

CHAPTER 9

PEACE AND ORDER

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OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE

OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. 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 Village, provided the penalty for commission of such offenses here-under shall be limited to a forfeiture imposed **under 25.04 of this Code of Ordinances.**

59.54(25)+961.42 Possession of Marijuana; Prohibited Acts-Penalties

167.10	Fireworks Regulated
175.25	Illegal Storage of Junked Vehicles
218.0147	Motor Vehicles/ Sale to Minor
254.76	Careless Smoking
285.30	Pollution by Motor Vehicle/ Failure to Repair
940.19 (1)	Battery; Class A; Misdemeanor
940.225 (3m)	Fourth Degree Sexual Assault
941.01	Negligent Operation of Vehicle
941.10	Negligent Handling of Burning Material
941.12 (2)	Interfering with Fire Fighting
941.13	False Alarms
941.20 (1)	Reckless Use of Weapon
941.23	Carrying a Concealed Weapon
941.235	Carrying Firearm in Public Building
941.24	Possession of Switchblade Knife
941.36	Fraudulent Tapping of Electric Wires, Gas or Water Meters or Pipes
941.37 (2)	Obstructing Emergency or Rescue Personnel
942.01	Defamation
942.03	Giving False Information for Publication
942.05	Opening Letters
942.06	Use of Polygraphs and Similar Tests
943.01	Criminal Damage to Property (less than \$1,000)
943.11	Entry Into Locked Vehicle
943.125	Entry Into Locked Coin Box
943.13	Trespass to Land
943.14	Criminal Trespass to Dwellings
943.145	Criminal Trespass to a Medical Facility

943.15	Entry Into a Construction Site or Into a Locked Building, Dwelling or Room
943.20	Theft (Less Than \$500)
943.21	Fraud on Hotel or Restaurant Keeper (\$500 or less)
943.22	Use of Cheating Tokens
943.23 (2)	Operating Vehicle Without Owner's Consent
943.24	Issue of Worthless Checks (under \$500)
943.34	Receiving Stolen Property (value less than \$500)
943.37	Alteration of Property/Identification Marks
943.38 (3)	Forgery
943.41	Credit Card Crimes (Less Than \$500)
943.45	Obtaining Telecommunications Service by Fraud (\$500 or less).
943.50	Retail Theft (\$500 or less)
943.61	Theft of Library Material (under \$500)
944.15	Fornication
944.17	Sexual Gratification
944.20	Lewd and Lascivious Behavior
994.23	Making Lewd, Obscene or Indecent Drawings
944.30	Prostitution
944.31	Patronizing Prostitutes
944.33	Pandering
944.32	Soliciting Prostitutes
944.36	Solicitation of Drinks Prohibited
945.01	Definitions Relating to Gambling
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 (1)	Escape
946.67	Compounding Crime
946.69	Falsely Assuming to Act as Public Officer or Employee
946.71 (1)	Impersonating Peace Officer
946.72 (2)	Tampering With Public Records and Notices
947.01	Disorderly Conduct

947.012	Unlawful Use of Telephone
947.013	Harassment
947.04	Drinking on Common Carriers
947.06	Unlawful Assemblies
948.40	Contributing to the Delinquency of Children
951.1	Crimes Against Animals

9.01 DECLARATION OF PURPOSE. With full recognition of the principles of individual freedom of thought and action, it is universally recognized that the protection of the safety, comfort, security, rights and privileges of all members of a community and the protection of their property requires the adoption of and compliance with certain regulations of personal conduct.

9.02 OFFENSES ENDANGERING PUBLIC SAFETY AND HEALTH.

1. MISSILES. (a) DISCHARGING AND CARRYING FIREARMS AND GUNS. No person, except a sheriff, police officer or their deputies, shall fire or discharge any firearm, rifle, spring or air gun of any description within the Village or have any such weapon in his possession or under his control, unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container, provided that this section shall not prevent the maintenance and use of supervised rifle or pistol ranges or shooting galleries authorized by the Village Board or the firing or discharging of BB guns upon private premises by persons over 16 years of age or under the direct personal supervision of a parent or guardian if under 16 years of age.

b. OTHER MISSILES PROHIBITED. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any other person or at, in or into any building, street, sidewalk, alley, highway, park, playground, water, watercourse, or stream or other public place within the Village. Use of bows and arrows within the Village is prohibited (2/7/94) *except as provided for below in (c).*

c. BOW HUNTING. From time to time and as the Village Board declares for any given year and for the time period specified by the Board, bow hunting of deer may be allowed for animal control purposes. Application must be made to the Village office, along with proof of permission from owner(s) of the property on which the hunting will take place. A doe must be taken before a permit for a buck will be issued; DNR permit and hunting regulations as stipulated by the DNR must be obtained and followed in addition to Village regulations for bow hunting.

2. BURNING. (a) No person shall kindle or cause to be kindled any fire in or upon the right of way of any street, alley or public way or on any public ground.

(b) Burning of trash on private property shall be done only in an incinerator constructed of metal or masonry, properly screened to prevent the escape of burning materials, with suitable provision for the removal of ashes and for the prevention of the dropping of hot ash on leaves or other readily combustible material.

(c) No person shall burn grass or brush without a written permit from the Fire Chief.

(d) OPEN OR CLOSED OR OUTDOOR COOKING FIRES (BARBECUE GRILLS).

(1) For all multi-family dwellings more than one story in height, the use and/or storage or any propane or charcoal portable cooking device or any portable fireplace device is strictly prohibited above the ground floor level.

(2) For all multi-family dwellings more than one story in height, the use of any open or closed outdoor cooking fire, any charcoal portable cooking device any portable fireplace device or any open flame device is prohibited within 10 feet of the structure at ground floor level and within 15' of any combustible material on the ground floor level.

3) LP-gas containers that have water capacities greater than 2.5 pounds (nominal one-pound LP-gas capacity) shall not be located on balconies above the ground floor level when living units are located one above the other, except when such balconies are served by outside stairways and only those outside stairways are used to transport the container.

3. **CONDUCT ON THE SHORES OF ANY BODY OF WATER.** No person shall throw or deposit any metal cans, glass bottles or any other debris made in whole or in part of metal or glass in or on the shores of any body of water in the Village.
4. **CURFEW.** (a) No child under 18 years of age shall loiter, idle, remain or be, and no parent, guardian, keeper or operator of any place shall permit a child of such age to loiter, idle, remain or be in or upon any of the streets, alleys, public beaches or other public places in the Village between the hours of 11 p.m. and 6 a.m. of the next following day, unless such child is accompanied by a parent, responsible adult chaperone who is not less than 18 years of age or by some adult person having legal custody of such child. This subsection shall not be construed to prohibit any such child from attending a school activity, properly chaperoned by school authorities acting in their official school capacity, which activity shall extend over a period of time later than that which pertains to the curfew hour provided by this subsection. Persons in official charge of such school activity which extends beyond the curfew hour provided by this subsection shall instruct those in attendance, who are subject to any of the provisions of this subsection, that they must return to their homes without loitering, remaining in any public place or unnecessarily taking an indirect route causing them to prolong the time required for them to reach their homes and thus become violators of this subsection. This subsection shall not be construed to prohibit any child under the age of 18 years from performing an urgent and necessary errand at the request of the parent or guardian who shall give to such child a written instruction stating the destination to which the child is directed, the time of leaving on the errand and bearing the date thereof and the signature of the parent or guardian.
- (b) All of the provisions of par. (a) shall apply to any child under the age of 18 years, excepting only that the time during which the provisions of par. (a) shall be applicable to any child under the age of 18 years shall extend from 11 p.m. to 6 a.m. of the next following day instead of as provided in par. (a) hereof. It is further provided that any child 16 years of age or older shall not be in violation of this subsection if, while lawfully employed and either performing his duties of that employment or while returning to his home by a direct route in an expeditious and orderly manner, he shall necessarily be required to be upon any public street or place for a reasonable and necessary time beyond 11 p.m.
- (c) Any person who violates pars. (a) or (b) of this subsection shall, if it be a first offense by such person who is under 18 years of age, be warned of the penalty provided in 9.10 of this chapter and the enforcement officer or peace officer shall detain the minor until given over to the parent, guardian or other person having legal custody of the minor offender. If there be a second offense by a person under 18 years of age in violation of pars. (a) or (b), the provisions of **Ch. 48, Wis. Stats.**, shall constitute the procedure and penalty for such second or subsequent offense.

9.03 OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER.

- (1) **DISORDERLY CONDUCT PROHIBITED.** (a) No person shall in any public or private place engage in violent, abusive, boisterous or otherwise disorderly conduct that tends to cause or provoke a disturbance of public order or tends to disturb or annoy any other person.

- (b) No person shall intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (2) **LOITERING PROHIBITED. (a) LOITERING OR PROWLING.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.
- (b) **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.
- (c) **OBSTRUCTION OF TRAFFIC BY LOITERING.** No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the Village in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.
- (3) **NOISE.** 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 another person in or about any public street, alley or park or any private residence. No person shall operate any motor vehicle in an unreasonably loud manner, either by speeding up the engine unnecessarily or by causing the tires to squeal.

(a) **Compression Brakes Prohibited. It shall be unlawful for any vehicle equipped with compression brakes to downshift and release the clutch to utilize the vehicle's engine to slow the vehicle in order to meet proper speed restrictions or to stop at stop signs within the Village, except in case of extreme emergency.**

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- (4) **SLEEPING ON BEACHES.** No person shall spend the night or sleep on any public beach or beach area during the hours between sunset and sunrise.

9.04 OFFENSES ENDANGERING PUBLIC AND PRIVATE PROPERTY.

- (1) **DESTRUCTION OF PROPERTY.** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Village or its departments or to any private person without the consent of the owner or proper authority.
- (2) **LITTERING.** No person shall deposit or throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks, beaches or other property of the Village; upon any private property not owned by him; or upon the surface of any body of water within the Village.

- (3) **BEACH AREAS.** No person shall operate or park any motor vehicle on any beach area or in the water immediately adjacent to any beach area. This subsection is also applicable to private beach areas when such activities are carried on without the consent of the owners or occupants of such private beach areas.
- 9.10 **PENALTIES.** Except as otherwise provided, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in **25.04 of this Code of Ordinances**. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs. Such violator shall also be held responsible for the cost of damage to property or injury to person.