



Agenda

Ordinance Committee

Thursday, August 22, 2024 at 5:15 PM

City Hall, 100 E Fountain St, Dodgeville, WI

I. CALL TO ORDER AND ROLL CALL

II. NEW BUSINESS

1. Consideration and possible Council recommendation of amendments to Chapter 12 "Licenses & Permits" of the City of Dodgeville Municipal Code.
2. Consideration and possible Council recommendation of amendments to Chapter 9 "Orderly Conduct" of the City of Dodgeville Municipal Code.

III. ADJOURN

3. Motion to Adjourn

Any person who has a qualifying disability, as defined by the Americans with Disabilities Act, that requires the meeting or material at the meeting to be in an accessible location or format, must contact the City Clerk at the address listed above or call 930-5228, prior to the meeting so that any necessary arrangements can be made to accommodate each request.

**CITY OF DODGEVILLE
ORDINANCE 2024-XX**

NOW THEREFORE, be it ordained by the Common Council of the City of Dodgeville, in the State of Wisconsin, as follows:

SECTION 1: AMENDMENT “Sec 9.01 Offenses Against State Laws Subject To Forfeiture” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.01 Offenses Against State Laws Subject To Forfeiture

The following Statutes following the prefix "9" 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, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 25.04 of this Code:

9.346.935	Drinking in Motor Vehicles on Highway
9.939.32	Attempted Battery: Attempted Theft
9.940.19(1)	Battery
9.40.225(3m)	Fourth Degree Sexual Assault
9.940.34	Duty to Aid Victim or Report Crime
9.940.42	Intimidation of Witnesses
9.940.44	Intimidation of Victims
9.941.01	Negligent Operation of Vehicle Off Highway
9.941.03	Highway Obstruction
9.941.10	Negligent Handling of Burning Materials
9.941.12	Interfering with or Failing to Assist in Firefighting
9.941.13	False Alarms and Interference with Firefighting
9.941.20	Negligent and Reckless Use of Weapon
9.941.21	Disarming a Police Officer Prohibited
9.941.235(1)	Carrying Firearm into Public Building
9.941.237	Carrying a Handgun When Alcoholic Beverages Are

	Sold or Consumed
9.941.24	Possession of Switch Blade Knife
9.941.299(2)(a)	Intentional Use of a Laser Pointer on Corrections or Law Enforcement Officer
9.941.37	Obstruction of Emergency Vehicles Prohibited
9.942.09	Representations Depicting Nudity
9.943.01(1)	Criminal Damage to Property (Less Than \$200.00)
9.943.012	Criminal Damage to Religious and Other Property
9.943.017	Graffiti
9.943.06	Molotov Cocktails
9.943.11	Entry into Locked Vehicle
9.943.125(1) & (2)	Entry into Locked Coin Boxes
9.943.13	Criminal Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.145	Criminal Trespass to Medical Facility
9.943.15	Entry Onto a Construction Site or Locked Building
9.943.20	Theft (Less Than \$100.00)
9.943.21(1m)(a) and (c)	Fraud on Innkeepers, Taxicab Operators or Recreational Attractions
9.943.21(1m)(d)	Fraud on Gas Station
9.943.24	Issue of Worthless Checks
9.943.34	Receiving Stolen Property
9.943.41(3)	Illegal Use of Credit Card
9.943.45(1)	Theft of Telecommunication Services
9.943.455(2)	Theft of Cellular Telephone Services
9.943.46	Theft of Cable Television Service
9.943.47	Theft of Satellite Cable Programming
9.943.50	Shoplifting
9.943.61	Theft of Library Material
9.943.75(2)	Intentional Release of Certain Animals Without Owner's Consent

9.944.17	Sexual Gratification
9.944.20	Lewd and Lascivious Behavior
9.944.23	Making Lewd, Obscene or Indecent Drawings
9.944.30	Prostitution
9.944.31	Patronizing Prostitutes
9.944.33	Pandering
9.944.34	Keeping Place of Prostitution
9.945.02	Gambling
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.42	Escape
9.946.44	Assisting or Permitting Escape
9.946.65	Obstructing Justice
9.946.70	Impersonating Peace Officer
9.946.72	Tampering with Public Records and Notices
9.947.01	Disorderly Conduct
9.947.011	Disrupt Funeral or Memorial Service
9.947.0125	Illegal Use of Computerized Communication System
9.947.013	Harassment Prohibited
9.947.015	Bomb Scares
9.947.06	Unlawful Assemblies
9.948.10	Exposing Genitals or Pubic Area to a Child
9.948.11(2)(b)	Exposing a Child to Harmful Material
9.948.40	Contributing to the Delinquency of a Child
9.948.45	Contributing to Truancy
9.948.53(2)(a)	Child Care Worker Leaving Child Unattended
9.948.55(3)	Leaving/Storing Loaded Firearm within Reach of a Child and Child Publicly Possesses or Exhibits Firearm
9.948.60	Possession of a Dangerous Weapon by a Child
9.948.61	Dangerous Weapons on School Premises

9.948.62	Receiving Stolen Property from Child (Value Under \$500.00)
9.948.63	Receiving Property from Child
9.951.01-.18	Crimes Against Animals
9.961.573(1) & (2)	Possession of Drug Paraphernalia
9.961.574(1) & (2)	Manufacture or Delivery of Drug Paraphernalia
9.961.575(1) & (2)	Delivery of Drug Paraphernalia to a Minor
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9.948.61	Dangerous Weapons on School Premises
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9.961.574(1) & (2)	Manufacture or Delivery of Drug Paraphernalia
9.961.575(1) & (2)	Delivery of Drug Paraphernalia to a Minor

(Ord. No. 903; Ord. No. 936)

AFTER AMENDMENT

Sec 9.01 Offenses Against State Laws Subject To Forfeiture

The following Statutes following the prefix "9" 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, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 25.04 of this Code:

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(Ord. No. 903; Ord. No. 936)

SECTION 2: AMENDMENT “Sec 9.03 Throwing Or Shooting Of Arrows, Stones And Other Missiles Prohibited” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.03 Throwing Or Shooting Of Arrows, Stones And Other Missiles Prohibited

- (a) No person shall throw or shoot any object, arrow, stone, snowball, BB, pellet, or other missile or projectile by hand or by means of an air gun, BB gun, pellet gun or sling shot, bow and arrow, crossbow or any similar device which projects a missile at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public or private place within the City, including any target practice except as expressly provided in this section. Any air gun, BB gun or pellet gun shall be carried in a case or securely closed in a holster or wrapping and shall be unloaded.
- (b) Section (a) shall not apply to a person hunting with a bow and arrow or a crossbow except:
 - (1) No person may hunt with a crossbow or bow and arrow within 100 feet of a building located on another person's land unless the person who owns the land on which the building is located allows the hunter to hunt within 100 feet of the building. For purposes of this subsection, "building" means a permanent structure used for human occupancy and includes a manufactured home.
 - (2) No person may hunt with a crossbow or bow and arrow in any City park or other property owned by the City.
- (c) Section (a) shall not apply to:
 - (1) A person engaged in an activity (e.g., Civil War reenactment) authorized by the Council if the object, arrow, stone, snowball, BB, pellet, or other missile or projectile is a reasonably necessary tool or prop for the person engaged in such activity authorized by the Council or the Council's designee.
 - (2) Use of duly supervised rifle or pistol or archery ranges, shooting galleries or shooting or archery competitions or archery activities on private property under the direct personal supervision of a parent or an adult guardian or sponsoring organization or entity further than 100 feet of neighboring building

unless permitted by the neighbor.

- (d) *Penalty.* Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$25.00 nor more than \$250.00. The bond amount shall be \$50.00.

(Ord. No. 2016-1358, § II, 11-15-2016; Ord. No. 2017-1361, § II, 1-17-2017)

AFTER AMENDMENT

Sec 9.03 Throwing Or Shooting Of Arrows, Stones And Other Missiles Prohibited

- (a) No person shall throw or shoot any object, arrow, stone, snowball, BB, pellet, or other missile or projectile by hand or by means of an air gun, BB gun, pellet gun or sling shot, bow and arrow, crossbow or any similar device which projects a missile at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public or private place within the City, including any target practice except as expressly provided in this section. Any air gun, BB gun or pellet gun shall be carried in a case or securely closed in a holster or wrapping and shall be unloaded.
- (b) Exceptions. Section (a) shall not apply to:
 - (1) a person hunting with a bow and arrow or a crossbow except:
 - a. No person may hunt with a crossbow or bow and arrow within 100 feet of a building located on another person's land unless the person who owns the land on which the building is located allows the hunter to hunt within 100 feet of the building. For purposes of this subsection, "building" means a permanent structure used for human occupancy and includes a manufactured home.
 - b. No person may hunt with a crossbow or bow and arrow in any City park or other property owned by the City.
 - (2) A person engaged in an activity (e.g., Civil War reenactment) authorized by the Council if the object, arrow, stone, snowball, BB, pellet, or other missile or projectile is a reasonably necessary tool or prop for the person engaged in such activity authorized by the Council or the Council's designee.
 - (3) Use of duly supervised rifle or pistol or archery ranges, shooting galleries or shooting or archery competitions or archery activities on private property under the direct personal supervision of a parent or an adult guardian or sponsoring organization or entity further than 100 feet of neighboring building unless permitted by the neighbor.
- (c) ~~Section (a) shall not apply to:~~ The Chief of Police or their designee shall be authorized to grant exceptions to this section, in the sole discretion of the Chief of Police or thier designee, when said exception is requested no less than three (3) business days prior to the date the activity will take place. By receiving an exception to this section, the person(s) recieving the eception agree to indemnify, defend and hold the lty harmless for any acts and/or ommission of the indenifying party and its officers, agents, participants, partners, affiliates, representatives and volunteers, as applicable, as it may relate to activity that will be performed as a result of the exception.

- ~~(1) A person engaged in an activity (e.g., Civil War reenactment) authorized by the Council if the object, arrow, stone, snowball, BB, pellet, or other missile or projectile is a reasonably necessary tool or prop for the person engaged in such activity authorized by the Council or the Council's designee.~~
- ~~(2) Use of duly supervised rifle or pistol or archery ranges, shooting galleries or shooting or archery competitions or archery activities on private property under the direct personal supervision of a parent or an adult guardian or sponsoring organization or entity further than 100 feet of neighboring building unless permitted by the neighbor.~~

(d) *Penalty.* Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture as set forth in sec. 25.04 ~~of not less than \$25.00 nor more than \$250.00. The bond amount shall be \$50.00.~~

(Ord. No. 2016-1358, § II, 11-15-2016; Ord. No. 2017-1361, § II, 1-17-2017)

SECTION 3: AMENDMENT “Sec 9.04 Marijuana, Possession And Use Prohibited” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.04 Marijuana, Possession And Use Prohibited

- (a) *Definition.* "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.
- (b) *Possession, Delivery and Use Prohibited.* It shall be unlawful for any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.
- (c) *Exception.* This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.
- (d) *Penalty.* Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

AFTER AMENDMENT

Sec 9.04 Marijuana, Possession And Use Prohibited

- (a) *Definitions.*
 - (1) "Marijuana" means all parts of the plants of the genus eCannabis ~~sativa L.~~,

whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. "Marijuana" does include the mature stalks if mixed with other parts of the plant, but does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the serilized seed of the plant which is incapable of germination. "Marijuana" does not include hemp.

(2) "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis or the maximum concentration allowed under federal law up to 1 percent, whichever is greater, as tested using post-decarboxylation or other similarly reliable methods. "Hemp" does not include a prescription drug product that has been approved by the U.S. food and drug administration.

- (b) *Possession, Delivery and Use Prohibited.* It shall be unlawful for any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.
- (c) *Exception.* This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.
- (d) *Penalty.* Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

SECTION 4: AMENDMENT “Sec 9.042 Restrictions On Sale Or Gift Of Cigarettes Or Tobacco Products” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.042 Restrictions On Sale Or Gift Of Cigarettes Or Tobacco Products

- (a) *Definitions.* The definitions set forth in §134.66(1) and sec. 9.041 of this Code are hereby adopted by reference and made apart hereof.
- (b) *Restrictions.*
 - (1) No retailer may sell or give cigarettes, vapor products or tobacco products to any person under the age of 18, except as provided in §48.983(3), Wis. Stats. A vending machine operator is not liable under this paragraph for the purchase

of cigarettes or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

(2)

- a. A retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette, vapor product or tobacco product to a person under the age of 18 is unlawful under this section and §48.983, Wis. Stats.
- b. A vending machine operator shall attach a notice in a conspicuous place on the front of his vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under §48.983, Wis. Stats., and that the purchaser is subject to a forfeiture not to exceed \$25.00.

(3) No person may place a vending machine within 500 feet of a school.

(4) No manufacturer, distributor, jobber, subjobber or retailer, or their employees or agents, may provide cigarettes, vapor products or tobacco products for nominal or no consideration to any person under the age of 18.

(c) *Defense of Retailer.* Proof of all of the following facts by a retailer who sells cigarettes, vapor products or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of sub. (b)(1) above:

- (1) That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.
- (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.
- (3) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

(d) *Penalties.*

(1)

a. In this subsection, "violation" means a violation of sub. (b)(1), (3) or (4) above.

b. A person who commits a violation is subject to a forfeiture of:

- 1. Not more than \$500.00 if the person has not committed a previous violation within 12 months of the violation; or
- 2. Not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within 12 months of the violation.

c. A court shall suspend any license or permit issued under §§134.65, 139.34 or 139.79, Wis. Stats., to a person for:

- 1. Not more than 3 days if the court finds that the person committed a violation within 12 months after committing one previous violation; or
- 2. Not less than 3 days nor more than 10 days if the court finds that the person committed a violation within 12 months after

- committing 2 other violations; or
- 3. Not less than 15 days nor more than 30 days if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.
- d. The court shall promptly mail notice of a suspension under subpar. (d)(1)c. above to the Department of Revenue and to the clerk of each municipality which has issued a license or permit to the person.
- (2) Whoever violates sub. (b)(2) above shall forfeit not more than \$25.00.
- (e) *Authority.* This section is adopted pursuant to § 134.66, Wis. Stats.

(Ord. No. 901, eff. 7-1-1989; Ord. No. 2019-1380, § II, 2-20-2019)

AFTER AMENDMENT

Sec 9.042 Restrictions On Sale Or Gift Of Cigarettes Or Tobacco Products

- (a) *Definitions.* The definitions set forth in [Wis. Stats. §134.66\(1\)](#) and sec. 9.041 of this Code are hereby adopted by reference and made apart hereof.
- (b) *Restrictions.*
 - (1) No retailer may sell or give cigarettes, vapor products or tobacco products to any person under the age of 18, except as provided in §48.983(3), Wis. Stats. A vending machine operator is not liable under this paragraph for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.
 - (2)
 - a. A retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette, vapor product or tobacco product to a person under the age of 18 is unlawful under this section and §48.983, Wis. Stats.
 - b. A vending machine operator shall attach a notice in a conspicuous place on the front of his vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under §48.983, Wis. Stats., and that the purchaser is subject to a forfeiture not to exceed \$25.00.
 - (3) No person may place a vending machine within 500 feet of a school.
 - (4) No manufacturer, distributor, jobber, subjobber or retailer, or their employees or agents, may provide cigarettes, vapor products or tobacco products for nominal or no consideration to any person under the age of 18.
- (c) *Defense of Retailer.* Proof of all of the following facts by a retailer who sells cigarettes, vapor products or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of sub. (b)(1) above:
 - (1) That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.
 - (2) That the appearance of the purchaser was such that an ordinary and prudent

person would believe that the purchaser had attained the age of 18.

- (3) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

(d) *Penalties.*

(1)

- a. In this subsection, "violation" means a violation of sub. (b)(1), (3) or (4) above.
- b. A person who commits a violation is subject to a forfeiture as set forth in sec. 25.04.~~of:~~
 - 1. ~~Not more than \$500.00 if the person has not committed a previous violation within 12 months of the violation; or~~
 - 2. ~~Not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within 12 months of the violation.~~
- c. A court shall suspend any license or permit issued under §§134.65, 139.34 or 139.79, Wis. Stats., to a person for:
 - 1. Not more than 3 days if the court finds that the person committed a violation within 12 months after committing one previous violation; or
 - 2. Not less than 3 days nor more than 10 days if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
 - 3. Not less than 15 days nor more than 30 days if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.
- d. The court shall promptly mail notice of a suspension under subpar. (d) (1)c. above to the Department of Revenue and to the clerk of each municipality which has issued a license or permit to the person.

- (2) Whoever violates sub. (b)(2) above shall be subject to a forfeiture as set forth in sec. 25.04~~forfeit not more than \$25.00.~~

(e) *Authority.* This section is adopted pursuant to § 134.66, Wis. Stats.

(Ord. No. 901, eff. 7-1-1989; Ord. No. 2019-1380, § II, 2-20-2019)

SECTION 5: AMENDMENT “Sec 9.041 Use Of Cigarettes And Tobacco Products” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.041 Use Of Cigarettes And Tobacco Products

(a) *Statement of Purpose.*

- (1) The purpose of this ordinance is to protect the public health, safety and welfare of the property and persons in the city by prohibiting persons under eighteen (18) years of age from possessing tobacco products and vapor products, and prohibiting the sale of tobacco products and vapor products to persons under eighteen (18) years of age.
- (2) Persons under age eighteen (18) are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. There are new tobacco-less products, however, commonly referred to as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," which allow the user to simulate cigarette smoking. These products may be purchased by minors and are being marketed without age restrictions or health warnings and come in different flavors that appeal to young people.
- (3) E-cigarettes, and similar devices, are a relatively new nicotine delivery system. While devices vary in their appearance and specific method of operation, they have a few basic elements in common. A solution of water, dissolved nicotine, and other ingredients (usually flavoring) is heated with a heating element (usually battery-powered). This vaporizes the nicotine solution, which passes into a mouthpiece and is inhaled in a manner similar to cigarette smoking. Often, glycerol or propylene glycol is added to the solution to give the appearance of smoke when the solution is vaporized. The concentration of nicotine contained in the solution can be customized by the retailer to the buyer's specifications, and many manufacturers make nicotine-free solutions.
- (4) The production and distribution of e-cigarettes is not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration has not completed testing of these products. But, initial studies by the FDA have determined that e-cigarettes can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks.
- (5) The use of e-cigarettes and similar devices has increased significantly in recent years.
- (6) Existing studies on electronic smoking devices' vapor emissions and cartridge contents have found a number of dangerous substances including chemicals known to cause cancer such as formaldehyde, acetaldehyde, lead, nickel and chromium as well as PM 2.5, acrolein, tin, toluene, and aluminum, which are associated with a range of negative health effects such as skin, eye, and respiratory irritation, neurological effects, damage to reproductive systems, and even premature death from heart attacks and stroke.
- (7) Some cartridges used by electronic smoking devices can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine.
- (8) Clinical studies about the safety and efficacy of these products have not been submitted to the FDA for the over four hundred (400) brands of electronic smoking devices that are on the market and for this reason, consumers have no way of knowing whether electronic smoking devices are safe, what types of

potentially harmful chemicals the products contain, and what dose of nicotine the products deliver.

- (9) Electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.
 - (10) The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.
 - (11) It is the intent of this Council, in enacting the ordinance codified in this section, to provide for the public health, safety and welfare by facilitating uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; by reducing the potential for children to associate the use of electronic smoking devices with a normative or healthy lifestyle; and by prohibiting the sale or distribution of electronic smoking devices to minors.
 - (12) Therefore, the Common Council determines that prohibiting the sale, giving, or furnishing of e-cigarettes to minors and prohibiting the purchase, possession, or use of e-cigarettes by minors is in the City's best interest and will promote public health, safety, and welfare.
- (b) *Definitions.* For the purpose of construction and application of this section, the following definitions shall apply:
- (1) *"Cigarette"* has the meaning given in Wis. Stat. sec. §139.30(1).
 - (2) *"Electronic Delivery Device"* shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes and is being marketed and sold solely for that approved purpose.
 - (3) *"Law Enforcement Officer"* has the meaning given in Wis. Stat. sec. §30.50(4s).
 - (4) *"Minor"* means an individual who is less than eighteen (18) years of age.
 - (5) *"Person Who Sells Vapor Products at Retail"* means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.
 - (6) *"Possession of a Tobacco Product"* shall mean either actual physical control of the tobacco product without necessarily owning that product, or the right to control the tobacco product even though it is in a different room or place than where the person is physically located.
 - (7) *"Public Place"* means a public street, sidewalk, or park or any area open to the general public in a publicly owned or operated building or premises, or in a public place of business or a school.
 - (8) *"Tobacco Product(s)"* has the meaning given in Wis. Stat. §139.75(12).
 - (9) *"Use a Tobacco Product or Vapor Product"* means to smoke, chew, suck,

inhale, or otherwise consume a tobacco product or vapor product.

(10) "Vapor Product" means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product.

(c) *Prohibited Conduct.* Except as provided in sub. (f) below, no minor may do any of the following:

- (1) Purchase or attempt to purchase any cigarette, tobacco product or vapor product.
- (2) Possess or attempt to possess a cigarette, tobacco product or vapor product.
- (3) Use a cigarette, tobacco product or vapor product in a public place.
- (4) Falsely represent his or her age for the purpose of receiving any cigarette, vapor product or tobacco product.

(d) *School Property.* No individual, regardless of age, who is enrolled in secondary school may possess or attempt to possess a cigarette, tobacco product or vapor product while on school property.

(e) *Exceptions.* A person under 18 years of age may purchase cigarettes, vapor products or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under §134.65(1), Wis. Stats.

(f) *Enforcement.* A law enforcement officer shall seize any cigarette, vapor product or tobacco product involved in any violation of sub. (c) or (d) above committed in his or her presence.

(g) *Penalty.* An individual who violates this section shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

(Ord. No. 901, eff. 7-1-1989; Ord. No. 992; Ord. No. 2019-1380, § I, 2-20-2019)

AFTER AMENDMENT

Sec 9.041 Use Of Cigarettes And Tobacco Products

(a) *Statement of Purpose.*

- (1) The purpose of this ordinance is to protect the public health, safety and welfare of the property and persons in the city by prohibiting persons under eighteen (18) years of age from possessing tobacco products and vapor products, and prohibiting the sale of tobacco products and vapor products to persons under eighteen (18) years of age.
- (2) Persons under age eighteen (18) are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. There are new tobacco-less products, however, commonly referred to as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," which allow the user to simulate cigarette smoking. These products may be purchased by minors and are being marketed without age restrictions or health

- warnings and come in different flavors that appeal to young people.
- (3) E-cigarettes, and similar devices, are a relatively new nicotine delivery system. While devices vary in their appearance and specific method of operation, they have a few basic elements in common. A solution of water, dissolved nicotine, and other ingredients (usually flavoring) is heated with a heating element (usually battery-powered). This vaporizes the nicotine solution, which passes into a mouthpiece and is inhaled in a manner similar to cigarette smoking. Often, glycerol or propylene glycol is added to the solution to give the appearance of smoke when the solution is vaporized. The concentration of nicotine contained in the solution can be customized by the retailer to the buyer's specifications, and many manufacturers make nicotine-free solutions.
 - (4) The production and distribution of e-cigarettes is not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration has not completed testing of these products. But, initial studies by the FDA have determined that e-cigarettes can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks.
 - (5) The use of e-cigarettes and similar devices has increased significantly in recent years.
 - (6) Existing studies on electronic smoking devices' vapor emissions and cartridge contents have found a number of dangerous substances including chemicals known to cause cancer such as formaldehyde, acetaldehyde, lead, nickel and chromium as well as PM 2.5, acrolein, tin, toluene, and aluminum, which are associated with a range of negative health effects such as skin, eye, and respiratory irritation, neurological effects, damage to reproductive systems, and even premature death from heart attacks and stroke.
 - (7) Some cartridges used by electronic smoking devices can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine.
 - (8) Clinical studies about the safety and efficacy of these products have not been submitted to the FDA for the over four hundred (400) brands of electronic smoking devices that are on the market and for this reason, consumers have no way of knowing whether electronic smoking devices are safe, what types of potentially harmful chemicals the products contain, and what dose of nicotine the products deliver.
 - (9) Electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.
 - (10) The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.
 - (11) It is the intent of this Council, in enacting the ordinance codified in this section, to provide for the public health, safety and welfare by facilitating

uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; by reducing the potential for children to associate the use of electronic smoking devices with a normative or healthy lifestyle; and by prohibiting the sale or distribution of electronic smoking devices to minors.

- (12) Therefore, the Common Council determines that prohibiting the sale, giving, or furnishing of e-cigarettes to minors and prohibiting the purchase, possession, or use of e-cigarettes by minors is in the City's best interest and will promote public health, safety, and welfare.

(b) *Definitions.* For the purpose of construction and application of [Sections 9.041, 9.042, and 9.044](#)~~this section~~, the following definitions shall apply:

- (1) *"Cigarette"* has the meaning given in Wis. Stat. sec. §139.30(1m).
- (2) *"Electronic Delivery Device"* shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes and is being marketed and sold solely for that approved purpose.
- (3) *"Law Enforcement Officer"* has the meaning given in Wis. Stat. sec. §30.50(4s).
- (4) *"Minor"* means an individual who is less than eighteen (18) years of age.
- (5) *"Person Who Sells Vapor Products at Retail"* means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.
- (6) *"Possession of a Tobacco Product"* shall mean either actual physical control of the tobacco product without necessarily owning that product, or the right to control the tobacco product even though it is in a different room or place than where the person is physically located.
- (7) *"Public Place"* means a public street, sidewalk, or park or any area open to the general public in a publicly owned or operated building or premises, or in a public place of business or a school.
- (8) *"Tobacco Product(s)"* has the meaning given in Wis. Stat. §139.75(12).
- (9) *"Use a Tobacco Product or Vapor Product"* means to smoke, chew, suck, inhale, or otherwise consume a tobacco product or vapor product.
- (10) *"Vapor Product"*~~means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product~~ [has the meaning given in Wis. Stat. § 139.75\(14\).](#)

;

(c) *Prohibited Conduct.* Except as provided in sub. (f) below, no minor may do any of the following:

- (1) Purchase or attempt to purchase any cigarette, tobacco product or vapor product.
- (2) Possess or attempt to possess a cigarette, tobacco product or vapor product.

- (3) Use a cigarette, tobacco product or vapor product in a public place.
- (4) Falsely represent his or her age for the purpose of receiving any cigarette, vapor product or tobacco product.
- (d) *School Property.* No individual, regardless of age, who is enrolled in secondary school may possess or attempt to possess a cigarette, tobacco product or vapor product while on school property.
- (e) *Exceptions.* A person under 18 years of age may purchase cigarettes, vapor products or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under §134.65(1d), Wis. Stats.
- (f) *Enforcement.* A law enforcement officer shall seize any cigarette, vapor product or tobacco product involved in any violation of sub. (c) or (d) above committed in his or her presence.
- (g) *Penalty.* An individual who violates this section shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

(Ord. No. 901, eff. 7-1-1989; Ord. No. 992; Ord. No. 2019-1380, § I, 2-20-2019)

SECTION 6:**AMENDMENT** “Sec 9.044 Use Of Tobacco On School Property Prohibited” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.044 Use Of Tobacco On School Property Prohibited

- (a) *Prohibition.* It shall be unlawful for any person to use any tobacco product on premises owned or rented by or under the control of a school board, except on premises which the school board has rented to others for non-educational purposes and has permitted the use of tobacco products on such premises.
- (b) *Penalties.* Any person who shall violate any provision of this section shall be subject to a penalty as provided in sec. 25.04 of this Code.

(Ord. No. 1137)

AFTER AMENDMENT

Sec 9.044 Use Of Tobacco On School Property Prohibited

- (a) *Prohibition.* It shall be unlawful for any person to use any cigarettes, tobacco products, or vapor products on premises owned or rented by or under the control of a school board, except on premises which the school board has rented to others for non-educational purposes and has permitted the use of cigarettes, tobacco products, and vapor products on such premises.
- (b) *Penalties.* Any person who shall violate any provision of this section shall be subject

to a penalty as provided in sec. 25.04 of this Code.

(Ord. No. 1137)

SECTION 7: AMENDMENT “Sec 9.05 Possession, Sale And Use Of Fireworks” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.05 Possession, Sale And Use Of Fireworks

- (a) *Definition.* In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- (1) Fuel or a lubricant.
 - (2) A firearm cartridge or shotgun shell.
 - (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 - (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - (5) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (6) A toy snake which contains no mercury.
 - (7) A model rocket engine.
 - (8) Tobacco and tobacco products.
 - (9) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
 - (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 - (11) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
 - (12) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
 - (13) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
 - (14) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- (b) *Sale.* No person may sell any fireworks, as that term is defined in sub. (a), within the City limits without an appropriate permit.

(c) *Possession or Use.*

- (1) No person may possess or use fireworks without a user's permit from the Mayor, who shall first consult with the Council prior to issuance of a permit. No person may use fireworks or a device listed under sub. (a)(5) to (7) or (9) to (14) above while attending a fireworks display for which a permit has been issued to a person listed under par. (c)(4)a to e below or under par. (c)(4)f below if the display is open to the general public.
- (2) Paragraph (c)(1) above does not apply to:
 - a. The City, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance.
 - b. The possession or use of explosives in accordance with rules or general orders of the department of commerce.
 - c. The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.
 - d. The possession or use of explosive or combustible materials in any manufacturing process.
 - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - f. A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.
 - g. Except as provided in par. (c)(3) below, the possession of fireworks in any city, town or city while transporting the fireworks to a city, town or city where the possession of the fireworks is authorized by permit or ordinance.
- (3) Paragraph (a) above applies to a person transporting fireworks under par. (c) (2)7. above if, in the course of transporting the fireworks through the City, the person remains in the City for a period of at least 12 hours.
- (4) A permit under this subsection may be issued only to the following:
 - a. A public authority.
 - b. A fair association.
 - c. An amusement park.
 - d. A park board.
 - e. A civic organization.
 - f. Any individual or group of individuals.
 - g. An agricultural producer for the protection of crops from predatory birds or animals.
- (5) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- (6) The Mayor may require an indemnity bond with good and sufficient sureties or policy of liability insurance with policy limits as recommended by the City's liability insurer for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the City, and any person injured thereby may bring an action on the bond or

policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Clerk-Treasurer.

- (7) A permit under this subsection shall specify all of the following:
 - a. The name and address of the permit holder.
 - b. The date on and after which fireworks may be purchased.
 - c. The kind and quantity of fireworks which may be purchased.
 - d. The date and location of permitted use.
 - e. Other special conditions prescribed by ordinance.
- (8) A copy of a permit under this subsection shall be given to city fire and law enforcement officials at least 2 days before the date of authorized use.
- (9) A permit under this subsection may not be issued to a minor.

(d) *Enforcement.*

- (1) The City may petition the Circuit Court for Iowa County for an order enjoining violations of sub. (b) or (c) above.
- (2) Fireworks stored, handled, sold, possessed or used by a person who violates this section or a court order under par. (d)(1) above may be seized and held as evidence of the violation. Except as provided in §968.20(4), Wis. Stats., only the fireworks that are the subject of a violation of this section or a court order under par. (d)(1) above may be destroyed after conviction for a violation. Except as provided in §968.20(4), Wis. Stats., fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.

(e) *Penalties.*

- (1) A person who violates subs. (b) or (c) above shall forfeit not more than \$1,000.00.
- (2) A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit not more than \$1,000.00.

(Ord. No. 1290; Ord. No. 1345, § I, 9-1-2015)

AFTER AMENDMENT

Sec 9.05 Possession, Sale And Use Of Fireworks

- (a) *Definition.* In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
 - (1) Fuel or a lubricant.
 - (2) A firearm cartridge or shotgun shell.
 - (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 - (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.

- (5) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (6) A toy snake which contains no mercury.
 - (7) A model rocket engine.
 - (8) Tobacco and tobacco products.
 - (9) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
 - (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 - (11) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
 - (12) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
 - (13) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
 - (14) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- (b) *Sale.* No person may sell any fireworks, as that term is defined in sub. (a), within the City limits without an appropriate permit.
- (c) *Possession or Use.*
- (1) No person may possess or use fireworks without a user's permit from the Mayor, who shall first consult with the Council prior to issuance of a permit. No person may use fireworks or a device listed under sub. (a)(5) to (7) or (9) to (14) above while attending a fireworks display for which a permit has been issued to a person listed under par. (c)(4)a to e below or under par. (c)(4)f below if the display is open to the general public.
 - (2) Paragraph (c)(1) above does not apply to:
 - a. The City, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance.
 - b. The possession or use of explosives in accordance with rules or general orders of the department of safety and professional services ~~commerce~~.
 - c. The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.
 - d. The possession or use of explosive or combustible materials in any manufacturing process.
 - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - f. A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks

is authorized under the license or permit.

g. Except as provided in par. (c)(3) below, the possession of fireworks ~~in any city, town or city~~ while transporting the fireworks to a city, village ~~or town or city~~ where the possession of the fireworks is authorized by permit or ordinance.

(3) Paragraph (a) above applies to a person transporting fireworks under par. (c) (2) ~~7~~g. above if, in the course of transporting the fireworks through the City, the person remains in the City for a period of at least 12 hours.

(4) A permit under this subsection may be issued only to the following:

- a. A public authority.
- b. A fair association.
- c. An amusement park.
- d. A park board.
- e. A civic organization.
- f. Any individual or group of individuals.
- g. An agricultural producer for the protection of crops from predatory birds or animals.

(5) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

(6) The Mayor may require an indemnity bond with good and sufficient sureties or policy of liability insurance with policy limits as recommended by the City's liability insurer for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the City, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Clerk-Treasurer.

(7) A permit under this subsection shall specify all of the following:

- a. The name and address of the permit holder.
- b. The date on and after which fireworks may be purchased.
- c. The kind and quantity of fireworks which may be purchased.
- d. The date and location of permitted use.
- e. Other special conditions prescribed by ordinance.

(8) A copy of a permit under this subsection shall be given to city fire and law enforcement officials at least 2 days before the date of authorized use.

(9) A permit under this subsection may not be issued to a minor.

(d) *Enforcement.*

(1) The City may petition the Circuit Court for Iowa County for an order enjoining violations of sub. (b) or (c) above.

(2) Fireworks stored, handled, sold, possessed or used by a person who violates this section or a court order under par. (d)(1) above may be seized and held as evidence of the violation. Except as provided in §968.20(4), Wis. Stats., only

the fireworks that are the subject of a violation of this section or a court order under par. (d)(1) above may be destroyed after conviction for a violation. Except as provided in §968.20(4), Wis. Stats., fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.

(e) *Penalties.*

- (1) A person who violates subs. (b) or (c) above shall be subject to a forfeiture as set forth in sec. 25.04 ~~not more than \$1,000.00~~.
- (2) A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall ~~forfeit not more than \$1,000.00~~ be subject to a forfeiture as set forth in sec. 25.04.

(Ord. No. 1290; Ord. No. 1345, § I, 9-1-2015)

SECTION 8: AMENDMENT “Sec 9.045 Smoking In Enclosed Places” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.045 Smoking In Enclosed Places

- (a) *Prohibition.* The provisions of Ch. 101.123, Wis. Stats., as amended by 2009 Wis. Act 12 relating to the prohibition of smoking in various enclosed places, are hereby adopted and made part of this chapter by reference.
- (b) *Penalties.* Any person who violates this section relating to the prohibition of smoking in various enclosed places shall be \$100.00 for each violation, except that the forfeiture for a "person in charge" shall not exceed \$100.00 per day. As prescribed by the State statutes, a warning notice shall be issued to the "person in charge" for the first violation.

(Ord. No. 1282)

AFTER AMENDMENT

Sec 9.045 Smoking In Enclosed Places

- (a) *Prohibition.* The provisions of Ch. 101.123, Wis. Stats., as amended by 2009 Wis. Act 12 relating to the prohibition of smoking in various enclosed places, are hereby adopted and made part of this chapter by reference.
- (b) *Penalties.* Any person who violates this section relating to the prohibition of smoking in various enclosed places shall be subject to a forfeiture as set forth in sec. 25.04 ~~\$100.00~~ for each violation, ~~except that the forfeiture for a "person in charge" shall not exceed \$100.00 per day~~. As prescribed by the State statutes, a warning notice

shall be issued to the "person in charge" for the first violation.

(Ord. No. 1282)

SECTION 9: AMENDMENT “Sec 9.02 Possession And Use Of Firearms And Other Dangerous Weapons” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.02 Possession And Use Of Firearms And Other Dangerous Weapons

- (a) *Definitions.* The following definitions shall apply to the terms used in this section:
 - (1) *"Public Building."* Any building owned, occupied or controlled by the City.
 - (2) *"Special Event."* An event that is open to the public, is organized by the City for a duration of not more than 3 weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.
 - (3) *"Weapon."* Any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon, as defined in §941.295(1c)(a); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, including any knife with a blade length of greater than 3 inches.
- (b) *Prohibitions.* Other than as provided in sub. (d) below, it shall be unlawful for any person:
 - (1) While carrying a weapon, to enter or remain at a special event organized by the City if the City has notified the actor not to enter or remain at the special event while carrying a weapon.
 - (2) To enter or remain in any part of a public building if the City has notified the actor not to enter or remain in the building while carrying a weapon.
- (c) *Notice and Signs.*
 - (1) For the purposes of this section, the City has notified an individual not to enter or remain in a part of the public building while carrying a weapon if the City has posted a sign that is located in a prominent place near all of the entrances to the public building and any individual entering the building can be reasonably expected to see the sign.
 - (2) For the purposes of this section, the City has notified an individual not to enter or remain at the special event organized by the City while carrying a weapon if the City has posted a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see that sign.
 - (3) Signs shall be not less than 5 inches by 7 inches in size and shall state that

weapons are prohibited in the building or at the special event.

- (d) *Exceptions.* The prohibitions in sub. (b) above do not apply to the following:
 - (1) A law enforcement officer, as defined under §175.49(1)(g), Wis. Stats., or
 - (2) A peace officer other than a commission warden who is not a State-certified commission warden; or
 - (3) A person engaged in food preparation or other activity (e.g., Civil War reenactment, dramatic production) authorized by the Council if the weapon, such as a knife, is a reasonably necessary tool or prop for the person engaged in such food preparation or other activity authorized by the Council or the Council's designee or the use of duly supervised rifle or pistol ranges, shooting galleries or shooting or competitions or activities under the direct personal supervision of a sponsoring organization or entity.
 - (4) To a person who leases residential or business premises in a public building or, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the building used as a parking facility.
 - (5) To a person attending a special event, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the special event grounds or building used as a parking facility.
 - (6) To a person who rents all or part of a public building for the purpose of holding an auction or estate sale and who is auctioning or selling the personal property of a household or decedent, provided that any weapon or firearm sold is removed from the premises promptly after sale and, in the case of any firearm, is at all times unloaded.

(e) *Penalty Provision.* Any person who violates this section shall be subject to a forfeiture of not less than \$25.00 nor more than \$250.00. The bond amount shall be \$50.00.

(Ord. No. 1295; Ord. No. 1304; Ord. No. 2016-1358, § I, 11-15-2016; Ord. No. 2017-1361, § I, 1-17-2017)

AFTER AMENDMENT

Sec 9.02 Possession And Use Of Firearms And Other Dangerous Weapons

- (a) *Definitions.* The following definitions shall apply to the terms used in this section:
 - (1) *"Public Building."* Any building owned, occupied or controlled by the City.
 - (2) *"Special Event."* An event that is open to the public, is organized by the City for a duration of not more than 3 weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.
 - (3) *"Weapon."* Any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon, as defined in §941.295(1c)(a); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, including any knife with a blade length of greater than 3 inches.
- (b) *Prohibitions.* Other than as provided in sub. (d) below, it shall be unlawful for any

person:

- (1) While carrying a weapon, to enter or remain at a special event organized by the City if the City has notified the actor not to enter or remain at the special event while carrying a weapon.
- (2) To enter or remain in any part of a public building if the City has notified the actor not to enter or remain in the building while carrying a weapon.

(c) *Notice and Signs.*

- (1) For the purposes of this section, the City has notified an individual not to enter or remain in a part of the public building while carrying a weapon if the City has posted a sign that is located in a prominent place near all of the entrances to the public building and any individual entering the building can be reasonably expected to see the sign.
- (2) For the purposes of this section, the City has notified an individual not to enter or remain at the special event organized by the City while carrying a weapon if the City has posted a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see that sign.
- (3) Signs shall be not less than 5 inches by 7 inches in size and shall state that weapons are prohibited in the building or at the special event.

(d) *Exceptions.* The prohibitions in sub. (b) above do not apply to the following:

- (1) A law enforcement officer, as defined under §175.49(1)(g), Wis. Stats., or
- (2) A peace officer other than a commission warden who is not a State-certified commission warden; or
- (3) A person engaged in food preparation or other activity (e.g., Civil War reenactment, dramatic production) authorized by the Council if the weapon, such as a knife, is a reasonably necessary tool or prop for the person engaged in such food preparation or other activity authorized by the Council or the Council's designee or the use of duly supervised rifle or pistol ranges, shooting galleries or shooting or competitions or activities under the direct personal supervision of a sponsoring organization or entity.
- (4) To a person who leases residential or business premises in a public building or, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the building used as a parking facility.
- (5) To a person attending a special event, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the special event grounds or building used as a parking facility.
- (6) To a person who rents all or part of a public building for the purpose of holding an auction or estate sale and who is auctioning or selling the personal property of a household or decedent, provided that any weapon or firearm sold is removed from the premises promptly after sale and, in the case of any firearm, is at all times unloaded.

(e) *Penalty Provision.* Any person who violates this section shall be subject to a forfeiture ~~as set forth in sec. 25.04 of not less than \$25.00 nor more than \$250.00. The bond amount shall be \$50.00.~~

(Ord. No. 1295; Ord. No. 1304; Ord. No. 2016-1358, § I, 11-15-2016; Ord. No. 2017-1361, § I, 1-17-2017)

SECTION 10: AMENDMENT “Sec 9.10 Keeping Of Livestock And Poultry Regulated” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.10 Keeping Of Livestock And Poultry Regulated

No person shall keep or maintain any poultry or fowl, or any livestock such as horses, cattle, sheep or goats in any zoning district except agricultural districts.

AFTER AMENDMENT

Sec 9.10 Keeping Of Livestock And Poultry Regulated

No person shall keep or maintain any poultry or fowl, or any livestock such as horses, cattle, sheep or goats in the City, except in agricultural zoning districts or pursuant to a chicken license issued under sec. 12.16~~any zoning district except agricultural districts.~~

SECTION 11: AMENDMENT “Sec 9.17 Curfew” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.17 Curfew

(a) *Violation.*

- (1) No individual between the ages of 14 years through 17 years shall remain upon any street or alley or other public place in the City between 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday or Thursday and 6:00 a.m. the next day, and between 12:00 midnight on Friday and Saturday and 6:00 a.m. the next day.
- (2) No individual under the age of 14 years shall remain upon any street or alley or other public place in the City between 10:00 p.m. and 6:00 a.m. the next day.

(b) *Exceptions.* The following shall constitute valid exceptions to the operation of the curfew:

- (1) At any time, if the individual is accompanied by his or her parent, legal guardian, or other responsible person who is over the age of 18 and who is approved by the individual's parent or legal guardian.

- (2) At any time, in the event of an emergency which would justify the reasonableness of the individual's presence.
 - (3) At any time while the individual is pursuing the duties of his employment.
 - (4) Until the hour of 12:30 a.m. if the individual is on an errand as directed by the individual's parent or legal guardian.
 - (5) If the individual is coming directly home from a public meeting or place of public entertainment such as a movie, play, school, church or sporting event. This exception will apply for 1/2 hour after the completion of such event, but in no case beyond 12:30 a.m. If the event is not commercial in nature or does not have a fixed publicly-known time at which it will end, the sponsoring organization must register the event with the Police Department at least 24 hours in advance informing it of the time such event is scheduled to be, the place at which it will be held, the time at which it shall end, and the name of the sponsoring organization.
 - (6) If the individual is coming directly home from a private home which has been approved by the individual's parent or legal guardian.
 - (7) Until the hours of 12:30 a.m. if the individual is on the property of or the sidewalk directly adjacent to the building in which he resides or the buildings immediately adjacent thereto.
- (c) *Taking a Child Into Custody.* A child believed to be violating this section shall be taken to the Police Department for proper identification. Every law enforcement officer, while on duty, is hereby authorized to take into custody any child violating the provisions of sub. (a) above. Children taken into custody shall be released from custody as soon as is reasonably possible. A person taking a child into custody shall make every effort to immediately release the child to the child's parent, guardian or legal custodian or, if the parent, guardian or legal custodian is unavailable, unwilling or unable to provide supervision, that person may release the child to a responsible adult, and verbally counselor warn, as may be appropriate; or, in the case of a runaway child, may release the child to a home authorized under §48.227, Wis. Stats. The parent, guardian, legal custodian or other responsible adult to whom the child is released shall sign a release for the child.
- (d) *Penalty.* Any person who shall violate this section shall, upon conviction, be subject to a forfeiture of not less than \$25.00 nor more than \$100.00 for each offense.

AFTER AMENDMENT

Sec 9.17 Curfew

- (a) *Violation.*
 - (1) No individual between the ages of 14 years through 17 years shall remain upon any street or alley or other public place in the City between 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday or Thursday and 6:00 a.m. the next day, and between 12:00 midnight on Friday and Saturday and 6:00 a.m. the next day.
 - (2) No individual under the age of 14 years shall remain upon any street or alley

or other public place in the City between 10:00 p.m. and 6:00 a.m. the next day.

- (b) *Exceptions.* The following shall constitute valid exceptions to the operation of the curfew:
- (1) At any time, if the individual is accompanied by his or her parent, legal guardian, or other responsible person who is over the age of 18 and who is approved by the individual's parent or legal guardian.
 - (2) At any time, in the event of an emergency which would justify the reasonableness of the individual's presence.
 - (3) At any time while the individual is pursuing the duties of his employment.
 - (4) Until the hour of 12:30 a.m. if the individual is on an errand as directed by the individual's parent or legal guardian.
 - (5) If the individual is coming directly home from a public meeting or place of public entertainment such as a movie, play, school, church or sporting event. This exception will apply for 1/2 hour after the completion of such event, but in no case beyond 12:30 a.m. If the event is not commercial in nature or does not have a fixed publicly-known time at which it will end, the sponsoring organization must register the event with the Police Department at least 24 hours in advance informing it of the time such event is scheduled to be, the place at which it will be held, the time at which it shall end, and the name of the sponsoring organization.
 - (6) If the individual is coming directly home from a private home which has been approved by the individual's parent or legal guardian.
 - (7) Until the hours of 12:30 a.m. if the individual is on the property of or the sidewalk directly adjacent to the building in which he resides or the buildings immediately adjacent thereto.
- (c) *Taking a Child Into Custody.* A child believed to be violating this section shall be taken to the Police Department for proper identification. Every law enforcement officer, while on duty, is hereby authorized to take into custody any child violating the provisions of sub. (a) above. Children taken into custody shall be released from custody as soon as is reasonably possible. A person taking a child into custody shall make every effort to immediately release the child to the child's parent, guardian or legal custodian or, if the parent, guardian or legal custodian is unavailable, unwilling or unable to provide supervision, that person may release the child to a responsible adult, and verbally counselor warn, as may be appropriate; or, in the case of a runaway child, may release the child to a home authorized under §48.227, Wis. Stats. The parent, guardian, legal custodian or other responsible adult to whom the child is released shall sign a release for the child.
- (d) *Penalty.* Any person who shall violate this section shall, upon conviction, be subject to a forfeiture ~~of not less than \$25.00 nor more than \$100.00 for each offense~~ as set forth in sec. 25.04.

SECTION 12: AMENDMENT “Sec 9.19 Accidental Spills Of Hazardous Or Detrimental Substances” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.19 Accidental Spills Of Hazardous Or Detrimental Substances

- (a) *Hazardous Substance Spills.*
 - (1) *DNR Notification Required.* Any person who possesses or controls a "hazardous substance," as defined in §144.01(4m), Wis. Stats., which has been discharged or spilled, or who causes the discharge or spilling of such hazardous substance, shall immediately notify the Wisconsin Department of Natural Resources of any such spill or discharge as required in §144.76, Wis. Stats.
 - (2) *City Notification.* In addition to the notification required in par. (a)(1) above, the owner or the person causing the discharge of a hazardous substance shall immediately notify the Fire Chief of such spill or discharge.
- (b) *Detrimental Substance Spills; Notification.* Any person who possesses or controls a discharged or spilled material, or causes a discharge or spill, which, although not a "hazardous substance," may be detrimental to the general, safety and welfare of City residents shall immediately notify the Fire Chief. Such detrimental substances may include, without limitations, food products and nitrates.
- (c) *Cleanup Required.* Any person responsible for the discharge or spill of any hazardous or detrimental substance shall be responsible for cleanup within a time reasonable under the circumstances. In the event such cleanup is not completed within a reasonable time, the City shall clean up and bill the person responsible.
- (d) *Penalty.* Any person responsible for a spill or discharge who does not provide the notification required under subs. (a)(2) and (b) above shall be subject to a forfeiture as provided in sec. 25.04 of this Code.

AFTER AMENDMENT

Sec 9.19 Accidental Spills Of Hazardous Or Detrimental Substances

- (a) *Hazardous Substance Spills.*
 - (1) *DNR Notification Required.* Any person who possesses or controls a "hazardous substance," as defined in § ~~144.01(4m)~~ 292.01(5), Wis. Stats., which has been discharged or spilled, or who causes the discharge or spilling of such hazardous substance, shall immediately notify the Wisconsin Department of Natural Resources of any such spill or discharge as required in § ~~144.76~~ 292.11, Wis. Stats.
 - (2) *City Notification.* In addition to the notification required in par. (a)(1) above, the owner or the person causing the discharge of a hazardous substance shall

immediately notify the Fire Chief of such spill or discharge.

- (b) *Detrimental Substance Spills; Notification.* Any person who possesses or controls a discharged or spilled material, or causes a discharge or spill, which, although not a "hazardous substance," may be detrimental to the general, safety and welfare of City residents shall immediately notify the Fire Chief. Such detrimental substances may include, without limitations, food products and nitrates.
- (c) *Cleanup Required.* Any person responsible for the discharge or spill of any hazardous or detrimental substance shall be responsible for cleanup within a time reasonable under the circumstances. In the event such cleanup is not completed within a reasonable time, the City shall clean up and bill the person responsible.
- (d) *Penalty.* Any person responsible for a spill or discharge who does not provide the notification required under subs. (a)(2) and (b) above shall be subject to a forfeiture as provided in sec. 25.04 of this Code.

SECTION 13: AMENDMENT "Sec 9.21 Offenses Upon School Property" of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.21 Offenses Upon School Property

- (a) No person shall refuse to leave school property upon request by the school principal or a person acting under his direction. A violation of this section shall be considered a trespass.
- (b) No person shall bring, or cause to be brought, upon school property any intoxicating liquor, fermented malt beverage or controlled substance, as defined in Ch. 161, Wis. Stats., except and unless with written consent of the school principal.

AFTER AMENDMENT

Sec 9.21 Offenses Upon School Property

- (a) No person shall refuse to leave school property upon request by the school principal or a person acting under his direction. A violation of this section shall be considered a trespass.
- (b) No person shall bring, or cause to be brought, upon school property any intoxicating liquor, fermented malt beverage or controlled substance, as defined in Ch. ~~961+61~~, Wis. Stats., except and unless with written consent of the school principal.

SECTION 14: AMENDMENT "Sec 9.22 Uniform Citation Method Adopted" of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.22 Uniform Citation Method Adopted

- (a) *Creation.* Pursuant to §66.0113, Wis. Stats., the City hereby elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.
- (b) *Citation.* The citation shall contain the following:
 - (1) The name and address of the alleged violator.
 - (2) Factual allegations describing the alleged violation.
 - (3) The time and place of the offense.
 - (4) The section of the ordinance or the municipal code violated.
 - (5) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
 - (6) The time at which the alleged violator may appear in court.
 - (7) A statement which, in essence, informs the alleged violator, as follows:
 - a. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.
 - b. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.
 - c. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by §165.87, Wis. Stats., a jail assessment imposed by §53.46, Wis. Stats., and an automation fee imposed by §814.635, Wis. Stats., not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons shall be issued demanding him to appear in court to answer the complaint.
 - d. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the penalty assessment imposed by §165.87, Wis. Stats., a jail assessment imposed by §53.46, Wis. Stats., and an automation fee imposed by §814.635, Wis. Stats.
 - (8) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (b)(7) above has been read. Such statement shall be sent or brought with the cash deposit.
 - (9) Such other information as the Council deems necessary.
- (c) *Deposits.*
 - (1) Each citation issued under this section, except those to which par. (c)(4) below applies, shall specify a cash deposit as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference or, where applicable, the City Deposit Schedule, which is hereby adopted by reference, which consists of the appropriate forfeiture, the current penalty assessment, the

- jail assessment and the automation fee and court costs.
- (2) Deposits shall be made in cash, money order or check to the County Clerk of Courts, who shall provide a receipt therefor.
 - (3) The penalty assessment imposed by §165.87, Wis. Stats., a jail assessment imposed by §53.46, Wis. Stats., and an automation fee imposed by §814.635, Wis. Stats., shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which State law controls or for ordinances involving nonmoving traffic violations. Said assessments shall be in an amount determined after deducting the court costs.
 - (4) The deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed the maximum penalties provided in Ch. 48, Wis. Stats., plus the penalty assessment imposed by §165.87, Wis. Stats., a jail assessment imposed by §53.46, Wis. Stats., and an automation fee imposed by §814.635, Wis. Stats., except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.
- (d) *Deposit Schedule.* Every police officer issuing a citation for any violation of this Code for which a deposit is established under sub. (c) above shall indicate the amount of the deposit that the alleged violator may make with the Clerk of the Circuit Court of Iowa County in lieu of a court appearance. A copy of the City Deposit Schedule shall be available at the Police Department and the office of the Clerk-Treasurer. Any future amendments, revisions or modifications to the fees, costs and assessments described herein that may be required by legislative enactment or by court order are intended to be made part of this Schedule.
- (e) *Issuance of Citation.*
- (1) *Law Enforcement Officers.* Any law enforcement officer may issue citations authorized under this section.
 - (2) *City Officials.*
 - a. The Building Inspector, the Director of Public Works, the Fire Chief, the Fire Inspector and the Weed Commissioner may issue citations with respect to those sections of this Code which are directly related to their responsibilities.
 - b. Such City officials may delegate their authority to issue citations to their subordinates.
- (f) *Procedure.* Section 66.0113(3), Wis. Stats., relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference.
- (g) *Nonexclusivity.*
- (1) *Other Ordinances.* Adoption of this section does not preclude the Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
 - (2) *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.

(Ord. No. 881; Ord. No. 890; Ord. No. 1010; Ord. No. 1020; Ord. No. 1200; Ord. No. 1212; Ord. No. 1218)

AFTER AMENDMENT

Sec 9.22 Uniform Citation Method Adopted

- (a) *Creation.* Pursuant to §66.0113, Wis. Stats., the City hereby elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.
- (b) *Citation.* The citation shall contain the following:
 - (1) The name and address of the alleged violator.
 - (2) Factual allegations describing the alleged violation.
 - (3) The time and place of the offense.
 - (4) The section of the ordinance or the municipal code violated.
 - (5) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
 - (6) The time at which the alleged violator may appear in court.
 - (7) A statement which, in essence, informs the alleged violator, as follows:
 - a. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.
 - b. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.
 - c. If a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats. ~~and a penalty assessment imposed by §165.87, Wis. Stats., a jail assessment imposed by §53.46, Wis. Stats., and an automation fee imposed by §814.635, Wis. Stats.~~, not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons shall be issued demanding him or her to appear in court to answer the complaint.
 - d. If no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or warrant for the violator's arrest or consider the nonappearance to be a plea of no contesnt and enter judgment, or an action may be commenced to collect the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats. ~~and the penalty assessment imposed by §165.87, Wis. Stats., a jail assessment imposed by §53.46, Wis. Stats., and an automation fee imposed by §814.635, Wis. Stats.~~
 - (8) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (b)(7) above has been read. Such statement shall be sent or brought with the cash deposit.

(9) Such other information as the Council deems necessary.

(c) *Deposits.*

- (1) Each citation issued under this section, except those to which par. (c)(4) below applies, shall specify a cash deposit as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference or, where applicable, the City Deposit Schedule, which is hereby adopted by reference, which consists of the appropriate forfeiture, the current penalty assessment, the jail assessment and the automation fee and court costs.
- (2) Deposits shall be made in cash, money order or check to the County Clerk of Courts, who shall provide a receipt therefor.
- (3) The costs, fees, and surcharges imposed under Ch. 814, Wis. Stats. ~~penalty assessment imposed by §165.87, Wis. Stats., a jail assessment imposed by §53.46, Wis. Stats., and an automation fee imposed by §814.635, Wis. Stats.,~~ shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which State law controls or for ordinances involving nonmoving traffic violations. Said assessments shall be in an amount determined after deducting the court costs.
- (4) The deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed the maximum penalties provided in Ch. 48, Wis. Stats., plus the costs, fees, and surcharges imposed under Ch. 814, Wis. Stats. ~~penalty assessment imposed by §165.87, Wis. Stats., a jail assessment imposed by §53.46, Wis. Stats., and an automation fee imposed by §814.635, Wis. Stats.,~~ except that such costs, fees, and surcharges and penalties shall not be assessed against minors unless Wisconsin law so provides.

(d) *Deposit Schedule.* Every police officer issuing a citation for any violation of this Code for which a deposit is established under sub. (c) above shall indicate the amount of the deposit that the alleged violator may make with the Clerk of the Circuit Court of Iowa County in lieu of a court appearance. A copy of the City Deposit Schedule shall be available at the Police Department and the office of the Clerk-Treasurer. Any future amendments, revisions or modifications to the fees, costs and assessments described herein that may be required by legislative enactment or by court order are intended to be made part of this Schedule.

(e) *Issuance of Citation.*

- (1) *Law Enforcement Officers.* Any law enforcement officer may issue citations authorized under this section.
- (2) *City Officials.*
 - a. The Building Inspector, the Director of Public Works, the Zoning Administrator, the Fire Chief, the Fire Inspector and the Weed Commissioner may issue citations with respect to those sections of this Code which are directly related to their responsibilities.
 - b. Such City officials may delegate their authority to issue citations to their subordinates.

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

(g) *Nonexclusivity.*

- (1) *Other Ordinances.* Adoption of this section does not preclude the Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- (2) *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.

(Ord. No. 881; Ord. No. 890; Ord. No. 1010; Ord. No. 1020; Ord. No. 1200; Ord. No. 1212; Ord. No. 1218)

SECTION 15: **AMENDMENT** “Sec 9.24 Truancy Prohibited” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.24 Truancy Prohibited

- (a) *Prohibition of Truancy.* A person under 18 years of age is prohibited from being a truant.
 - (1) *Definition.* For purposes of this section, "*truant*" means a pupil who is absent from school without an acceptable excuse under §§118.15 and 118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.
 - (2) *Penalty.* Upon finding that a person under the age of 18 is a truant, the Court shall enter an order for a forfeiture of not more than \$50.00, plus costs for a first violation or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to §938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (b) *Prohibition of Habitual Truancy.* A person is prohibited from being a habitual truant.
 - (1) *Definitions.* For purposes of this subsection:
 - a. "*Habitual Truant.*" A pupil who is absent from school without an acceptable excuse under §§118.16(4) and 118.15, Wis. Stats., for part or all of 5 or more days on which school is held during a school semester.
 - b. "*Dropout.*" The meaning given in §118.153(1)(b), Wis. Stats.
 - (2) *Penalty.* Upon finding that a person is a habitual truant, the court shall enter an order making one or more of the following dispositions:

- a. Suspend the person's operating privilege for not less than 30 days nor more than one year. The judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State together with a notice stating the reason for and duration of the suspension.
- b. An order for the person to participate in counseling, community service or work program as provided under §938.34(5g), Wis. Stats. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any County department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000.00 for any act or omission by or impacting on that person.
- c. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his home if the person is accompanied by a parent or guardian.
- d. An order for the person to attend an educational program under §938.34(7d), Wis. Stats.
- e. An order for the person to be placed in the Teen Court Program and the person admits or pleads no contest in open court with the person's parent, guardian or legal custodian present to the allegations that the person violated the provisions of this subsection.
- f. If a person under the age of 18 and over the age of 16 has been adjudicated a "dropout," the judge may suspend the person's operating privileges, as defined in §340.01(40), Wis. Stats., 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 together with a notice stating the reason for and the duration of the suspension (see §938.342(2)(b), Wis. Stats.).

(Ord. No. 1119)

AFTER AMENDMENT

Sec 9.24 Truancy Prohibited

- (a) *Prohibition of Truancy.* A person under 18 years of age is prohibited from being a truant.
 - (1) *Definition.* For purposes of this section, "truant" means a pupil who is absent from school without an acceptable excuse under §§118.15 and 118.16(4), Wis. Stats., for part or all of any day on which school is held during a school

semester.

(2) *Penalty.* Upon finding that a person under the age of 18 is a truant, the Court shall enter an order for a forfeiture ~~as set forth in sec. 25.04 of not more than \$50.00, plus costs for a first violation or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation,~~ subject to §938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(b) *Prohibition of Habitual Truancy.* A person is prohibited from being a habitual truant.

(1) *Definitions.* For purposes of this subsection:

a. *"Habitual Truant."* A pupil who is absent from school without an acceptable excuse under ~~§118.16(4) and~~ 118.15, Wis. Stats., for part or all of 5 or more days on which school is held during a school semester.

b. *"Dropout."* The meaning given in §118.153(1)(b), Wis. Stats.

(2) *Penalty.* Upon finding that a person is a habitual truant, the court shall enter an order making one or more of the following dispositions:

a. Suspend the person's operating privilege for not less than 30 days nor more than one year. The judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State together with a notice stating the reason for and duration of the suspension.

b. An order for the person to participate in counseling, community service or work program as provided under §938.34(5g), Wis. Stats. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any County department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000.00 for any act or omission by or impacting on that person.

c. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his home if the person is accompanied by a parent or guardian.

d. An order for the person to attend an educational program under §938.34(7d), Wis. Stats.

e. An order for the person to be placed in the Teen Court Program and the person admits or pleads no contest in open court with the person's parent, guardian or legal custodian present to the allegations that the

person violated the provisions of this subsection.

- f. If a person under the age of 18 and over the age of 16 has been adjudicated a "dropout," the judge may suspend the person's operating privileges, as defined in §340.01(40), Wis. Stats., 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 together with a notice stating the reason for and the duration of the suspension (see §938.342(2)(b), Wis. Stats.).

(Ord. No. 1119)

SECTION 16: **AMENDMENT** “Sec 9.25 Penalty” of the City of Dodgeville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 9.25 Penalty

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code. In addition to any penalty imposed for violation of § 9.943.01(1), Wis. Stats., any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates § 9.943.01(1), Wis. Stats., may also be held liable for the cost of repairing such damaged or destroyed property in accordance with §895.35, Wis. Stats.

AFTER AMENDMENT

Sec 9.25 Penalty

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code. In addition to any penalty imposed for violation of § ~~9.943.01(1)~~, Wis. Stats., any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates § ~~9.943.01(1)~~, Wis. Stats., may also be held liable for the cost of repairing such damaged or destroyed property in accordance with §895.035, Wis. Stats.

PASSED AND ADOPTED BY THE CITY OF DODGEVILLE COMMON COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember 1	_____	_____	_____	_____
Councilmember 2	_____	_____	_____	_____

Presiding Officer

Attest

Barry N. Hottmann, Mayor,
City of Dodgeville

Lauree Aulik, City Clerk, City of
Dodgeville

DRAFT