

Chapter 278. PEACE AND GOOD ORDER

[HISTORY: Adopted by the Common Council of the City of Waterloo 10-19-1987 by Ord. No. 87-6 as §§ 9.01 to 9.04, 9.06 to 9.09, 9.12, 9.15, 9.16, 9.18, 9.19 and 9.30 of the 1987 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 91.

Alarm systems — See Ch. 120.

Animals — See Ch. 126.

Dances and entertainment — See Ch. 172.

Fireworks — See Ch. 204.

Intoxicating liquor and fermented malt beverages — See Ch. 223.

Minors — See Ch. 247.

Nuisances — See Ch. 261.

Snowmobiles — See Ch. 309.

§ 278-1. Offenses against state laws subject to forfeiture.

[Amended by Ord. No. 88-4; Ord. No. 95-4; 9-20-2007 by Ord. No. 2007-18]

The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the City, provided that the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Chapter 1, § 1-4, of this Code:

173.10	Investigation of Cruelty Complaints
346.935	Drinking in Motor Vehicles on Highway
940.19(1)	Battery
940.32	Stalking
940.34	Duty to Aid Endangered Crime Victim
941.01	Negligent Operation of Vehicle
941.10	Negligent Handling of Burning Materials
941.12	Interfering With or Failing to Assist in Fire Fighting
941.13	False Alarms and Interference With Fire Fighting
941.20	Reckless Use of Weapon
941.20(3)	Discharge of Firearm From Vehicle
941.21	Disarming a Police Officer Prohibited

944.23	Making Lewd, Obscene or Indecent Drawings
944.30	Prostitution
944.31	Patronizing Prostitutes
944.33	Pandering
944.34	Keeping Place of Prostitution
945.02	Gambling
945.04	Permitting Premises to be Used For Commercial Gambling
946.40	Refusing to Aid Officer
946.41	Resisting or Obstructing Officer
946.42	Escape
946.44	Assisting or Permitting Escape
946.65	Obstructing Justice
946.69	Falsely Acting as Public Officer or Utility Employee
946.70	Personating Peace Officer
946.72	Tampering With Public Records and Notices
947.01	Disorderly Conduct
947.012	Unlawful Use of Telephone
947.013	Harassment Prohibited
947.06	Unlawful Assemblies
948.015 to 948.62	Crimes Against Children
948.40	Contributing to the Delinquency of a Child
951.01 to 951.15	Crimes Against Animals

§ 278-2. Possession and use of firearms and other dangerous weapons.

A. Definitions. For the purpose of this section, the following definitions shall apply:

[Amended 9-20-2007 by Ord. No. 2007-18]

- 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. " Drug paraphernalia" has the meaning given in § 961.572, Wis. Stats.
- B.** Possession, delivery and use of marijuana prohibited. It shall be unlawful for any person to possess 25 grams or less of 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, as defined in § 961.01, Wis. Stats., 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.** Possession and delivery of drug paraphernalia prohibited.
- (1)** No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Ch. 961, Wis. Stats.
- (2)** No person may deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Ch. 961, Wis. Stats.
- E.** Penalty. Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$200 nor more than \$2,000 and, on default, imprisonment for not more than 60 days.

§ 278-5. Loud and unnecessary noise.

- A.** General. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.
- B.** Sound-amplifying equipment. The following regulations shall apply to the use of sound-amplifying equipment within the City:
- (1)** Sound-amplifying equipment shall be permitted only to publicize events of community-wide interest and importance which are of a noncommercial nature.
- (2)** The only sounds permitted shall be music and human speech.
- (3)** Sound-amplifying equipment shall be used only between 9:00 a.m. and 5:00 p.m.

A. Presence regulated. It shall be unlawful for any person other than an authorized person, as hereinafter defined, to be present within any school building or upon any school grounds under the jurisdiction of the Board of Education of Joint School District No. 1, City of Waterloo, et al., without having first secured authorization therefor from the principal or other person in charge of said premises, except while in direct route to secure said authorization.

B. Definition. Authorized persons shall include:

(1) Students presently enrolled to attend school under the jurisdiction of the Board of Education of said School District, but excluding any student under suspension, expulsion, exemption or other discipline prohibiting such student from attending school under the jurisdiction of said School Board unless the terms of such prohibition expressly permit such presence.

(2) Employees of said School District.

(3) Any parent or guardian of any student or employee.

(4) Any person present at any school building or school grounds for any purpose previously authorized by the Board of Education of said District or its designee.

C. Posting notice. All entrances to school premises referred to in Subsection **A** above shall be posted with notice that "Entry by Unauthorized Persons is Prohibited: § 278-7, Municipal Code of Waterloo, Wisconsin." Any person who knowingly obliterates or otherwise defaces any such notice shall be subject to a penalty.

D. Authorization display required. Any person shall, upon request of any police officer or the Superintendent of Schools or the principal or other person in charge of any school building or school grounds under the jurisdiction of said School Board, display any written authorization to be present therein or thereon which may be in his possession or otherwise explain such facts as constitute "authorized person" status, defined in Subsection **B** above.

§ 278-8. Consumption of alcohol beverages on public property and parking lots.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

LICENSED PREMISES

The area within a building or structure which is licensed pursuant to Chapter 223 of this Code, but not including parking lots, sidewalks, roadways or land which is adjacent to the building or structure and within the property boundary lines.

PUBLIC PARKING LOT

Any area held out to the public for the parking of motor vehicles, whether such area is publicly or privately owned.

PUBLIC PROPERTY

Any property, including buildings or structures thereon, which is owned, leased or operated by the City, or public, private or parochial schools; public sidewalks; roadways and streets; playgrounds; parks; and alleys.

B. Conduct prohibited. No person shall consume any alcohol beverage in or upon any public property or public parking lot.

B. Destroy or remove any tree or shrub planted in any downtown sidewalk, tree lawn or City park without consent of the proper City department.

[Amended 9-20-2007 by Ord. No. 2007-18]

C. No person shall remove or destroy any flowers planted on any City property, including the Wildflower Sanctuary at Firemen's Park, without the consent of the proper City department.

§ 278-13. Theft or damage of library materials.

A. Return required. No person shall fail, on demand, to return any book, periodical, pamphlet or other article of property belonging to or in charge of the Waterloo Public Library, according to the rules and regulations duly made and adopted by the Library Board.

B. Unlawful taking prohibited.

(1) No person shall take or remove from the library any of the aforesaid materials or property without first having it charged out to him, as provided by said rules and regulations.

(2) Whoever intentionally takes and carries away, transfers, conceals or retains possession of the aforesaid materials and property without the consent of the library staff and with intent to deprive the library permanently of the possession thereof may be penalized hereunder. The intentional concealment thereof which continues beyond the checkpoint of the library is evidence to deprive the library permanently of possession of such materials and property. The discovery thereof upon the person or among the belongings of such person or of another is evidence of intentional concealment.

(3) A library staff member who has probable cause for believing that a person has violated this section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a police officer, or to his parent or guardian in the case of a minor. The detained person must promptly be informed of the purpose of his detention and shall be permitted to make telephone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Library staff members complying with this section shall be entitled to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

C. Removal of charge card pocket prohibited. No person shall remove the charge card pocket or charge card affixed to the inside cover of a library book.

D. Mutilation of library materials prohibited. A person shall not mutilate or damage a library book or library materials by tearing or cutting out pages, portions or excerpts, or in any other manner, but shall return the book or material in the same condition it was received.

E. Library book fine to be paid. No person shall fail to pay, on demand, any library book fine.

§ 278-14. Violations and penalties.

[Amended 9-20-2007 by Ord. No. 2007-18]

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Chapter 1, § 1-4, of this Code. In addition to any penalty imposed for violation of § 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