

CHAPTER 27

PUBLIC PEACE AND GOOD ORDER

(Rep. & Rec. GO 15-03)

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**SUBCHAPTER I
GENERAL PROVISIONS**

27.101 STATE LAWS ADOPTED. The following State Statutes are hereby adopted and incorporated as if fully set forth by reference. The penalty for a violation of these ordinances shall be as set forth in Subchapter IX of this Chapter. Any future amendments, revisions, or modifications of the Statutes incorporated herein are intended to be made part of this Code.

95.21	Rabies Control Program (Cr. GO 23-13)
114.09(1)	Reckless Flying
114.095	Dropping Objects Prohibited
134.06	Bonus to Chauffeurs for Purchases Forbidden
134.66	Restrictions on Sale or Gift of Cigarettes or Tobacco Products
167.10	Fireworks Regulated
167.31	Safe Use and Transportation of Firearms and Bows
167.32	Safety at Sporting Events
175.25	Illegal Storage of Junked Vehicles
218.0146	Motor Vehicles
218.0147	Purchase or Lease of Motor Vehicle by Minor
254.76(1)	Causing Fires by Tobacco Smoking
254.92	Purchase or Possession of Cigarettes or Tobacco Products by Person under 18 Prohibited
287.81	Littering
939.05	Parties to Crime
939.22	Words and Phrases Defined
940.19(1)	Battery
940.34	Duty to Aid Victim or Report Crime
940.42	Intimidation of Witnesses
940.44	Intimidation of Victims
941.10	Negligent Handling of Burning Material
941.12	Interfering with Fire Fighting
941.13	False Alarms
941.20	Endangering Safety by Use of Dangerous Weapon
941.23	Carrying Concealed Weapon
941.235	Carrying Firearm in Public Building
941.24	Possession of Switch Blade Knife
941.25	Manufacturer to Register Machine Guns
941.26	Machine Guns and Other Weapons
941.27	Machine Guns
941.28	Possession of Short-Barreled Shotgun or Short-Barreled Rifle
941.29	Possession of Firearm
941.295	Possession of Electric Weapon
941.2965	Restrictions on Use of Facsimile Firearms
941.299	Restrictions on the Use of Laser Pointers
941.31	Possession of Explosives
941.32	Administering Dangerous or Stupefying Drug
941.325	Placing Foreign Objects in Edibles
943.01(1)	Criminal Damage to Property
943.11	Entry into Locked Vehicle

943.12	Possession of Burglarious Tools
943.13	Trespass to Land
943.14	Criminal Trespass to Dwellings
943.15	Entry onto a Construction Site or into a Locked Building
943.20	Theft
943.201	Misappropriation of Personal Identifying Information or Personal Identification Documents
943.21	Fraud on Hotel or Restaurant Keeper or Taxicab Operator
943.215	Absconding without Paying Rent
943.34	Receiving Stolen Property
943.37	Alteration of Property Identification Marks
943.38	Forgery
943.41	Financial Transaction Card Crimes
943.45	Theft of Telecommunications Service
943.455	Theft of Commercial Mobile Service
943.46	Theft of Cable Television Service
943.47	Theft of Satellite Cable Programming
943.50	Retail Theft
943.70	Computer Crimes
944.20	Lewd and Lascivious Behavior
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961.43	Prohibited Acts C – Penalties (Cr. GO 14-09)
961.573	Possession of Drug Paraphernalia

27.102 PARTIES TO A VIOLATION. Whoever is concerned in the commission of a violation of this chapter is a principal and may be charged with and convicted of the violation although the person did not directly commit it and although the person who directly committed it has not been convicted of the violation. A person is concerned in the commission of the violation if the person directly commits the violation, intentionally aids or abets the commission of it, is a party to a conspiracy with another to commit it, or advises, hires, counsels, or otherwise procures another to commit it.

27.103 ATTEMPT. Whoever attempts to commit a violation of this chapter may be charged with and convicted of the violation. An attempt to commit a violation of this chapter requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute such violation and that the actor does acts toward the commission of the violation which demonstrate unequivocally, under all the circumstances, that the actor formed that intent and would commit the violation except for the intervention of another person or some extraneous factor.

SUBCHAPTER II NOISE

27.201 (Rep. GO 21-12)

27.202 LOUDSPEAKERS.

(1) **USE ON STREETS.** No person shall use any loudspeaker on the streets of the City except under permit granted by the Police Chief.

(2) PERMITS. The Police Chief shall not grant a permit to use a loud speaker before 9:00 A.M. or after 9:00 P.M. or to operate such loud speaker in the vicinity of hospitals, churches while services are being conducted, or schools which are in session. The Police Chief may order a reduction in the volume of such loud speaker on complaint being made by a citizen or when such loud speaker is a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.

27.203 REGULATION OF NOISE. (Cr. GO 21-12)

(1) DEFINITIONS. In this section:

(a) "Committee" means the Protection & Welfare Committee.

(b) "Daytime hours" means the hours between 7:00 A.M. and 10:00 P.M.

(c) "Produce" means, when referring to producing noise, to physically activate the source that creates the noise, to order or authorize another person to activate the source that creates the noise, or to have control over a source of noise and permit the noise to exist.

(d) "Nighttime hours" means the hours between 10:00 P.M. and 7:00 A.M.

(2) UNREASONABLY LOUD NOISE. No person shall produce unreasonably loud noise. A court shall consider any relevant factors to determine whether any noise is unreasonable, including, but not limited to, the following:

(a) Decibels. A court may determine any noise is unreasonable solely because it exceeds 80 dB(A) using an A-weighted sound pressure level instrument when measured from any property not under control of the person producing the noise.

(b) Time of day. Certain noise that is reasonable during daytime hours may be unreasonably loud during nighttime hours.

(c) Land use. Certain noise that is unreasonably loud in residential areas may be reasonable in mixed-use, commercial or industrial areas.

(d) Duration of noise. Certain loud noise may be reasonable for a short time, but may be unreasonable if the noise persists over a long time.

(3) SPECIFIC NOISE VIOLATIONS.

(a) Locomotives. No person in charge of any locomotive shall blow or cause to be blown any steam whistle or other warning device on such locomotive except in case of imminent danger to life and property.

(b) Boats. No person in charge of any vessel or craft shall operate or blow the whistle of such vessel or craft while moored.

(4) PRESUMPTIONS. The typical noise produced by the following activities is presumed to be reasonable:

- (a) Required Noise. Any noise-producing activity required by law.
 - (b) Construction Work. Work performed at construction sites, at public works projects, and by public utilities during daytime hours Monday through Saturday.
 - (c) Waste Collection. The collection of solid waste during nighttime hours Monday through Friday.
 - (d) Safety Response. Emergency vehicles responding to an emergency.
 - (e) Power Equipment. The use of lawn mowers, snow removal equipment, lawn and garden tools, and riding tractors during daytime hours for yard, pavement or land maintenance.
 - (f) Air Conditioning. The use of residential air conditioners.
 - (g) Airplanes. Aircraft operations controlled specifically by federal law.
 - (h) Time Signals. The use of bells, chimes, and similar devices that signal the time of day during daytime hours.
 - (i) Warning Devices. The use of a device that requests assistance or warns against an unsafe condition.
- (5) SPECIAL PERMIT.
- (a) Application. Any person wishing to produce or allow noise notwithstanding this section may file a request with the Police Department at least 30 days prior to the event or activity that will produce the noise.
 - (b) Police Approval. If the Chief of Police, or his or her designee, determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Police Department may issue a special permit allowing such noise and place conditions upon its use. Whether a permit is issued or denied, the Police Department shall notify the applicant by mail of its decision.
 - (c) Appeal. The applicant may appeal a Police Department decision to the Committee within 15 days after receiving the decision by filing an appeal notice with the City Clerk. The Committee shall hear the applicant's appeal and affirm, reverse or modify the Police Department decision. If the Committee determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Committee may recommend issuance of a special permit allowing such noise and place conditions upon its use. The Council shall affirm, reverse or modify the Committee decision.
 - (d) Revocation. The Police Department may immediately revoke a permit issued under this subsection if the permittee violates any conditions placed upon the permit.
- (6) PENALTIES. Any person violating sub. (2) or (3) may be required to forfeit not more than \$200.

**SUBCHAPTER III
PUBLIC PLACES, EVENTS, AND PROPERTY**

27.301 INTOXICANTS IN PUBLIC. (Amd. GO 14-05)

(1) PROHIBITION. No person shall consume or possess any open or unsealed container containing an alcoholic beverage on any public way, in any parking lot held out for public use, or on or within the premises of a public place, or on or in any motor vehicle on a public way or in parking lot held out for public use, unless such person is on the premises of an establishment holding a valid license for the on premises consumption of alcoholic beverages.

(2) PUBLIC PLACE DEFINED. "Public Place" means any location frequented by the public, where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. "Public Place" includes, but is not limited to, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, nightclubs, country clubs, and adult cabarets. Premises used solely as a private residence, whether permanent or temporary in nature, are not deemed to be a public place. "Public Place" does not include enclosed motel and hotel rooms designed and intended for sleeping accommodations.

(3) EXEMPTIONS. Subsection (1) does not apply to:

- (a) Lambeau Field parking lot or adjoining sidewalks during sporting events.
- (b) Special events approved by the City.
- (c) A waiver granted by the Chief of Police.

27.302 DAMAGE TO PUBLIC PROPERTY. No person shall injure, deface, or remove any sign, guide board, signal, flare, red light, or marker placed for the warning, instruction, or information of the public.

27.303 TRESPASSING ON PUBLIC PROPERTY. Except where expressly permitted, no person shall trespass upon public property.

27.304 CONDUCT AT PUBLIC EVENTS.

(1) PUBLIC EVENT DEFINED. "Public event" includes, without limitation by enumeration herein, a live theater performance or cinema film show, circus, church festival, antique show, athletic contest, automobile show, rock concert, or like public gathering to which the general public is admitted, whether free, by admission fee, or by invitation.

(2) DISORDERLY CONDUCT. No person shall engage in disorderly conduct, as defined in Sec. 947.01. Wis. Stats., at a public event.

(3) THROWING OBJECTS. No person shall throw any object, thing, or article at any person or onto a stage, playing field, or the area where a public event is being conducted.

(4) **ENTERING PLAYING FIELD.** No person shall run, jump, or go onto a stage, playing field, storage or work area, or the area upon or in which the players or actors are engaged as participants while a public event is underway, and for a period of 90 minutes after the conclusion of a public event when it is held at Lambeau Field.

(5) **SMOKING.** No person shall light, ignite, burn, or smoke cigars, cigarettes, or pipes at a public event in an area where signs prohibiting smoking have been posted.

(6) **OBSTRUCTING EXITS.** No person shall obstruct or block an aisle or properly marked exit, or occupy or obstruct the seat of another at a public event.

(7) **REFUSAL TO OBEY.** No person shall refuse or fail to leave an area where a public event is being conducted when directed to do so by the management of the event or an authorized representative.

(8) **ENTRY WITHOUT FEE.** No person shall gain entrance to a public event for which a fee is charged without having paid such fee unless permitted to do so by the person in charge of the event or an authorized representative.

(9) **CONDUCT IN PARKING LOTS.** The following provisions shall apply within the parking lots that serve workers, participants, spectators, or visitors of public events.

(a) **Harmful Conduct.** No person shall engage in conduct which reasonably may be anticipated to create the risk of bodily harm to any other person or damage to property, or engage in conduct prohibited by subsections (2) and (7).

(b) **Fires.** No person shall build or maintain a fire in any place other than a receptacle designed or manufactured to contain fire and which raises the fire sufficiently off the ground to prevent damage to the ground surface, flora, or fauna, fail to supervise the fire at all times it is live, or fail to extinguish a fire when it is no longer in use or dispose of the residue in a safe manner.

(c) **Compliance with Attendants.** All persons operating motor vehicles shall operate and park such motor vehicles as directed by the parking lot attendants. No person shall interfere with or in any manner hinder any parking attendant.

(d) **Reasonable and Prudent Speed.** No person shall operate a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazard then existing or in a manner which endangers the safety of any person or property;

(g) **Interference with Traffic Control.** No person, except authorized parking attendants or City personnel, shall move, remove, or relocate any barriers, posts, standards, signs, or devices installed or erected for the regulation of traffic, including pedestrian walks and service lanes.

(h) **License Required.** No person shall operate a motor vehicle unless such person holds a valid operator's license in compliance with Ch. 343, Wisconsin Statutes, and the vehicle in question is registered in compliance with Ch. 341, Wisconsin Statutes.

(i) **Certain Vehicles Prohibited.** No person shall operate a motor go-cart or minibike on any parking lot or pedestrian walk of any stadium or building used for a public event.

(j) Exception. These sections shall not apply to emergency or maintenance vehicles or those vehicles used in the operations of public events.

27.305 TICKET SCALPING. (Rep. GO 27-03)

27.306 CARRY-INS AT LAMBEAU FIELD.

(1) **PROHIBITED**. No person shall bring any bottle or can containing an alcoholic or carbonated beverage into any part of Lambeau Field open to the public. Ice chests, "coolers", or "jugs" are also prohibited. No penalty shall be imposed if a person voluntarily surrenders a container before attempting to enter.

(2) **EXCEPTION**. This section shall not apply to the suppliers of any person holding a concession contract with the City, provided all beverages sold by the concessionaire shall be dispensed to the buyer in paper, cardboard, or plastic containers.

27.307 ANIMALS PROHIBITED AT CERTAIN EVENTS.

(1) **PROHIBITION**. No person may bring an animal into an area where an event listed in subsection (2) is being conducted without written permission of the management of the event or an authorized representative thereof.

(2) **EVENTS**. The prohibition in subsection (1) shall apply at the following events:

(a) Celebrate Americafest and Artstreet. For these events, the event area shall be bounded by Broadway on the west, Walnut Street on the south, Madison Street on the east and the East River and Mather Street on the north.

(b) Lambeau Field. Any event open to the public held at Lambeau Field. For these events, the event area shall include the parking lot only at times when the lot is open for parking for an event in Lambeau Field.

(3) **EXCEPTIONS**. This prohibition shall not apply to police animals in the course of their official police duties or a dog for the blind, deaf, or mobility-impaired meeting the requirements of Sec. 174.056, Wis. Stats.

27.308 ADVERTISING ON POLES AND TREES. No person shall post or fasten on any telegraph, telephone, or electric light pole within the City or upon any tree within any street or public ground in the City any bill, sign, notice, or advertising device. Permission to any person to erect and maintain poles shall not be construed to grant the right to use or rent such poles for advertising purposes.

27.309 MERCHANDISE IN STREETS. (Amd. GO 23-03) No person shall place any goods, wares, or merchandise or the containers therefor in, on, or above any street or sidewalk in the City without first having received permission from the Council. Such permission shall only be granted upon the filing of a certificate of insurance and indemnification meeting the requirements set by resolution of the Common Council with the City Risk Manager.

27.310 DRONE USE AT SPECIAL EVENTS. (Cr. GO 16-15)

(1) **SPECIAL EVENT DEFINED.** For purposes of this subsection, Special Event shall have the same meaning as defined under Green Bay Municipal Code 6.201(9).

(2) **PROHIBITED.** It shall be unlawful for any person or entity to fly or operate a drone as defined in Wis. Stat. 175.55(1)(a), below an altitude of 400 feet within the designated boundaries of a special event during the scheduled time of the event. This subsection shall not apply to authorized public safety agencies or operators having obtained approval from the event organizer or from the Federal Aviation Administration.

**SUBCHAPTER IV
JUVENILES**

27.401 CURFEW.

(1) **PROHIBITION.** No person under the age of 17 shall loiter, idle, or remain upon the public streets, highways, roads, alleys, parks, vacant lots, or any public lands, either on foot or in any vehicle driven or parked thereon, between the hours of 10:00 P.M. and 6:00 A.M., unless accompanied by his or her parent, guardian, or other adult person having his or her custody, as the term "custody" is defined in §895.035, Wis. Stats.

(2) **CONTRIBUTING TO VIOLATION.** (Rep. & Rec. GO 30-05)

(a) **Parent or Guardian.** No parent, guardian, or other person having custody of a child under the age of 17 years may knowingly permit or fail to take action to prevent a violation of subsection (1). "Custody" in this section has the same meaning as §895.035, Wis. Stats.

(b) **Other Person.** No person 17 years of age or older may knowingly permit or fail to take action to prevent a violation of subsection (1) on premises owned or controlled by such person or in a vehicle owned, controlled, or operated by such person.

27.402 TRUANCY.

(1) **DEFINITIONS.**

(a) **Habitual Truant.** A pupil who is absent from school without an acceptable excuse under Sections 118.15 or 118.16(4), Wis. Stats., for part or all of five or more days on which school is held during a school semester.

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

(2) **HABITUAL TRUANCY.** No child shall be a habitual truant.

(3) **CONTRIBUTING TO TRUANCY.** No person 18 years of age or older may, by any act or omission, knowingly encourage or contribute to the truancy of a child. 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.

(4) **TRUANT.** Any child found by the courts to be truant shall be subject to a forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within 12 months of a previous violation. Any child not in attendance at school, at the child's place of residence, or accompanied by a parent or legal guardian on a day on which school is held during a school semester and during the hours when that child is required to be in attendance at school shall be presumed truant. The child shall have the burden to present the court with evidence sufficient to rebut this presumption.

(5) **PARENTAL LIABILITY.** All or part of any forfeiture or costs assessed by a court under this section may be assessed against the child, the parents or guardian of the child, or both.

(6) **AVAILABLE DISPOSITIONS.** (Cr. GO 46-07)

(a) Habitual Truancy Violations. For a violation of subsection (2) above, all dispositions listed in Sections 118.163(2)(a) – (L), Wis. Stats., shall be available to the Municipal Court.

(b) Truancy Violations. For a violation of subsection (4) above, all dispositions listed in Sections 118.163(1m)(a) – (c). Wis. Stats., shall be available to the Municipal Court.

27.403 HARBORING MINORS. No owner, tenant, or person in control of a residence or other facility shall allow or permit a child under the age of 18 to loiter, idle, or remain in said residence or upon said property without the consent of the child's parent, guardian, or spouse.

27.404 REMOVAL OF LOCKS FROM APPLIANCES. No person shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended, or discarded appliance or any other container of any kind which has an air-tight door, air-tight snap-lock, or other device thereon which cannot be released from the inside of such appliance or container without first removing the snap-lock or door.

SUBCHAPTER V ALARM SYSTEMS

27.501 ALARM SYSTEMS. (Rep. & Rec. GO 29-05), (Amd. GO 22-15)

(1) **PURPOSE.** The primary purpose of this section is to reduce the incidence of false alarms by eliminating those which are preventable or avoidable. It is also meant to encourage the installation of reliable alarm systems in all structures within the City to provide additional protection to persons and property from fire, crime, and such other hazards as may constitute a danger to persons and/or property.

(2) **DEFINITIONS.**

(a) Alarm Business means any person, firm, partnership, or corporation which alters, installs, leases, maintains, monitors, replaces, sells, services, or responds to an alarm system or which causes any of these activities to take place.

(b) Alarm System means a device or system that emits, transmits, or relays a remote or local audible, visual, or electronic signal indicating an alarm condition and intended to or reasonably expected to summon

police or fire services. Alarm system does not include an alarm installed on a vehicle or an alarm designed to alert only the inhabitants of a premises that does not emit a signal that is audible or visible from the exterior of the structure.

(c) Fire Alarm System means a system or portion of a combination system consisting of components and circuits arranged to monitor and/or exterior annunciate the status of a fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

(d) Alarm User means any person, firm, partnership, or corporation on whose premises an alarm system is maintained.

(e) Hold-Up Alarm means an alarm system in which the signal transmission is initiated by the action of a robber or employee of the protected premises.

(f) False Alarm means an alarm signal resulting in a response by police and/or fire services during which no evidence of an alarm condition is located.

(g) (Cr. GO 22-15) Residential means an individual who resides at a one or two family dwelling.

(3) ALARM BUSINESS PERMIT.

(a) Requirement. No person shall operate an alarm business in the City of Green Bay without first obtaining an alarm business permit.

(b) Application. A person desiring to secure a permit shall make application to the City Clerk and shall furnish all information deemed necessary by the Clerk under oath and present a valid form of government issued identification bearing the applicant's photograph.

(c) Fee and Duration. An alarm business permit shall be valid through December 31 of the year of its issuance, unless sooner revoked. The fee shall be \$50.

(d) Procedure for Granting. The Police Department shall review completed applications. If the Police Department determines that any portion of the application is false or that the applicant has been convicted of a violation of an ordinance or law that substantially relates to the licensed activity, the application may be denied by the Police Department. If the Police Department approves the issuance of the permit, the City Clerk may grant the permit without further review. Any applicant whose application has been denied by the Police Department may appeal such determination to the Protection and Welfare Committee, subject to final disposition by the Common Council. Appeal from a decision of the Common Council shall be to the Circuit Court for Brown County.

(4) ALARM USER PERMIT. (Amd. GO 22-15)

(a) Requirement. An alarm user who is residential is required to obtain a permit for any hold-up or burglar alarm systems installed, but is not required to obtain a fire alarm permit. An alarm user who is not residential is required to obtain a fire alarm permit. Apartment buildings that only contain battery operated smoke detectors that are not interconnected through wiring or wireless technology are not required to obtain a fire alarm permit. The fire alarm permit shall be displayed at the main fire alarm control panel. If an alarm user who is not residential installs a hold-up or burglar alarm system, a permit is required.

(b) Application. A person desiring to secure an alarm system permit shall apply directly to the City Clerk. In addition to the alarm user's information, each alarm user shall provide the name and contact information for at least one additional person who can be reached at any time and who are authorized by the alarm user to respond to an alarm signal and who can open the premises in which the system is installed and deactivate or reset the alarm system.

(c) Fee and Duration. An alarm user permit shall be valid through December 31 of the year of its issuance, unless sooner revoked.

1. Alarm user permit fee. The fee for an alarm user permit is as follows:

a. \$15 for an alarm user who is residential obtaining a hold-up alarm or other burglar alarm system.

b. \$30 for an alarm user who is not residential obtaining a hold-up alarm system or burglar alarm system, a fire alarm system, or both.

(d) Procedure for Granting. The Police Department or Fire Department may grant the alarm user permit upon the filing of a completed application and payment of the appropriate fee.

(5) FALSE ALARMS.

(a) Hold-Up Alarms.

1. Premises Holding a Permit. After the Police Department has recorded one false hold-up alarm in any calendar year, the permittee shall be assessed a fee of \$100 for the second false hold-up alarm, \$200 for the third false hold-up alarm, and \$300 for the fourth and subsequent false hold-up alarms in a calendar year.

2. Premises without a Permit. The alarm user shall be assessed a fee of \$100 for the first false hold-up alarm, \$200 for the second false hold-up alarm, and \$300 for the third and subsequent false hold-up alarms in a calendar year.

(b) Other Alarm Systems.

1. Premises Holding a Permit. After the Police Department or Fire Department has recorded one false alarm in any calendar year, the permittee may be assessed a fee of \$50 for the second false alarm, \$75 for the third false alarm, \$125 for the fourth false alarm, and \$175 for the fifth and subsequent false alarms in a calendar year.

2. Premises without a Permit. The alarm user may be assessed a fee of \$50 for the first false alarm, \$75 for the second false alarm, \$125 for the third false alarm, and \$175 for the fourth and subsequent false alarms in a calendar year.

(c) Fee Payment. False alarm fees shall be paid to the City Treasurer. Fees unpaid within 60 days of billing shall be collected as a special charge pursuant to Sec. 66.0627, Wis. Stats.

(6) **SIGNAL TIME LIMIT.** Any alarm system that, when activated, causes an audible or visual signal externally of the premises shall signal for a maximum of 30 minutes; after which time the system shall cease all signals, resetting itself for any new activation.

(7) **VIOLATIONS OF THIS SECTION.** (Cr. GO 22-15)

(a) Any alarm user who alters, disables, or destroys its fire alarm system to render the fire alarm system inoperable shall be subject to forfeiture not to exceed \$1,000.

(b) Any alarm user who does not obtain a required permit shall be subject to forfeiture not to exceed \$60.

27.502 FIREARMS DEALERS.

(1) **PURPOSE.** The primary purpose of this section is to require businesses which deal in the sale of firearms to install reliable emergency alarm systems in order to provide additional protection from burglary or robbery of large quantities of guns in stock, which in turn adds to the safety and protection of the citizens of the City of Green Bay.

(2) **DEFINITIONS.**

(a) **Firearms Dealer.** Any person engaged in the business of selling firearms at wholesale or retail and having a license as a dealer issued by the U. S. Department of Treasury; but such term shall not include a pawn broker or a gunsmith who is engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to the firearms.

(b) **Engaged in the Business.** A person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms; but such phrase shall not include a person who makes occasional sales, exchanges, or purchases firearms for the enhancement of a personal collection or for a hobby.

(c) **Alarm system, burglar-alarm system, hold-up alarm system, alarm user, answering service, and automatic-dialing device.** See Sec. 27.501(2), Green Bay Municipal Code.

(3) **REQUIREMENT.**

(a) A firearm dealer shall install and maintain a burglar and hold-up alarm system in any structure within the City in which guns are displayed, stored, or kept. The alarm system must, either by answering service or automatic-dialing device, immediately notify or signal the Green Bay Police Department of an emergency situation that the alarm system is designed to detect.

(b) Nothing in this ordinance shall be construed to limit the alarm user from complying with the provisions of Sec. 27.501, Green Bay Municipal Code.

**SUBCHAPTER VI
MISCELLANEOUS**

27.601 PROWLING. No person shall loiter or prowl in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself/herself, or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting said person to identify himself/herself and explain said person's presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

27.602 LOITERING.

(1) **CONTRARY TO SIGN.** No person shall loaf or loiter in a public or private place conspicuously posted "No Loitering."

(2) **OBSTRUCTION OF TRAFFIC.** No person shall loaf or loiter upon a public street, alley, sidewalk, street crossing, bridge, or in any other public place within the City in such a manner as to prevent, interfere with, or obstruct the ordinary free use of such place by persons passing along and over the same.

(3) **REQUEST TO MOVE.** (Rep. & Rec. GO 9-06) No person shall loaf or loiter individually or in groups or crowds in or upon public or private premises 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 after being requested to move by any police officer or by any person in authority at such place.

27.603 WEAPONS.

(1) **FIREARMS.**

(a) Discharge Prohibited. No person shall discharge a firearm in the City.

(b) Exceptions. A firearm may be discharged under the following conditions:

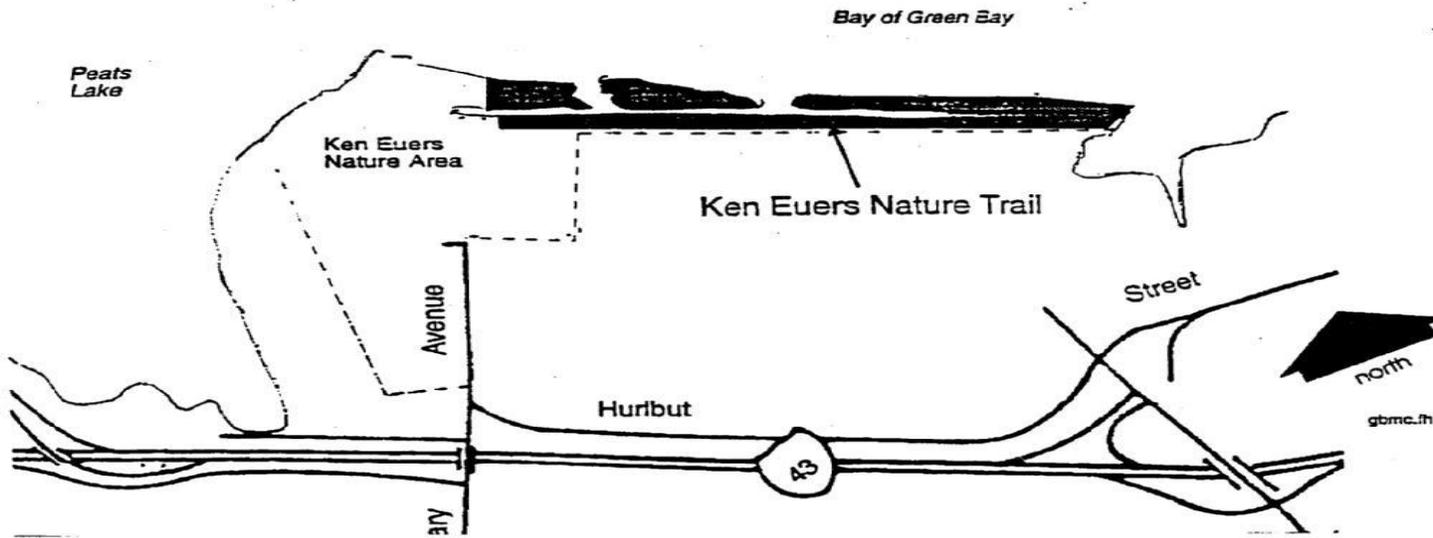
1. In the confines of a licensed shooting gallery or sportsmen club.
2. By peace officers of the United States, Wisconsin, or subdivision thereof while in the discharge of the proper exercise of their duties and within their proper jurisdictions.
3. For the purpose of the elimination of animals, as authorized by the Department of Natural Resources and the Green Bay Police Department, and such decision may be appealed to the Protection and Welfare Committee.
4. Within an entirely enclosed structure under such circumstances that the instrument can be fired in such a manner as to not endanger any persons or property and as to prevent the projectile from leaving the structure.

5. (Cr. GO 7-08) Pursuant to action validly taken in self-defense.

6. Migratory bird hunting in the West Bay Shore area north of the Ken Euers trail between half-way slough and the extension of Military Avenue, specifically displayed in the shaded area of the following map. Any discharge of a firearm in this area shall be directed over or into the waters of Green Bay and the weapon and ammunition used shall comply with all regulations pertaining to the hunting of migratory birds.

MIGRATORY BIRD HUNTING AREA
SECTION 27.603(1)(b)5, GREEN BAY MUNICIPAL CODE

MAP



(2) BOW AND CROSSBOW. (Amd. GO 3-14)

(a) Use and Discharge Prohibited. No person shall use or discharge an arrow from a bow or a bolt from a crossbow in the City.

(b) Exceptions. A bow and arrow or crossbow may be used under the following conditions:

1. As part of a supervised activity sponsored by a public or private institution of learning duly licensed by the State of Wisconsin.

2. At a licensed sportsmen's club, gallery, or range.

3. In conformity with the conditions of subsection (1)(b)4 or (1)(b)5.

4. While hunting at least 100 yards from a building located on another person's land and only if discharging the arrow or bolt toward the ground.

5. While hunting with the permission of any person who owns a building within 100 yards and only if discharging the arrow or bolt toward the ground.

(3) POSSESSION OF DANGEROUS OR DEADLY WEAPONS.

(a) Generally Prohibited. Except as reasonably necessary to fulfill the exceptions provided elsewhere in this ordinance, no person shall carry or transport any bow or crossbow, or conceal about the person or display in a threatening manner any dangerous or deadly weapon including, but not limited by enumeration to, martial arts weapons such as throwing stars, swords, or nunchiku; slingshots; knuckles of lead, brass, or other metals; or a bowie knife, bow, or crossbow; pistol, revolver, rifle, or shotgun.

(b) Exceptions. The prohibitions of subsection (3)(a) will not be construed to prevent the carrying of any type of weapon when it is unloaded and properly cased, boxed, packaged, or otherwise unavailable for immediate use or transported in conformity with Sec. 167.31, Wis. Stats., or the display and sale of such weapon by a licensed retailer; or when such weapon is possessed in strict conformity with Sec. 29.304, Wis. Stats., nor shall any of these prohibitions forbid any peace officer of the United States, Wisconsin, or subdivision thereof from carrying, wearing, or using such weapons as shall be necessary in the property exercise of their duties.

(4) SEVERABILITY. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

27.604 MISUSE OF 911. No person shall dial the telephone number "911" knowing that no emergency in fact exists. No person shall dial the telephone number "911" and report a fact situation that he or she knows does not exist. For the purposes of this section, "emergency" shall mean a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

27.605 FRAUDULENT RETURN OF MERCHANDISE. No person shall return merchandise to a merchant for the purpose of claiming a cash refund or credit if the person falsely represents that such person purchased the merchandise, falsely represents the place of purchase of the merchandise, falsely represents the purchase price of the merchandise, or provides the merchant a false name or address.

27.606 TOBACCO ON SCHOOL GROUNDS. No person may use any tobacco product in buildings owned, rented by, or under the control of the Green Bay School Board, except that the School Board may allow the use of tobacco products in buildings owned by the School District and rented to another person for non-educational purposes.

27.607 LOST AND FOUND PROPERTY. The Chief of Police, or the Chief's designee, shall take possession of property which is lost or abandoned. If property remains unclaimed by its owner for a period of 30 days and the finder makes a claim to the Chief of Police, or the Chief's designee, within the 30 days, the property shall be returned to the finder. Otherwise, the property shall be disposed of as provided in Sec. 66.0139, Wis. Stats.

27.608 DESTRUCTION OF BIRDS AND SQUIRRELS. No person shall injure or destroy any kind of bird or rob or destroy any bird's nest within the City. No person shall throw stones at or shoot or use any implement with the intention of killing or injuring any bird or squirrel within the City.

27.609 ANIMAL TRESPASSING. No person shall permit any animal owned by or under the control of such person to trespass or be upon the property of another person.

27.611 WATER USE RESTRICTIONS.

(1) Whenever the Green Bay Water Utility is using water from the City wells for a period of 12 hours per day for a period of four consecutive days, the Mayor is hereby empowered to declare the following water restrictions in force and effect subject to sub. (b):

(a) There shall be a ban on non-commercial lawn and garden sprinkling and car washing, and on all flushing of driveways, streets, and parking lots.

(b) Citizens occupying residences with even street numbers shall be exempt from the provisions on even-numbered days of the month, and citizens occupying residences with odd street numbers shall be exempt on odd-numbered days of the month.

(2) When the Mayor orders the above restrictions in effect, the Mayor shall give notice to the public.

27.612 OBSTRUCTION OF AISLES AND PASSAGEWAYS. All aisles, passageways, and lobbies in any public hall, theater, or church in the City shall be kept free from camp stools, chairs, sofas, and other obstructions; and no person shall be allowed to stand in or occupy any of such aisles, passageways, or lobbies during any performance, service, exhibition, lecture, concert, ball, or any other public assemblage; nor shall there be any chairs, settees, camp stools, or other obstructions in such aisles, passageways, lobbies, or corridors of such buildings as such times.

27.613 DEPOSITING HUMAN WASTE. No person shall deposit human waste products upon nor urinate or defecate upon any public or private property other than into a toilet or other device designed and intended to be used to ultimately deposit such human waste products into a septic or sanitary sewer system.

27.614 DAMAGE TO PROPERTY BY TENANTS. (Cr. GO 10-09)

(1) It shall be unlawful for any person leasing, renting or in possession of the property of another, whether real or personal, to intentionally cause or knowingly permit such property to be materially damaged, defaced, or destroyed without the owner's consent.

(2) Materially damaged, defaced or destroyed means that the property is reduced in value beyond normal wear and tear. For the purposes of this subsection, property is reduced in value by the amount which it would cost either to repair or replace it, whichever is less.

(3) In any prosecution under this subsection, proof that the property has been materially damaged, defaced or destroyed without the owner's consent shall be prima facie evidence that the tenant, lessee or person in possession of the property of another intentionally caused or knowingly permitted such property to be materially damaged, defaced or destroyed.

(4) Any person who violates this subsection shall be subject to a forfeiture of not more than \$1,000.00, together with the costs of prosecution.

27.615 NOTICE TO LAW ENFORCEMENT FOR MOTOR VEHICLE REPOSSESSION. (Cr. GO 26-10) Section 425.2065, Wis. Stats., as amended from time to time, is adopted by reference and incorporated as though fully set forth herein.

27.620 SEXUAL OFFENDER RESIDENCY RESTRICTIONS. (Rep. GO 22-12)

27.621 SEXUAL OFFENDER PROXIMITY RESTRICTIONS. (Cr. GO 22-12)

(1) INTENT. Persons who have committed sexual crimes against children present a threat to the public safety. It is the intent of this ordinance not to impose a criminal penalty but rather to serve the City's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders may not loiter.

(2) PROXIMITY RESTRICTION. (Amd. GO 39-12) No person who has been convicted or found not guilty or not responsible by reason of mental disease or defect of Sec. 940.225(1)(d), 1987 Wis. Stats., any crime listed in Ch. 948, Wis. Stats., or any crime from another jurisdiction that is similar to any crime listed in Ch. 948, Wis. Stats., and, as a result of such crime, is required to register under § 301.45, Wis. Stats., and on extended supervision or parole, may enter any area within 150 feet of a parcel of land upon which there is a public, parochial, private, or tribal school educating one or more grades between Kindergarten and grade 12, a licensed child care center, a playground, a park, or a licensed entertainment facility.

(3) AFFIRMATIVE DEFENSES. Notwithstanding sub. (2), a person may prove by clear and convincing evidence as an affirmative defense to prosecution for a violation of sub. (2) that the person entered the restricted area:

- (a) To vote in a local, state, or national election or referendum;
- (b) With the permission of the owner or occupant of the particular school, child care center, park, playground, or licensed entertainment facility;
- (c) With the intent to travel to a location outside the restricted area;
- (d) To travel to or remain at land lawfully owned or occupied by the offender before August 25, 2012, or the date the school, child care center, park, playground, or licensed entertainment facility was established;
- (e) To obtain medical care, or alcohol or drug treatment;
- (f) To travel to or remain at a transitional living program operated by an entity that is tax exempt under IRC §501(c)(3) and under contract with the Wisconsin Department of Corrections; or
- (g) To travel to or remain at a care and service residential facility properly licensed, certified, or registered under Ch. 50, Wis. Stats.

(4) PENALTY. A person who violates this section shall forfeit not more than \$500.00 for each violation.

27.622 SEXUAL OFFENDER RESIDENCY RESTRICTIONS. (Cr. GO 22-12)

(1) INTENT. Persons who have committed sexual crimes against children present a threat to the public safety. It is the intent of this ordinance not to impose a criminal penalty but rather to serve the City's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders may not reside.

(2) RESIDENCY RESTRICTION. (Amd. GO 39-12; Amd. GO 6-16) No person who has been convicted or found not guilty or not responsible by reason of mental disease or defect of Sec. 940.225(1)(d), 1987 Wis. Stats., any crime listed in Ch. 948, Wis. Stats., or any crime from another jurisdiction that is similar to any crime listed in Ch. 948, Wis. Stats., and, as a result of such crime, is required to register under § 301.45, Wis. Stats., may reside within 1,500 feet of a parcel of land upon which there is a public, parochial, private, or tribal school educating one or more grades between Kindergarten and grade 12, a licensed child care center, a playground, a park, or a licensed entertainment facility.

(3) AFFIRMATIVE DEFENSES. Notwithstanding sub. (2), a person may prove by clear and convincing evidence as an affirmative defense to prosecution for a violation of sub. (2) any of the following:

- (a) The offender continuously resided at the particular address since May 17, 2007;
- (b) The offender continuously resided at the particular address since the date that the particular school, child care center, playground, park or entertainment facility opened for use;
- (c) The residence is a facility which only temporarily houses individuals who have a medical, alcohol, or drug treatment need, and the offender is receiving such treatment;

(d) The residence is a facility operated by an entity designated a non-profit under IRC § 501(c)(3) which only temporarily houses individuals by contract with the Department of Corrections as a transitional living program;

(e) The Sex Offender Residence Board has granted an exemption for the offender.

(4) **PROPERTY OWNER LIABILITY.** No person may allow an offender to reside in violation of sub. (2) on property owned by the person, unless the offender is exempt under sub. (3).

(5) **PENALTIES.** A person who violates sub. (2) or (4) shall forfeit not more than \$500.00, and each day a person is in violation of either subsection constitutes a separate offense.

(6) **APPEAL.**

(a) **Option to Appeal.** An offender may seek an exemption from this ordinance by appealing to the Sex Offender Residence Board.

(b) **Membership.** The Board shall consist of five citizens. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint one member for a term of five years, subject to confirmation by the Council.

(c) **Procedure.** The Board shall approve of an official appeal form. An offender shall completely fill in the official form and submit it to the City Clerk, who shall forward it to the Board. The Board shall hold a hearing on each appeal, during which the Board may review any pertinent information and may accept oral and written statements from any person. The Board shall base its decision on whether the offender has shown remorse, has rehabilitated, could re-offend, and any other factor related to the City's interest in promoting, protecting, and improving the health, safety, and welfare of the community. The Board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address or time. A written copy of the decision shall be provided to the offender.

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

SUBCHAPTER IX PENALTIES

27.901 GENERAL PENALTY. Unless otherwise specifically provided, any person who shall violate any provision of this chapter or any regulation, rule, or order made hereunder shall be subject to a forfeiture of not less than \$1 nor more than \$500 for each offense.

27.902 SPECIFIC PENALTIES.

(1) Certain Criminal Counterpart Ordinances. Notwithstanding Sec. 27.901, Green Bay Municipal Code, any person who shall violate a provision of Sec. 27.101, Green Bay Municipal Code, adopting Sections 167.31, 167.32, 940.19(1), 940.34, 940.42, 940.44, 941.20, 941.23, 941.235, 941.24, 941.28, 941.29, 941.295, 941.325, 943.01, 943.20, 943.201, 943.215, 943.34, 943.37, 943.38, 943.41, 943.45, 943.455, 943.46, 943.47, 943.50, 943.70, 944.20, 944.30, 944.31, 944.32, 944.33, 944.34, 945.02, 945.03, 945.04, 946.31, 946.32, 946.41, 946.65, 946.70, 946.72, 947.01, 947.013, 951.08, or 961.573, Wisconsin Statutes, shall forfeit not less than \$1 nor more than \$1,000 for each offense.

(2) Possession of Marijuana. Notwithstanding Sec. 27.901, Green Bay Municipal Code, any person who violates Sec. 27.101, Green Bay Municipal Code, adopting Sec. 961.41(3g)(e), Wis. Stats., by possessing an amount not greater than 25 grams who has not been convicted for possession of tetrahydrocannabinols anywhere in this State shall forfeit not less than \$1 nor more than \$1000 and the Court may suspend the person's operating privileges for not more than six months.

(3) Certain Ordinance Violations. Notwithstanding Sec. 27.901, Green Bay Municipal Code, any person who shall violate Sections 27.304, 27.603, 27.604, or 27.605, Green Bay Municipal Code shall forfeit not less than \$1 nor more than \$1,000 for each offense.

(4) Penalty for Entering Playing Field. Any person who shall violate section 27.304(4), Green Bay Municipal Code, shall forfeit no less than \$300.