of Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1) and (9), Wis. Stats.

§ 374-3. Operation on sidewalks prohibited.

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curbline of any street in the City, except as specifically authorized by Section 10-3-8 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

§ 374-4. Snowmobile routes and trails designated.

A. Routes designated. Except as provided in Sections 350.02 and 350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with Section 350.04, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park, or on any other public municipal property in the City except upon snowmobile routes and trails designated by resolution of the Common Council.

B. Trail markers. The Director of Public Works is directed and authorized to procure, erect and maintain appropriate snowmobile route, trail and limit signs and markers as approved by the State Department of Natural Resources under Sec. 350.13, Wis. Stats. The Chief of Police shall have the power to declare the stated snowmobile routes and trails either open or closed.

C. Markers to be obeyed. No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this section.

§ 374-5. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than $20 and not more than $500, together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for not exceeding 10 days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Chapter 434, Vehicles and Traffic, of the Code of the City of Monona.

§ 374-6. Enforcement.

A. Uniform citation for highway violations. The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this chapter relating to highway use except as herein provided.

B. Parking violations. The special traffic citation described and defined in Chapter 434, Vehicles and Traffic, of the Code of the City of Monona shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in § 374-1 of this chapter.

C. Other violations. All violations of this chapter not described in Subsection A or B shall be enforced in accordance with §§ 66.0114 and 66.0111 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in § 66.0114(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five days of the date of the citation for such violation. Bail deposits may also be made under § 66.0114, Wis. Stats.

D. Police department to receive stipulations and penalties. Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this chapter may be accepted at the Police Department offices.

E. Forfeited penalties and deposits. Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required penalties and deposits or bail not including costs or fees for violation of this chapter shall be as established by the schedule adopted by the Common Council.

Decision:

☐ Revise to "with the root stump grubbed out or ground out to a depth of at least nine inches below grade measured in a straight line with the normal grade of sidewalk to top of curb."

☐ Revise as follows: _____

☐ Wording is correct; make no change.

F. Please note that we have added the words "No person shall" in § 411-11D in order to create a complete sentence.

Ch. 420, Vehicles, Abandoned

§§ 10-5-1 to 10-5-7, of the 1994 Code

Provided that it reflects current procedures, this chapter appears satisfactory as written.

Decision:

☐ See revisions on enclosed copy

☐ No revisions needed

Ch. 427, Vehicles, All-Terrain, Off-Road and Neighborhood Electric

Title 10, Ch. 4, of the 1994 Code

A. Please note that the following wording has been deleted from § 427-1 as it referred to the numbering of the old Code: "The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" to each statute section number."

B. In 2009 the statutes were amended to change "neighborhood electric vehicle" to "low-speed vehicle." See 2009 Act 311 and §§ 346.94(22) and 349.26, Wis. Stats.

Decision:

☒ Change wording to "low-speed vehicle."

☐ Retain as written.

C. A penalty section could be added to this chapter.

Decision:

☒ Add a penalty section that refers to the general penalty in § 1-4.

☐ Add a penalty section worded as follows: _____

_____

☐ No penalty section desired.

Ch. 434, Vehicles and Traffic

Title 10, Ch. 1, of the 1994 Code

A. Wording has been deleted from the following sections as it referred to the numbering of the old Code:

- From § 434-1: *"The statutory sections listed shall be designated as part of this Code by adding the prefix '10-1-' to each statute section number."*
- From § 434-2D: *"The Administrative Code sections adopted by reference in Subsection A above shall be designated as part of this Code by adding the prefix '10-1-2-' to each statute or Administrative Code section number."*

B. In § 434-1B we have replaced the reference to § 941.03, Highway obstruction, of the statutes, which was repealed by 1987 Act 399, with a reference to § 941.30, Recklessly endangering safety. We have deleted the reference to § 947.045, Drinking in motor vehicle on highway. This section was renumbered as § 346.935 by L. 1975, c. 297, and Chapter 346 of the statutes is already adopted by reference in § 434-1A.

C. We will delete § 432-1C, which provides that references to the Wisconsin Statutes in this chapter mean the 1991-92 statutes. See Chapter 1, § 1-1M, which applies to the entire Code.

D. In § 434-2A we will update the list of Administrative Code chapters as follows:

~~TRANS 5~~ Ch. Trans 305, Standards for Vehicle Equipment

~~TRANS 6~~ Ch. Trans 326, Motor Carrier Safety Requirements for Transportation of Hazardous Materials

~~TRANS 12~~ Ch. Trans 150, Leasing of Vehicles by Private Carriers

~~TRANS 18, Protective Headgear Standards~~ [There is no Chapter Trans 18 in the current Administrative Code.]

~~TRANS 22~~ Ch. Trans 304, Slow Moving Vehicle Emblem

~~TRANS 305~~ Ch. Trans 305, Standards for Vehicle Equipment

434-5. OFFICIAL TRAFFIC MAP

SHOULD THIS BE DELETED? ANYONE FOR ORD

WE TALKED ABOUT AN LISTING ALL SIGNS.

E. Section 434-8A(14) prohibits parking a vehicle "Within six feet of the entrance to an alley, private road or driveway." The corresponding provision in § 346.53(4), Wis. Stats., reads "Within 4 feet of the entrance to an alley or a private road or driveway." Note that § 434-8C also indicates a distance of four feet.

Decision:

☒ Change 6 feet to 4 feet.

☐ Revise as follows: _____

☐ Make no change.

F. Section 434-19A prohibits unnecessary sounds or noises by vehicles. Many municipalities in Wisconsin have adopted ordinances restricting the use of compression brakes, also known as "jake brakes." Following is sample wording:

> No person shall use compression brakes or operate a motor vehicle using brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof, unless such brakes are necessarily used in an emergency situation. The prohibition contained in this section shall not apply to fire, police, EMS and/or other emergency vehicles.

Decision:

☒ Add the above wording to § 434-19A.

☐ Provisions not desired.

G. Section 434-23, Violations and penalties.

(1) We have updated the reference to § 165.87, Wis. Stats., to § 757.05, Wis. Stats., in Subsection A.

(2) In Subsections A and D(1) we will revise "violation of ... traffic *violations*" to "violation of ... traffic *regulations*."

(3) The forfeitures established in Subsections C, D and E should be reviewed to ensure they are still satisfactory:

(a) Subsection C(2): violation of any provision of § 434-1B: not less than $50 nor more than $200.

(b) Subsection D(2): violations of § 434-17B or C: a forfeiture of not less than $20 nor more than $100, together with costs of prosecution and penalty assessment, and in default of payment thereof imprisonment until such forfeiture has been paid, but not to exceed 90 days.

(c) Subsection D(3): violation of parking regulations in §§ 434-8 through 434-17: $30. Violations of the state's handicapped parking violations: minimum forfeiture of ~~$100.~~ 150 Maximum $300

Law Changed 12/15/13
2013 Act 107

(d) Subsection E, other violations: a forfeiture of not less than $20 nor more than $100.

Decision:

☒ Revise as follows: (write in revisions above) -- See G. (3)(c)

☐ Retain as written.

H. Section 434-24, Enforcement.

(1) In Subsections A(1) and C(1)(a) we have updated the reference to § 66.12, Wis. Stats., to § 66.0114, Wis. Stats.

(2) In Subsection C(2)(a) we will update "violation of nonmoving traffic *offenses*" to "violation of nonmoving traffic *regulations*."

(3) In Subsection C(3) we have deleted the reference to § 343.27, Wis. Stats., which section was repealed by 1989 Act 170.

Ch. 443, Water and Sewer Utilities

Title 9, Ch. 1, of the 1994 Code

The City could take this opportunity to have this chapter reviewed by someone technically competent and familiar with its enforcement to determine whether any revisions are necessary.

A. There is missing or awkward wording in the following sentence from § 443-8A:

> Obstruction of such fire hydrants is hereby declared to create a situation which is imminently dangerous to the persons and property of all residents within the area of such fire hydrants and the same provide a substantial hindrance *in the efficient and effective control of fire by the City's right to regulate the use of street right-of-way by abutting property owners, the following regulations are enacted.*

Decision:

☐ Revise as follows: "...and the same provide a substantial hindrance in the efficient and effective control of fire. ~~b~~By the City's right to regulate the use of street right-of-way by abutting property owners, the following regulations are enacted."

☐ Revise as follows: (write in revisions above)

☐ Retain as written.

B. Section 443-22 contains a penalty of a fine of not less than $50 nor more than $500. Is any revision desired?

Chapter 427

VEHICLES, ALL-TERRAIN, OFF-ROAD AND NEIGHBORHOOD ELECTRIC

§ 427-1. State all-terrain vehicle laws adopted.

§ 427-2. Unauthorized operation of motor vehicles on public or private property.

§ 427-3. Neighborhood electric vehicles.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 10, Ch. 4, of the 1994 Code. Amendments noted where applicable.]

§ 427-1. State all-terrain vehicle laws adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this section as if fully set forth herein. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this section or are prohibited by this section:

A. Section 23.33(2), Registration.

B. Section 23.33(3), Rules of operation [including Subsections (a) through (i)]

C. Section 23.33(4), Operation on or near highway [including Subsections (a) through (e)]

D. Section 23.33(5)(a)(c), Age restrictions.

E. Section 23.33(6), Equipment requirements [including Subsections (a) through (e)]

F. Section 23.33(7), Accidents [including Subsections (a) and (b)]

G. Section 23.33(1), Definitions [including Subsections (a) through (n)]

§ 427-2. Unauthorized operation of motor vehicles on public or private property.

A. Definitions. For purposes of this section, the terms below shall be defined as follows:

MOTOR VEHICLE — For purposes of this section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this section shall not be so defined while:

(1) It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites

provided such operation is by persons having legitimate business on such lands or sites;

(2) It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.

(3) It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

OFF-ROAD — Any location which:

(1) Is not a paved or maintained public street or alley; or

(2) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or

(3) Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.

OPERATION — The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

UNAUTHORIZED — Without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

B. Unauthorized off-road operation prohibited.

(1) The unauthorized off-road operation of a motor vehicle is prohibited.

(2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Common Council, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the City streets, alleys, parks, sidewalks, bikeways, parking lots or on any public highway use on the City streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

§ 427-3. Neighborhood electric vehicles. [Amended 7-7-2008 by Ord. No. 6-08-581]

A. "Neighborhood electric vehicle" means a self-propelled motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the United States Department of Energy, and that conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under 49 CFR §§ 571.3(b) and 571.500. Neighborhood electric vehicle does not include a golf cart.

B. A person may operate a neighborhood electric vehicle on any City street that has a speed limit of 35 miles per hour or less, subject to the following restrictions:

(1) The person operating the neighborhood electric vehicle must hold a valid Wisconsin operator's license or a valid operator's license from another state.

(2) The neighborhood electric vehicle must be duly registered with and titled by the State of Wisconsin in accordance with applicable state statutes and regulations.

Chapter 434

VEHICLES AND TRAFFIC

ARTICLE I
General Provisions

§ 434-1. State traffic laws adopted.
§ 434-2. State administrative code provisions adopted.
§ 434-3. Official traffic signs and control devices; prohibited signs, signals and markers.
§ 434-4. School bus warning lights.
§ 434-5. Official traffic map.

ARTICLE II
Street Traffic Regulations

§ 434-6. No heavy traffic routes.
§ 434-7. Speed limits.

ARTICLE III
Parking Regulations

§ 434-8. Stopping or parking prohibited in certain specified places.
§ 434-9. Leaving keys in vehicle prohibited; parking vehicles with motor running.
§ 434-10. Unattended motorized machinery.
§ 434-11. Parking prohibited during certain periods.
§ 434-12. Parking prohibited zones.
§ 434-13. Parking of vehicles over 12,000 pounds or 16 feet restricted.
§ 434-14. Emergency snow removal regulations.
§ 434-15. Unlawful removal of parking citations.
§ 434-16. Operation of motor vehicles in public parking lots.
§ 434-17. Removal of illegally parked vehicles.
§ 434-18. Temporary parking and use restrictions.

ARTICLE IV
Miscellaneous Provisions

§ 434-19. Disturbance of peace with a motor vehicle.
§ 434-20. Motor vehicles on pedestrian ways.
§ 434-21. School crossing guards.
§ 434-22. Driving over curbing or safety islands prohibited.

ARTICLE V
Enforcement and Penalties

§ 434-23. Violations and penalties.
§ 434-24. Enforcement.

[HISTORY: Adopted by the Common Council of the City of Monona as Title 10, Ch. 1, of the 1994 Code. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 434-1. State traffic laws adopted. [Amended 8-17-2009 by Ord. No. 08-09-597]

A. Statutes adopted. Pursuant to the provisions of Section 349.06 of the Wisconsin Statutes, except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110 and 340 through 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty for violation thereof is a forfeiture 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 regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 110, 340 through 349 incorporated herein are intended to be made part of this chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the City of Monona, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this section.

B. Other state laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chapters 340 through 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter:

(1) Section 941.01, Negligent Operation of Vehicle Off Highway.

(2) Section 941.30, Recklessly endangering safety.

(3) Section 943.11, Entry into Locked Vehicle.

(4) Section 943.23, Operating Motor Vehicles Without Owners Consent.

C. Statutes specifically incorporated by reference. Whenever this chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1991-92 as from time to time amended, repealed or modified by the Wisconsin Legislature.

D. General references. General references in this chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

E. Operators to be licensed. Section 343.05 of the Wisconsin Statutes is hereby adopted by reference, except the provisions of subsection (5) of said statute which impose a criminal penalty. The penalty for violation of this section shall be the monetary forfeitures set forth in section 343.05(5), Wis. Stats., for the respective offenses listed.

F. Operating while suspended, revoked, ordered out-of-state or disqualified. Section 343.44 of the Wisconsin Statutes is hereby adopted by reference, except the provisions of subsection (2) of said statute which impose a criminal penalty. The penalty for violation

of this section shall be the monetary forfeitures set forth in section 343.05(2), Wis. Stats., for the respective offenses listed.

§ 434-2. State administrative code provisions adopted.

A. Administrative regulations adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this chapter as if fully set forth herein.

TRANS 5, Standards for Motor Vehicle Equipment

TRANS 6, Transportation of Explosives by Motor Vehicle

TRANS 12, Leasing of Vehicles by Private Carriers

TRANS 18, Protective Headgear Standards and Specifications

TRANS 22, Standards and Specifications - Design and Mounting SMV Emblem

TRANS 305, Standards for Vehicle Equipment (added per Ordinance 08-09-606, adopted September 8, 2009)

B. Non-compliance prohibited. No person shall operate or allow to be operated on any highway, street or alley within the City a vehicle that is not in conformity with the requirements of Subsection A or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in § 434-1 of this chapter.

C. Safety checks.

(1) Operators to submit to inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.

(2) Authority of officer. Any law enforcement officer of the City is hereby empowered whenever he or she shall have reason to believe that any provision of this section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.

(3) Vehicle to be removed from highway. Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the

secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the Department of the issuing officer within the time specified in the order.

D. Penalty. Penalty for violation of any provision of this section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in § 434-23, together with the costs of prosecution and applicable penalty assessment.

§ 434-3. Official traffic signs and control devices; prohibited signs, signals and markers.

A. Duty of Director of Public Works to erect and install uniform traffic control devices. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in § 434-3, require the erection of traffic control devices for enforcement, the Director of Public Works with the cooperation of the Police Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Director of Public Works, will carry out the purposes of this chapter and give adequate warning to users of the streets and highways of the City of Monona.

B. Code numbers to be affixed to official traffic control devices. The Director of Public Works shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection A, a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

C. Prohibited signs and markers in highways. No person other than an officer authorized by this chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the City any sign, signal, marker, mark or monument unless permission is first obtained from the Director of Public Works or, where applicable, the Wisconsin Department of Transportation. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection D.

D. Removal of unofficial signs, markers, signals and traffic control devices. The Director of Public Works may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Director of Public Works to the Common Council for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

§ 434-4. School bus warning lights.

A. _____

(1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in § 434-1 to the contrary and except as provided in Subsection B below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

(2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least 100 feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.

(3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district, with the exception of streets or highways with four or more lanes.

(4) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than 20 feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than 20 feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.

B. Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of a right-of-way between the roadway and the school grounds designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

DELETE ? ★ NOTES P. 75

§ 434-5. Official traffic map.

There is hereby established an Official Map upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one way streets and alleys, school crossings, and any other restrictions and limitations as directed by the Common Council. A violation of the restriction or limitation shown on the official traffic map shall be a violation of this section. A copy of the official traffic map shall be maintained in the office of the City Clerk, the Police Department, and the Municipal Court. The Council may from time to time make additions or deletions from the official traffic map, and the City Engineer shall keep such official traffic map current.

REPLACED BY ANNUAL RESOLUTION WITH A LISTING OF ALL SIGNS ★

ARTICLE II
Street Traffic Regulations

§ 434-6. No heavy traffic routes.

All vehicles having a gross weight in excess of 6,000 pounds are considered "heavy traffic" vehicles. The following streets or portions of streets are declared "No Heavy Traffic Routes":

A. Bridge Road.

B. Frost Woods Road.

C. Owen Road.

§ 434-7. Speed limits.

A. State speed limits adopted. The provisions of Secs. 346.57, 346.58, and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this section as if fully set forth herein, except as specified by Subsection C below pursuant to Sec. 349.11 (3)(c), Wis. Stats.

B. Posted limits. No person shall drive a vehicle in excess of any speed limit established by law and indicated by official signs.

C. Speed limits modified. The Common Council hereby determines that the statutory speed limits on the following streets or portions thereof are unreasonable, unsafe or imprudent and modifies such speed limits under authority granted by state law as follows: The speed limits are as hereafter set forth upon the following streets between the limits designated:

Name of Street	Speed Limit (mph)	Location
Broadway	40	Entire length
Femrite Drive, eastbound	25	At Seventh Day Adventist School (900 Femrite Drive)
Monona Drive	20	At Monona Grove High School (4400 Monona Drive) and Nichols Elementary School (5301 Monona Drive), during regular school days
Monona Drive	30	From the North City Limits (beginning at 3735 Monona Drive) to its intersection with U.S. Highway 12 and 18

ARTICLE III
Parking Regulations

§ 434-8. Stopping or parking prohibited in certain specified places.

A. Parking prohibited at all times. Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:

(1) Within an intersection.

(2) On a crosswalk.

(3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curbline running parallel or generally parallel thereto or in the absence of a sidewalk 10 feet beyond the curbline.

(4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.

(5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.

(6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.

(7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.

(8) In any place or manner so as to obstruct, block or impede traffic.

(9) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.

(10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.

(11) Upon any bridge.

(12) Upon any street or highway within the City limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.

(13) In a loading zoning.

(14) Within ~~six~~ 4 feet of the entrance to an alley, private road or driveway.

(15) In any municipal park when said park is closed to the public.

B. Parking in driveways. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

C. Vehicles not to block private drive, alley or fire lane. No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

D. Prohibitions involving parking vehicle for repair, display for sale.

(1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the City of Monona for the purpose of repairing said vehicle or to display such vehicle for sale.

(2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:

(a) Consent to display the vehicle has been given by the owner or lessee of the premises; and

[1] No person shall park any vehicle for the purpose of advertising such vehicle for sale on private property in the City of Monona except in areas zoned single-family, two-family, and multifamily (SF, TF, and MF).

(b) No person may display a vehicle for sale upon private premises unless the following conditions are met:

[1] Consent to display the vehicle has been given by the owner or lessee of the premises; and

[2] The owner of the vehicle is on the premises or resides there; and

[3] The vehicle displayed for sale is parked entirely on the premises; and

[4] The premises contains only two vehicles displayed for sale; and

[5] The advertisement or sign for sale of the vehicle is not larger than two square feet.

[6] These restrictions shall not apply to any person or business that engages in the regular business of selling vehicles in compliance with the Municipal Code for the City of Monona.

§ 434-9. Leaving keys in vehicle prohibited; parking vehicles with motor running.

A. Leaving keys in vehicle. No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.

B. Parking vehicles with motor running. No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than 30 minutes within 300 feet of any residence within the City of Monona between the hours of 10:00 p.m. and 7:00 a.m.

§ 434-10. Unattended motorized machinery.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

§ 434-11. Parking prohibited during certain periods.

Parking in excess of 24 hours prohibited. No person shall park any motor vehicle, trailer, semi-trailer or mobile home on any City street or City parking lot for 24 or more consecutive hours.

§ 434-12. Parking prohibited zones.

A. Parking for advertising on Monona Drive prohibited. No vehicle shall be parked primarily for advertising purposes in those areas on Monona Drive in which signs are prohibited. Accordingly no person shall park a vehicle in the Retail Business or Commercial/Industrial District on Monona Drive in the area from 10 feet from the building line to the front property line for the primary purpose of advertising; and no person shall park a vehicle in such area which has affixed thereto or mounted or constructed thereon any sign carrying advertising material. Vehicles having lettered thereon identifying material or trade slogans customarily found on commercial vehicles may be parked in such area during normal business hours but no person shall park such vehicle in such area when the business located on the premises is closed.

B. Parking in fire lanes prohibited. No person except the operator of an emergency vehicle shall park in a fire lane. A fire lane for the purpose of this Subsection is defined as an area designated by the Fire Chief pursuant to the City's Fire Prevention Code and indicated by signs or pavement markings.

§ 434-13. Parking of vehicles over 12,000 pounds or 16 feet restricted.

A. Definitions.

As used in this section, the following terms shall have the meanings indicated:

LARGE VEHICLE — As any automobile, truck, trailer, truck power unit, bus, recreational vehicle and/or combinations of vehicles weighing in excess of 12,000 pounds, or over 16 feet in length (including accessories, racks or other physical extensions) or having a height of more than eight feet from the roadway.

MOTOR BUS — A motor vehicle designed primarily for the transportation of persons rather than property and having a passenger capacity of 16 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches (also see Wisconsin Statute 340.01(31).

SCHOOL BUS — A motor vehicle which carries 10 or more passengers in addition to the operator or a motor vehicle painted in accordance with s. 347.44(1) for the purpose of transporting passengers as defined in Wisconsin Statute 340.01(56).

B. Restriction as to hours.

(1) 6:00 p.m. - 6:00 a.m. No person shall park or leave standing any large vehicle upon any street between the hours of 6:00 p.m. and 6:00 a.m.

(2) 6:00 a.m. - 6:00 p.m. No person shall park or leave standing any large vehicle upon any street between the hours of 6:00 a.m. and 6:00 p.m. for more than two hours, unless otherwise lawfully parked and engaged in continuous loading and unloading. The City Council may designate specific truck parking zones.

C. Bus parking.

(1) The operator of a school bus or motor bus may park in areas zoned single-family, two-family or multifamily district pursuant to the Monona Municipal Code only for the amount of time reasonably necessary for the continuing loading or unloading of the school bus or motorbus.

(2) This restriction shall not apply to buses parked in areas designated on school property.

D. Removal. Any vehicle unlawfully parked under Subsection B or C may be removed from the street by order of a law enforcement officer, pursuant to § 434-17 and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties prescribed.

§ 434-14. Emergency snow removal regulations. [Amended 8-4-2008 by Ord. No. 8-03-578]

A. Placing snow in streets. It is unlawful for any person to:

(1) Plow or otherwise remove accumulated snow from a private parking lot and deposit same on a city street or right-of-way.

(2) Plow snow from a private driveway and deposit same on a city street in such a manner as to decrease the drivable width of any such street.

(3) Plow snow from a private driveway and deposit same in such a manner as to block or decrease the useable width of any other private driveway or to block a fire hydrant.

B. Interference with snow removal. It is unlawful for any person to obstruct, harass, prevent or otherwise interfere with any employee of the city engaged in snow removal service or to obstruct, cause damage to or otherwise interfere with any city owned, leased or contracted vehicle used in conjunction with snow removal services.

C. Snow removal operations (parking). It shall be unlawful for any person to park or cause to be parked any vehicle on any public street within the City of Monona at any time within 12 hours after a snow fall of two inches or more, unless within such time the public street has been cleared of snow.

D. Mayor may declare a general or limited snow emergency. Whenever the Mayor or the Mayor's designee, after consultation with the Chief of Police and/or Director of Public Works, determines that an emergency exists because of existing or threatened snow or ice conditions which necessitate prompt removal of accumulations of ice and snow from such streets and highways, the Mayor or the Mayor's designee may by appropriate public media declare a general or limited snow emergency during which the following emergency snow parking regulations shall be in force in the City.

E. General snow emergency. During a declared general snow emergency no person shall park any vehicle at any time on a designated snow emergency route and no person shall park any vehicle on any other street within the City.

F. Limited snow emergency. During the declared limited snow emergency no person shall park any vehicle at any time on a designated snow emergency route.

G. Designated snow emergency routes. The following streets or portions thereof within the City are designated snow emergency routes:

Name of Street
Dean Avenue (Monona Drive to Winnequah Road)
Nichols Road
Owen Road
Frost Woods Road
Femrite Drive

Name of Street
Bridge Road (Owen Road to U.S. 12 and 18)
Winnequah Road
Midmoor Road
Schluter Road (Nichols Road to Winnequah Road)
Maywood Road (Nichols Road to McKenna Road)
McKenna Road (Maywood Road to Dean Avenue)
Shore Acres Road (Dean Avenue to Nichols Road)

H. Termination of emergency. A snow emergency may be terminated by public announcement in the appropriate public media declaring the termination.

I. Signs and posting. The Director of Public Works shall place appropriate "Snow Emergency Route" signs on or along the streets or portions thereof designated in Subsection G and shall also place appropriate signs at or reasonably near the City limits on all State and County Trunk Highways and connecting highways informing motorists that snow emergency and snow removal parking regulations may be in effect in the City.

§ 434-15. Unlawful removal of parking citations.

No person other than the owner or operator thereof shall remove a City notice of parking violation or other parking citation from a motor vehicle.

§ 434-16. Operation of motor vehicles in public parking lots.

A. Unlicensed operators prohibited. No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or in any private parking lot held out for the use of parking for the general public.

B. Traffic regulations applicable. All provisions of § 434-1 of this chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot and on any private parking lot or road held out for use for the general public for parking or vehicular traffic.

§ 434-17. Removal of illegally parked vehicles. [Amended 8-4-2008 by Ord. No. 8-03-578]

A. Hazard to public safety. Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety.

B. Removal by operator. Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.

C. Removal by police officer. Any law enforcement officer after issuing a notice of parking violation for illegal parking, stopping or standing of an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is permitted.

D. Removal by private service. Any law enforcement officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.

E. Towing and storage charges. In addition to other penalties provided in this chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

§ 434-18. Temporary parking and use restrictions. [Added 9-16-2013 by Ord. No. 9-13-650]

A. The Chief of Police or Director of Public Works, or their respective designee, may prohibit or restrict parking, standing, pedestrian use, or use by any bicycle or other play vehicle, on any portion of a public street, public sidewalk or City owned property when either of them determine it to be necessary for the public safety, health or welfare. The authority granted herein includes the authority to temporarily close such areas for any and all use.

B. The authority granted in this section shall be limited to no greater than 10 days. Any longer period, or extension of any previous declaration, must be approved by the Mayor and must not exceed 180 days.

C. Whenever any street, sidewalk, or City owned property is closed or its use restricted as provided herein, the official making such declaration shall:

(1) Ensure appropriate signage and/or barriers are erected to ensure the public is notified of the restrictions;

(2) The Chief of Police and Director of Public Works shall be promptly notified of such declaration and the period of time the restrictions shall remain in effect. The Chief of Police and Director of Public Works, or their respective designees, shall consult each other whenever reasonably practicable prior to making any such declaration.

(3) If the declaration involves the closure of any public street, the official making such declaration shall take all reasonably appropriate action to ensure alternative access to private property is provided; or if not reasonable possible, the period of time access is not provided is minimized.

D. Any person violating a declaration under this section shall be subject to the penalty provided in § 434-23.

E. Any vehicle parking or standing in violation of a declaration under this section may be removed from the street or City owned property by order of any law enforcement officer pursuant to § 434-17 and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalty prescribed in Subsection D above.

ARTICLE IV
Miscellaneous Provisions

§ 434-19. Disturbance of peace with a motor vehicle.

A. Unnecessary noise prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which 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 or private area in the City of Monona.

B. Unnecessary smoke prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the City.

C. Unnecessary acceleration and display of power prohibited. It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.

D. Avoidance of traffic control device prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.

E. Operation in restricted area prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This section shall specifically include, but not be limited to:

(1) Public park property;

(2) Cemetery properties;

(3) School District property;

(4) Medical facilities;

(5) Funeral homes;

(6) Service stations;

(7) Grocery stores;

(8) Restaurants;

(9) Financial institutions; and

(10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.

F. Stopping and parking prohibited. It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this section may be removed or towed by the property owner at the vehicle owner's expense.

§ 434-20. Motor vehicles on pedestrian ways.

No person shall operate or park any motor vehicle on any pedestrian way within the City of Monona except maintenance vehicles.

§ 434-21. School crossing guards.

Pursuant to Sec. 349.215, Wis. Stats., those adult persons appointed by the Police Department or Monona Grove School District to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.

§ 434-22. Driving over curbing or safety islands prohibited.

A. Driving over curbing prohibited. It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the City of Monona.

B. Driving over safety zones or islands prohibited. Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island.

ARTICLE V
Enforcement and Penalties

§ 434-23. Violations and penalties.

A. Forfeiture penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections

814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 757.05 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

B. Other sanctions.

(1) By court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu or imprisonment.

(2) By municipality. No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the City, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

C. Forfeitures for violation of uniform moving traffic regulations.

(1) Uniform offenses. Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in § 434-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses.

(2) Miscellaneous. The forfeiture for violation of any provision of § 434-1B of this chapter shall not be less than $50 nor more than $200.

D. Forfeitures for parking violations.

(1) Forfeitures for uniform statewide parking, stopping and standing offenses. Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in § 434-1 as described in Chapter 341 to 349, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.

(2) Penalty for violations of § 434-17B or C. Any person violating § 434-17B or C shall, upon conviction thereof, be subject to a forfeiture of not less than $20 nor more than $100, together with costs of prosecution and penalty assessment, and in default of payment thereof shall be imprisoned until such forfeiture has been paid, but not to exceed 90 days. Vehicles parked in violation of § 434-17B or C may be ticketed and towed in accordance with § 434-17D and E.

(3) Penalty for other parking violations. The forfeiture for violation of parking regulations in §§ 434-8 through 434-17 shall be $30. Violations of the state's handicapped parking violations shall be subject to a minimum forfeiture of $100.

E. Other violations. Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section shall be subject to a forfeiture of not less than $20 nor more than $100.

§ 434-24. Enforcement.

A. Enforcement procedures.

(1) How enforced. This chapter shall be enforced in accordance with Section 66.0114, Sections 345.20 to 345.53 and Chapter 800, Wis. Stats., and other applicable provisions of the Wisconsin Statutes and this section.

(2) Applicable court procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in the Municipal Court in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

B. Citations.

(1) Uniform citation and complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

(2) Parking citations. The City Attorney and Chief of Police shall recommend to the Common Council a citation for use in enforcing the non-moving traffic offenses in this chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in § 434-1, and all provisions regarding nonmoving traffic violations in this chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection C(2) of this section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

C. Deposits and stipulations.

(1) Uniform traffic offenses.

(a) Who may make. Persons arrested or cited for violation of moving traffic offenses created by this chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with Sec. 66.0114(1)(b) of the Wisconsin Statutes whenever

the provisions of Sec. 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11 of the Wisconsin Statutes.

(b) Delivery or mailing of deposit and stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26 of the Wisconsin Statutes or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Municipal Judge and approved by the Common Council. Deposits may be brought or mailed to the Police Department within five days of the issuance of the citation in lieu of court appearance.

(2) Non-moving traffic offenses.

(a) Direct payment of penalty permitted. Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.

(b) Court prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection C(2)(a) within 15 days of the date of the citation, the Chief of Police shall forward a copy of the citation to the City Attorney for prosecution.

(c) Registration suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within 28 days after the citation is issued, the City may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection C(3) below.

(d) Bond. Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.

(3) Notice of demerit points and receipt. Every officer accepting a forfeited penalty or money deposit under this section shall receipt therefore in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this section shall comply with the provisions of Sections 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.

(4) Registration suspension program.

(a) The City shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.

(b) The Chief of Police is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The Chief of Police is authorized to perform, on behalf of the City, all functions required of a local authority under said Statutes and Code including, but not limited to:

[1] Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;

[2] Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;

[3] Determining the method by which the City will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;

[4] And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.

(c) The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection.

(d) In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Municipal Judge or Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.

(e) This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The City's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

6b

Former mayor, council to blame for narrow street

Posted: Friday, May 13, 2016 2:30 pm

To the editor,

I keep hearing people saying that Winnequah Road in Monona is the most dangerous street in town. It is too narrow for cars, bikes and pedestrians. That's what happens when the people that live on a street design it. There were several council members and the mayor that lived on that street at the time, and they didn't want to lose some trees, walls or property in order to make a safer street. I didn't like losing 20 feet of my property and several old trees for the reconstruction of Monona Drive, but I did and it made a safer street out of it.

Winnequah is a dangerous street, it is too narrow, my own truck is too wide when I measure the width between my mirrors, and the width between the yellow lines my truck is wider.

Maybe they should put 10-foot sidewalks through there like they wanted to do in front of my house.

Richard H. Lichtfeld

Monona

6c

PUBLIC WORKS COMMITTEE

Draft Minutes – May 4, 2016

The regular monthly meeting of the Public Works Committee for the City of Monona was called to order at 6:30pm by Alderman Holmquist.

Present: Alderman Holmquist, Alderman Speight, Mr. McConnell, Mr. Stolper, Ms. Busse, Mr. Franklin, Mr. Besch, Mr. Turino, Mr. Podell

Excused:

Also Present: DPW Director Stephany

APPROVAL OF MINUTES

A motion was made by Ms. Busse, and seconded by Mr. Franklin to approve the Public Works Committee minutes of March 31, 2016, was carried.

APPEARANCES - None

UNFINISHED BUSINESS - None

NEW BUSINESS

6A: Consideration of bid award for 2016 Street Micro Surfacing Project – Director Stephany explained the bid summary information from the April 8, 2016 bid opening. Two contractors provided bids, Struck & Irwin Paving Inc., and Fahrner Asphalt Sealers. Fahrner Asphalt sealers provided the low bid in the amount of $221,428.02. Fourteen roads will be micro surfaced with this project. Letters will go out to properties fronting the roads to be micro surfaced, informing them of the work to be done. The award is for the base bid only.

A motion was made Mr. Turino, and seconded by Ms. Busse to recommend approval of the micro surfacing base bid award to Fahrner Asphalt Sealers in the amount of $221,428.02, was carried.

6B: Consideration of bid award for 2016 Street Resurfacing Project – Director Stephany presented the project information for the 2016 Street Resurfacing Project, and discussed the bids that were received at the April 15, 2016 bid opening. Bids were received from three contractors, with Wolf Paving & Excavating providing the low base bid of $48,447.76. Resurfacing will take place at various locations on Winnequah Road, and on the City's portion of Crestview Drive. Letters will be mailed to properties fronting the roads to be resurfaced, informing them of the work to be done.

A motion was made by Mr. Stolper, and seconded by Mr. Besch to recommend approval of the street resurfacing base bid award to Wolf Paving & Excavating in the amount of $48,447.76, was carried.

6C: Discussion of street parking issues on Wallace Avenue and Gordon Avenue – Director Stephany explained the current parking scenario on Wallace Avenue and Gordon Avenue, and mentioned the current parking situation on Wallace negatively impacts various services offered by public works. On Wallace, leaf collection and brush collection services are not completed, at times, because of the parked cars. The parked cars also prevent the public works staff from adequately plowing the street in winter. Often times the crew has to come back on overtime to complete snow removal.

The current parking scenarios for Wallace and Gordon were included in the handout. There are no parking restrictions on Wallace, and Gordon has two hour parking, 8:00am to 4:00pm, Monday through Friday, in the southbound lane. Gordon northbound has no parking from 7:30am to 4:30pm, except weekends and holidays. Both scenarios are signed from Coldspring to Dean. If the City moves forward with changing the parking restrictions on Wallace and Gordon, language to be considered could include no parking on odd/even calendar dates, 7:00am to 4:00pm, on M.G. school days.

Ms. Busse mentioned that Lofty should be looked at as well. Mr. Stolper asked the committee why the students don't park in the high school parking lot, because the lots are not full. Mr. Franklin responded that the lot is fairly empty now because the high school charges the students to park in the lot.

Mr. Turino asked for Shore Acres and Parkway to be reviewed also. The Shore Acres northbound lane is full from Coldspring to Parkway. Director Stephany mentioned the parking issues on Parkway could be coming from the new Habitat Restore, and told the committee that this issue will soon be at the plan commission for review. The report the plan commission received included staff parking to be on site, and not on Parkway.

The public safety commission will be asked to review the parking restrictions at their next meeting. The streets the public works committee is seeking feedback on include Gordon (Coldspring to Dean), Wallace (Shore Acres to Dean), Shore Acres (Schofield to Parkway), and Parkway. In addition to any other ideas the public safety commission discusses, the public works committee is looking for feedback on specific sign language, No Parking Odd/Even Calendar Dates, 7:00am to 4:00pm, on Monona Grove School Days.

NEXT SCHEDULED MEETING: Wednesday, June 1, 2016.

ADJOURNMENT

A motion was made by Mr. Turino and seconded by Ms. Busse to adjourn was carried (7:35 pm).

Daniel Stephany
Director of Public Works

DRAFT

(Potential language for consideration in Monona)

Gordon, Southbound
Coldspring to Dean:
2HR Parking
8-4 M-F
Gordon, Northbound
Dean to Coldspring:
No Parking 7:30-4:30
Except Holidays &
Weekends
Coldsprings Ave
Lolty Ave
Gordon Ave
Spring Haven Ave
Wallace Ave
Share Acres Rd
Oak Ct

Wallace; Shore Acres to Dean – there are no parking restrictions on either side
Coldsprings Ave
Shore Acres Rd
Gordon Ave
Lofty Ave
Spring Haven Ave
Wallace Avenue
Oak Ct
Monona Dr

6d

Sec. 11-2-18 SYNTHETIC CHEMICAL CANNABINOID PROHIBITED.

(a) Adoption of Wis. Stat. § 961.14(4)(tb). Pursuant to Wis. Stat. § 66.0107(1), which authorizes the enactment and enforcement of an ordinance to prohibit the possession of a controlled substance specified in Wis. Stat. § 961.14(4)(tb), the City of Monona does hereby adopt and incorporate into this section of the Monona General Ordinances, Wis. Stat. § 961.14(4)(tb).

(b) Definitions.

"Deliver" has the same meaning given in Wis. Stat. § 961.01(6) with respect to a controlled substance or controlled substance analog.

"Distribute" has the same meaning given in Wis. Stat. § 961.01(9) with respect to a controlled substance or controlled substance analog.

(c) Prohibited Sale, Use and Possession. It shall be unlawful for any person to possess, sell, publicly display for sale or attempt to sell, give, deliver, distribute or barter any one or more of the following chemicals whether under the common street or trade names of "Spice," "K2," "Genie," "Yucatan Fire," "Blaze," "Scubby Snacks," "Red X Dawn," "Zohia," "Spike Diamond," "Route 69," "Smoke XXXX," "Citron," "fake," or "new" marijuana, or by any other name, label or description as set forth in Wis. Stat. § 961.14(4)(tb).

(d) Medical and Dental Use Allowed. Acts prohibited under sub. (3) shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist or other medical health professional authorized to direct or prescribe such acts provided use is permitted under state and federal laws.

(e) Penalties.

a. Any person violating this section shall be subject to a forfeiture of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) for each violation. Each day a violation continues constitutes a separate offense.

b. Any commercial establishment displaying or offering synthetic cannabinoids for sale, shall be subject to a forfeiture of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) for each violation. Each day a violation continues constitutes a separate offense.

c. Violation of this ordinance by a commercial establishment is a public nuisance.