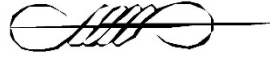


# Chapter 8

## PUBLIC PEACE AND GOOD ORDER



- 8.01 Provisions of State Law Adopted by Reference
- 8.02 –Deleted–
- 8.03 Possession and Use of Firearms
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### **8.01 Provisions of State Law Adopted by Reference.**

The provisions of the following Wisconsin Statutes are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future amendment of any statutory provision incorporated herein that the Village may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment. Any offense that would be a felony if charged as a violation of a Wisconsin Statute is not adopted.

- 29.29 Noxious Substance in Water
- 134.66 Restrictions on sale and gift of cigarettes or tobacco products
- 167.10 Fireworks Violation
- 175.25 Illegal Storage of Junked Vehicle
- 254.92 Purchase or possession of tobacco products by person under 18 prohibited
- 940.19(1) Battery
- 941.10 Negligent Handling of Burning Material
- 941.12(2) Interfering With Fire Fighting-Equipment
- 941.12(3) Interfering With Fire Fighting-Hydrant
- 941.13 False Alarm
- 941.20(1) Reckless Use of Weapon
- 941.23 Carrying a Concealed Weapon
- 941.235 Carrying a Firearm in a Public Building
- 941.24 Possession of Switchblade Knife
- 941.2965 Illegal Use of a Facsimile Firearm
- 941.297 Sale of Imitation Firearm
- 941.35 Illegal Conduct Relating to Emergency Telephone Call
- 941.36 Fraudulent Tapping of Electric Wire or Gas or Water Meter or Pipe
- 941.37(2) Obstructing Emergency or Rescue Personnel

942.05	Illegal Opening of Letter
943.01(1)	Damage to Property
943.017	Illegal Graffiti
943.11	Illegal Entry Into Locked Vehicle
943.125	Illegal Entry Into Locked Coin Box
943.13	Trespass to Land
943.14	Trespass to Dwelling
943.145	Trespass to a Medical Facility
943.15	Illegal Entry Into Locked Site
943.20	Theft
943.21	Fraud on Innkeeper or Taxicab Operator
943.22	Use of Cheating Token
943.225	Refusal to Pay for Motor Bus Ride
943.24	Issue of Worthless Check
943.37	Alteration of Property Identification Mark
943.38(3)	Forgery
943.392	Fraudulent Data Alteration
943.41	Credit Card Crime
943.455	Theft of Cellular Telephone Service
943.46	Theft of Cable Television Service
943.47	Theft of Satellite Cable Programming
943.50	Retail Theft
943.55	Removal of a Shopping Cart
943.61	Theft of Library Material
943.70	Computer Crime
944.20	Lewd and Lascivious Behavior
944.23	Making Lewd, Obscene or Indecent Drawing
944.36	Solicitation of Drinks
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
946.46	Encouraging Violation of Probation or Parole
946.69	Falsely Assuming to Act as Public Officer or Employee
946.70	Impersonating Peace Officer
946.72	Tampering with Public Record or Notice
947.01	Disorderly Conduct
947.012	Unlawful Use of Telephone
947.0125	Unlawful Use of Computerized Communication System
947.013	Harassment
947.06	Unlawful Assembly
948.51	Hazing
951.02	Mistreating Animal
951.03	Dog napping or Cat napping
951.04	Leading Animal from Motor Vehicle

- 951.05 Cruel Transportation of Animal
- 951.06 Expose Animal to Poisonous or Controlled Substance
- 951.07 Illegal Use of Certain Animal Device
- 951.08 Instigating Fight Between Animals
- 951.09 Shooting at Caged or Staked Animal
- 951.095 Harassment of Police Animal
- 951.10 Illegal Sale of Baby Rabbit, Chick or Other Fowl
- 951.11 Illegal Artificially Colored Animal
- 951.13 Failure to Provide Proper Food and Drink to Confined Animal
- 951.14 Failure to Provide Proper Shelter to Animal
- 951.15 Illegal Neglect or Abandonment of Animal
- 961.41(3g) Possession of a Controlled Substance
- 961.573(1)-(2) Possession of Drug Paraphernalia
- 961.574(2) Manufacture or Delivery of Drug Paraphernalia
- 961.575(2) Delivery of Drug Paraphernalia to a Minor

## 8.02 Deleted

## 8.03 Possession and Use of Firearms and Fireworks.

- (1) **Discharge of firearms prohibited.** No person may fire or discharge any cannon or firearm of any description or any type of air gun within the Village.
- (2) **Fireworks.**
  - (a) **Definition.** The definition of fireworks stated in Wis. Stats. §167.10(1) is hereby adopted by reference.
  - (b) **Sale Regulated.** Except as provided in Wis. Stats. §167.10(2) and (4), no person may sell or possess with intent to sell fireworks.
  - (c) **Use Regulated.** Except as provided in Wis. Stats. §167.10(3) no person may possess or use fireworks without a user's permit issued pursuant to section (d) below.
  - (d) **User's Permit.** Wis. Stats. §167.10(3) fireworks user's permits may be issued by the Village president, police chief, fire chief, or other village official or employee designated by the Village Board. The applicant may provide a certificate of liability insurance or similar proof of coverage in an amount deemed necessary by the issuing official. A copy of the permit and proof of insurance may be filed with the administrator and fire chief at least two days before the authorized use.

## 8.04 Burning Regulations.

- (1) **Open Burning Regulated.**
  - (a) **Permit required.** No person may ignite or burn any wood, paper, grass, brush, rubbish, or other combustible material upon a street or upon any lot, or allow, permit or cause the same to be done without a written permit from the fire chief unless such material is contained in a fire basket or

similar receptacle located at least thirty feet from any building and at least ten feet from any tree or shrub. This provision may not apply to outdoor cooking grills.

- (b) ***Fire baskets, location, etc.*** No person may use any fire basket or other receptacle for burning combustible materials unless the openings therein are small enough to prevent the spread of fire by flying embers or unless all other combustible materials are first removed to a distance of at least ten feet from such basket. Such fire baskets and the places where they are used may be subject to inspection by the fire chief at reasonable hours. The fire chief is authorized to condemn any such basket used for burning such materials if it fails to comply with the provisions of this ordinance, and no person may thereafter use such fire basket for burning without correcting such defects as may be found by the fire chief.
- (c) ***Restrictions on permits.*** Permits given by the fire chief for burning paper, wood, grass, leaves, brush, or rubbish or other combustible materials may state the time or times when such burning may be done and the place or area where it is permitted. Such permits may be revoked at any time by the fire chief if or she determines that such burning would endanger persons or property or cause annoyance or discomfort due to heat, smoke, or odors created by such combustion. If a permit is denied, appeal may be made to the Village Board. The decision of the Village Board may be final.
- (d) ***Operation of incinerators.*** It is unlawful for any person to operate an incinerator from May 1st through October 30th of each year during the following hours: 1. weekdays between 4:00 pm and 9:00 am on the following day; 2. Saturdays between 12:00 noon and 12:00 midnight; and, 3. Sundays and holidays--no burning at any time. No incinerator may be operated unless a responsible person is in charge of the same and is present at the site thereof at any time material is burning in said incinerator.

#### **8.05 Deleted**

#### **8.06 Consumption of and Intoxication by Alcohol in Public Places.**

- (1) **Drunkenness and boisterous conduct in streets and public places prohibited.**  
It is unlawful for any person to be in a state of drunkenness, intoxication, or impairment caused by the consumption of alcohol while on a street or in a public place.
- (2) **Intoxicating Liquor and Fermented Malt Beverages in Public Facilities.**
  - (a) No person may carry, possess, or drink any fermented malt beverage or intoxicating liquor on or in any park, recreational area, bathing beach, pier, boathouse, marina, swimming pool, community center, or other public place owned, leased, or operated by the Village . This subsection may not apply to:

1. Any person or the customers, members or invitees thereof, holding a valid Class “B” alcohol beverage license and/or a valid “class B” alcohol beverage license where said license or licenses, as the case may be, describe a portion of any publicly owned premises or building; or
2. Any person or invitee of any person having been issued a written permit by the Village Board authorizing the dispensing and consumption of alcohol beverages in a specified public place and specifying such conditions as may be necessary to protect the premises and the public interest in the use thereof.

(b) Nothing in this subsection may be construed to extend the premises or conditions described in or applicable to any license or permit.

**(3) Intoxicating Liquor and Fermented Malt Beverages in Public Parking Lots.**

No person may drink any intoxicating liquor or fermented malt beverage in any parking lot that is open to the public during the hours that any store that is served by such parking lot is open for business to the public, provided, however, that a written permit may be granted by the Village Board for the consumption of intoxicating liquor or fermented malt beverages in any designated parking lot, specifying the conditions as may be necessary to protect the public interest in the use thereof.

**(4) Intoxicating Liquor and Fermented Malt Beverages on Railroad Right-of-way Property.** No person may drink any intoxicating liquor or fermented malt beverage on any railroad right-of-way property unless such permission is granted by the owners of such railroad right-of-way.

**8.07 Curfew Established.**

No child under seventeen years of age may loiter, idle, or remain, and no parent or guardian may knowingly permit his or her child or ward of such age to loiter, idle, or remain, in or upon any street, alley or public place between the hours of midnight and 5:00 am unless such child is accompanied by a parent, guardian, or some person having legal custody of such child. This subsection may not be construed to prohibit a child from performing a specific errand or duty if directed by the child's parent or guardian, or if of urgent necessity, or from going to or from places of employment within thirty minutes of starting and ending times.

**8.08 Offenses Against Public and Private Property.**

- (1) **Destruction of property prohibited.** No person may maliciously or wantonly destroy, remove, or injure any fence, gate, hedge, tree, or shrubbery enclosing any residence, garden, lot, or field on land belonging to or lawfully occupied by another; cut down, root up, injure, destroy, or carry away any tree, shrub, root, or plant; injure or destroy any building or personal property belonging to another, whether belonging to the owner or occupant of the land or not; or remove, destroy, mutilate, or injure any guidepost, sign, street light, or marking device on any highway or other public property. This section may apply to those acts described herein when committed on public property as well as private property.

- (2) **Trespass on restricted public property prohibited.** It is unlawful for any person to trespass upon any property owned by any municipal corporation or school district from which the general public has been excluded, without the express permission of a duly authorized official of the municipal corporation or school district owning the same.
- (3) **Trespass with vehicle prohibited.** No person may willfully drive any automobile, motorcycle, motor truck, snowmobile, other motor vehicle, or bicycle upon any land belonging to or lawfully occupied by another person or the Village; or park a motor vehicle or bicycle thereon without permission of the owner or occupant thereof. Permission of the owner or occupant of the land upon which any such acts occurred may constitute a defense in any action or proceeding under this section. The defendant shall have the burden of proving this defense if this defense is asserted. This section may not be construed to prohibit the driving or parking of any vehicle in any public area in which the same is permitted or in any private area designated for such use by the general public except that the owners or lessees of such areas may designate the nature, manner, and duration of such use, and if the same are publicly posted to be readily visible to the general public, violation of such regulation may be deemed to be a violation of this section.
- (4) **Trespass on private property prohibited.** It is unlawful for any person to trespass upon the property or buildings belonging to another person without the permission of the lawful owner or occupant.
- (5) **Private property.** No person may, without the permission of the owner or lessee of any private property, leave or park any vehicle thereon if there is in plain view on such property a "no parking" sign or a sign indicating limited or restricted parking. The Village police department is authorized to enforce all the provisions of this subsection and upon complaint, can tow any motor vehicle or vehicles found in violation of "no parking" and unauthorized parking as set forth above. Any charges or expenses for towing or otherwise removing vehicles under this section may be borne by the owner thereof.