

7.36.020 - Offenses prohibited.*

No person shall, within the limits of the City of Whitewater, commit any of the following offenses:

- (1) FIREARMS. No person shall discharge any pistol, gun, air gun, air rifle, BB gun, or other firearm within the city limits, except in self-defense or in the lawful discharge of official duty, or in accordance with written permission which may be granted by the chief of police.
- (2) FIGHTS. No person shall engage in any fight, brawl or noisy altercation.
- (3) EXCESSIVE AND UNNECESSARY ACCELERATION. No driver of any vehicle shall cause, by excessive and unnecessary acceleration, the tires of such vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise such as would disturb the public peace.
- (4) OBJECTIONABLE CONDUCT. Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a violation of this section.
- (5) ASSAULT. No person shall assault another when not excusable or justified, or use in reference to and in the presence of any member of his family, abusive or obscene language, intended or naturally tending to provoke an assault or any breach of the peace.
- (6) PROWLING ABOUT PREMISES OF ANOTHER. No person shall prowl about the premises of another in the night-time, peek in windows of another's premises, or do any act intended or naturally tending to frighten or alarm other persons.
- (7) LOITERING FOR IMPROPER PURPOSES. No person shall loiter or lounge in any public street or highway, or in any other public place for any immoral purpose or insult or disturb any person by any obscene act, gesture, or language.
- (8) OBSTRUCTION OF HIGHWAY BY LOITERING. No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same, after being requested to move on by any police officer.
- (9) DISTURBANCE OF MEETING. No person shall disturb or annoy any congregation, audience, public meeting, or lawful assembly of persons of any kind, or join with others in so doing.
- (10) DISTURBANCE OF RECREATIONAL ACTIVITY. No person shall disturb or annoy any organized recreational activity in the city.
- (11) LOITERING IN PUBLIC PLACES. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, or other place of assembly in an indecent or improper manner, or for improper purposes, or after being requested to move by any police officer or by any person in authority at such place.

- (12) **DISTURBANCE OF PEACE.** No person shall disturb the peace and good order of the city in any manner.
- (13) **LOITERING NEAR SCHOOL.** No person or persons not in official attendance in or on official school business shall enter into, congregate, loiter, wander, solicit business of any kind, stand or play in any school building or any school premises in the city or in or about any playgrounds adjacent thereto during regular school hours or during any authorized school function at any time without express permission from the superintendent of schools, or those persons designated by him.
- (14) **RESIDENTIAL PICKETING.**
- (A) **DECLARATION.** It is hereby declared that the protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community require that members of the community enjoy in their homes and dwellings a feeling of well-being, tranquility, and privacy, and when absent from their homes and dwellings, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; that the practice of picketing before or about residences and dwellings causes emotional disturbance and distress to the occupants; obstructs and interferes with the free use of public sidewalks and public ways of travel; that such practice has as its object the harassing of such occupants; and without resort to such practice full opportunity exists, and under the terms and provisions of this subsection will continue to exist for the exercise of freedom of speech and other constitutional rights; and that the provisions hereinafter enacted are necessary for the public interest to avoid the detrimental results herein set forth and are enacted by the common council of the city pursuant to the provisions of Section 62.11(5) of the Wisconsin Statutes.
- (B) It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual. Nothing herein shall be deemed to prohibit (i) picketing in any lawful manner during a labor dispute of the place of employment involved in such labor dispute, or (ii) the holding of a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest.
- (15) **LIQUOR, BEER OR WINE IN PUBLIC PLACES.** No person shall carry, expose to view, or drink from any open can, bottle, or other container containing malt beverages, wine or intoxicating liquor on any sidewalk, street, alley, public parking lot, public ground or in the lobby of the public safety building unless said conduct is allowed by ordinance, resolution or city manager approval. These same prohibitions apply to persons in any vehicle in a public parking lot.
- (16) **LOITERING OR PROWLING.** A person commits a violation if he loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which

may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances make it impracticable, a peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

- (17) **UNLAWFUL USE OF TELEPHONE/COMPUTERIZED COMMUNICATION SYSTEMS.** The provisions of Sections 947.012, Unlawful Use of Telephone and 947.0125, Unlawful Use of Computerized Communications Systems, of the Wisconsin Statutes and all acts amendatory thereof and supplementary thereto, except for the penalty provisions provided for therein, are adopted as a portion of this chapter. This includes, but is not limited to, provisions related to the unlawful use of the telephone and the unlawful use of computerized communication systems. Sections 947.012 and 947.0125 of the Wisconsin Statutes are adopted by reference and made a part of this section as if fully set forth in it.
- (18) **TRESPASS.** No person may without a legitimate purpose go upon the land or enter the dwelling of another. In determining whether a person has a legitimate purpose to enter upon the land of another, the trier of fact shall consider all of the circumstances existing at the time the person entered upon the land or dwelling of another. This shall include whether or not it is likely that a reasonable person would have given consent to another person to enter upon the land or dwelling under the circumstances present. No person shall at any time go upon the land or enter the dwelling of another if they have been advised by sign or otherwise that they cannot come upon the property.
- (19) **PENALTIES FOR VIOLATION.** Any person who violates any of the provisions of subsections (1) through (18) of this section shall upon conviction thereof be subjected to a fine of not less than one hundred fifty dollars nor more than three hundred dollars, together with the costs of prosecution, and in default of payment of such fine and costs of prosecution, shall be imprisoned in the county jail for a period not to exceed six months. Any person who violates any of the provisions of this section for a second time within a one-year period shall, upon conviction thereof, be subjected to a fine of not less than two hundred dollars nor more than four hundred dollars together with the costs of prosecution, and in default of payment of such fine and costs of prosecution shall be imprisoned in the county jail for a period of not to exceed six months. Any person who violates any of the provisions of this section for a third time within a one-year period shall, upon conviction thereof, be subjected to a fine of not less

than three hundred dollars nor more than five hundred dollars, together with the costs of prosecution, and in default of payment of such fine and costs of prosecution, shall be imprisoned in the county jail for a period of not to exceed six months.

(Ord. 1445 § 1A, 2000; Ord. 1428 § 7, 1999; Ord. 1409 § 1, 1998; Ord. 1341 § 1(part), 1996; Ord. 1322 § 3, 1995; Ord. 1207 § 1, 1991; Ord. 1054 §§ 1, 2, 1985; Ord. 1052 § 1, 1985; Ord. 983 § 1, 1982; Ord. 957 § 1, 1980; Ord. 944 § 1, 1980; Ord. 915 § 1, 1978; Ord. 860 § 1, 1976; Ord. 854 § 1, 1976; Ord. 752 § 1, 1972; Ord. 735 § 1, 1972; Ord. 733 § 1, 1972; Ord. 686 § 1, 1971; Ord. 661 § 1, 1970; prior code § 15.02).

(Ord. No. 2021A, § 1, 6-15-2021)

* Noise—See Chapter 7.20 of this title.