

CHAPTER 130: GENERAL OFFENSES

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§ 130.01 REQUIRED ORDERLY CONDUCT.

Whoever does any of the following shall upon conviction thereof forfeit not more than \$100 together with the costs of prosecution, or in default thereof, shall be imprisoned until such forfeiture and costs are paid, not exceeding 60 days:

(A) In a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or

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

(C) Operates a motor vehicle within the city so as to cause or to be made any loud, disturbing, or unnecessary noise, such as may tend to annoy or disturb another, or operate any motor vehicle in a careless or erratic manner upon the streets and highways of the city;

(D) No person shall be in possession of an open container of intoxicating liquor, as defined by Wis. Stats. § 125.02, or fermented malt beverage commonly known as beer, as defined by Wis. Stats.

§ 125.02, while the person is on the public streets, sidewalks, or alleys of the city without written permission of the Mayor or the Chief of Police.
(Ord. 18, passed - -; Am. Ord. 57, passed 8-1-77)

§ 130.02 BATTERY, DAMAGE TO PROPERTY AND THEFT.

The statutory provisions contained in Wis. Stats. §§ 940.19(1), 943.01(1) and 943.20(1)(a), exclusive of any provisions therein relating to penalties, providing for the offenses of battery, damage to property, and theft, are hereby adopted and by reference made part of this chapter as if 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 chapter. Any further amendments, revisions, or modifications of the statutes incorporated herein are made part of this chapter.

(Ord. 119, passed 2-1-88; Am. Ord. 119A, passed 2-6-95) Penalty, see § 10.99

§ 130.03 FIREARMS AND OTHER WEAPONS.

(A) (1) No person may discharge or possess a firearm within 100 yards of any building devoted to human occupancy without the express permission of the owner or other lawful occupant of the building unless the firearm is unloaded and enclosed in a carrying case.

(2) This division (A) shall not apply to any premises owned and operated by any public or private sportsman's range or club.

(3) This division (A) shall not apply to uncased firearms within a building devoted to human occupancy.

(B) (1) No person may possess a rifle or a handgun, unless the rifle or handgun is unloaded and enclosed in a carrying case within that portion of the city which lies west of a line described as follows:

Beginning at the intersection of the east line of the southwest quarter of the northwest quarter (SW $\frac{1}{4}$ of the NW $\frac{1}{4}$), Section 12, Township 21N, Range 13W, and the centerline of County Trunk Highway E; thence north along the east line of the west half of the northwest quarter (W $\frac{1}{2}$ of the NW $\frac{1}{4}$), Section 12 to the north line of said Section 12; thence west to the northwest corner of said Section 12; thence north along the east line of Section 2, Township 21N, Range 13W to the intersection of the east line of the northeast quarter of the northeast quarter (NE $\frac{1}{4}$ of the NE $\frac{1}{4}$), said Section 2, with the bluff line; thence continuing northerly along the bluff line through said Section 2 and through Section 35, Township 22N, Range 13W to the intersection of the bluff line with the north line of said Section 35; thence east along the north line of Section 35 to the northeast corner thereof; thence north along the east line of Section 26, Township 22N, Range 13W to the intersection of such east line with the centerline of State Trunk Highway 37 and there terminating.

(2) This division (B) shall not apply to possession of a shotgun.

(C) (1) No person may discharge an airgun or a bow and arrow without a permit within the platted portions of the city located north of Laue Street and south of the south line of the north half of the northeast quarter (N $\frac{1}{2}$ of the NE $\frac{1}{4}$), Section 2, Township 21N, Range 13W (which runs approximately through the intersection of State Trunk Highway 35 (Main St.) and Riverview Drive).

(2) Permits shall be issued annually without cost to the applicant by the Police Chief on approval of either the Mayor or the Chairperson of the Services Committee.

(3) Permits may only be issued to a natural

person for use of an airgun or bow and arrow on land owned or rented by them at an approved range or site where there is a sufficient backstop and side clearance to avoid injury to others.

(D) Within this section, the following definitions apply:

AIRGUN. A weapon which expels a missile by the expansion of compressed air or other gas, including BB guns, pellet guns, and air rifles.

BLUFF LINE. The top of the escarpment of the bluff.

BUILDING. Includes any house, trailer, or mobile home, but does not include any tent, truck, vehicle, or similar portable unit.

FIREARM. A weapon that acts by force of gunpowder.

HANDGUN. Any weapon designed or redesigned or made or remade and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

RIFLE. A firearm designed or redesigned, made or remade, and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of a propellant in a metallic cartridge to fire through a rifled barrel a single projectile for each pull of the trigger.

SHOTGUN. A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of a propellant in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(E) This Section shall not prohibit the discharge of blank cartridges by an honor guard of a Veteran's Organizations as part of a funeral, memorial, or other service.

(Ord. 151, passed 11-6-97, as amended when Code adopted) Penalty, see § 10.99

§ 130.04 CURFEW.

(A) *Hours of curfew.* No person under 16 years of age (herein child) shall be present on any property dedicated for use to the public, including but not limited to streets and alleys, school grounds, or parks between the hours of 10:30 p.m. and 4:30 a.m.

(B) *Exceptions.* This section shall not apply to any person under the age of 16 years who meets one of the following definitions:

(1) Any child who is accompanied by the child's parent, guardian, or adult spouse;

(2) Any child who is present during the course of and as a requirement of employment;

(3) Any child traveling directly between the child's home and supervised school, church, or civic function;

(4) Any child engaged in the immediate execution of an errand given at the express direction of a parent, guardian, or adult spouse and required by the parent, guardian, or adult spouse to be performed at that time.

(C) Penalties.

(1) Any parent or guardian who intentionally or negligently allows their child or ward to violate this section shall be subject to the penalty as established in § 10.99.

(2) Any child 14 years of age or older violating this section shall be subject to the penalty as established in § 10.99.
(Ord. 135, passed 6-4-90)

§ 130.05 ISSUANCE OF WORTHLESS CHECKS.

(A) The statutory provisions describing and defining regulations with respect to the issuance of worthless checks in Wis. Stats. § 943.24, exclusive of

any provisions therein relating to penalties to be imposed by the punishment for violation of the statutes, are hereby adopted and by reference made a part of this section as if fully set forth herein.

(B) Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section, to wit:

(1) Whoever issues any check or other order for the payment of money which at the time of issuance, he or she intends shall not be paid is guilty of a forfeiture violation. (Wis. Stats. § 943.24(1))

(2) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for the payment of money, intended it should not be paid:

(a) Proof that, at the time of issuance, the person did not have an account with the drawee;

(b) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order; or

(c) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee, and the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order.
(Wis. Stats. § 943.24(3))

(3) This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check. (Wis. Stats. § 943.24(4))

(4) In addition to the other penalties provided in violation of this section, a judge may order a violator to pay restitution. (Wis. Stats. § 943.24(5))
(Ord. 139, passed 6-1-92)

§ 130.06 REGULATING BICYCLES, IN-LINE SKATES AND PLAY VEHICLES

(A) **IN-LINE SKATES AND PLAY VEHICLES ON SIDEWALKS** No person may ride upon in-line skates or a play vehicle on any sidewalk on Main St. between North St. and Vine St. within the City of Alma.

(B) **NO PLAY VEHICLES ON ROADWAY** No person riding upon any play vehicle may go upon any roadway except while crossing a roadway at a crosswalk. (See §340.01(43m) and §346.78, Wis. Stats.)

(C) **IN-LINE SKATES ON STATE HIGHWAY** No person may ride upon in-line skates on State Trunk Highway 35, including the entire length of Main Street. (See §346.94(17)(c), Wis Stats.)

(D) **IN-LINE SKATES DURING HOURS OF DARKNESS** No person may ride upon in-line skates on any street, sidewalk, alley, highway or other public way during the period of time from one-half hour after sunset until one-half hour before sunrise.

(E) **IN-LINE SKATES, BICYCLES AND PLAY VEHICLES ON COURTS** No person may ride upon in-line skates, bicycles or a play vehicle on the surface of the tennis court or the basketball court located at the beach recreation area in the City of Alma.

(F) For the purpose of this Ordinance:

(1) "In-line skates" means skates with wheels arranged singly in a tandem line rather than in pairs. (See §340.01(24m), Wis. Stats.)

(2) "Play Vehicle" means a coaster, skate board, roller skates, sled toboggan, unicycle or toy vehicle upon which a person may ride (See §340.01(43m), Wis. Stats.)

(G) Any person who violates this section shall be subject to a forfeiture not to exceed \$30.00 plus costs and fees.

(Ord. 150, passed 10-6-97, as amended when Code adopted) Penalty, see § 10.99