CHAPTER 9

PEACE AND ORDER

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9.01 <u>LOITERING OF MINORS PROHIBITED</u>.

(1) CURFEW.

(a) No person 15 years or under shall loiter, idle, wander, stroll, play or otherwise be present on foot or in a vehicle upon the highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the Village between 9 p.m. and 6 a.m. The provisions of this section shall not apply to a minor 15 years or under accompanied by his parent, guardian or adult person having legal custody or control of the minor, or where the minor is on an emergency errand or legitimate business directed by his parent, guardian or adult person having legal custody or control of the minor, attending an organized social function or pursuing the duties of his employment.

(b) No person 16 or 17 years of age shall loiter, wander, stroll, play or otherwise be present on foot or in a vehicle upon the highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places in the Village between 11 p.m. and 6 a.m. The provisions of this section shall not apply to a minor 16 or 17 years of age accompanied by his parent, guardian or adult person having legal custody or control of the minor, or where the minor is on an emergency errand or legitimate business directed by his parent, guardian or adult person having legal custody or control of the minor, attending an organized social function or pursuing the duties of his employment.

(2) RESPONSIBILITIES OF PARENTS, GUARDIANS, ETC. No parent, guardian or other adult person having legal custody and control of any person under the age of 18 years shall knowingly allow or permit such minor to violate any of the provisions of this section.

9.02 <u>ANIMALS RUNNING AT LARGE</u>.

(1) Any owner or keeper of any horse, mule, cow, swine, goat, geese, sheep, poultry or rabbits shall not let the same run at large upon any public streets, alley or ground within the Village.

(2) The Village Police shall restrain and impound any such horse, cow, mule, swine, goat, geese, sheep, poultry or rabbits found so running at large, and hold and sell the same in the manner provided by Ch. 173, Wis. Stats.

9.03 <u>KEEPING LIVESTOCK WITHIN THE VILLAGE LIMITS</u>.

(1) No person shall erect, place, maintain or continue any stable, pen, coop, yard or other building upon any lot or ground in the Village for the purpose of confining or housing any domestic animal, fur bearing animal or fowl unless the same shall be at least 25' distant from any dwelling, house, apartment, hotel, restaurant, food or drinking establishment or rooming house, school, church or any building wherein people are employed, and unless the floor of such building, stable or coop be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and unless the location of such shall be authorized by the Board of Health.

(2) All stables and other buildings wherein livestock or fur bearing animals are kept shall be provided with fly-tight bins or other tightly closed receptacles for manure, which shall be removed sufficiently often and in such manner as to prevent its becoming a nuisance. No manure shall be allowed to accumulate on the floor or on adjacent ground.

(3) Chicken hatcheries and nurseries shall be completely housed in buildings with adequate ventilating systems, the vent outlets of which shall be so located that no objectionable odors shall reach adjacent or surrounding premises or buildings.

(4) All pens, coops, enclosures or yards where domestic animals, fur bearing animals or fowl are confined shall be kept in a clean and sanitary manner and free from objectionable odors at all times.

(5) The Village Health Officer shall strictly enforce the provisions of this section and see that all violations thereof are promptly abated and the violators thereof prosecuted. The Director of Public Safety shall give attention throughout the Village to any case of violation of this section and promptly report to the Health Officer in writing each and every violation of this section within the Village which shall come to his knowledge.

9.04 <u>BURNING OF COMBUSTIBLES</u>.

(1) ORDINANCE PROVISIONS ADOPTED. Section 13-51 through 13-55 of the Racine County Code of Ordinances, and all acts amendatory thereof and supplementary thereto, relating to the burning of combustibles are adopted as a

portion of this section so far as applicable to the Village, except as otherwise lawfully provided by Village ordinance.

(2) RESIDENTIAL BURNING. Open fires for the burning of combustible materials by persons owning a one or more than one family residence on that property shall be by permit only. This permit shall be obtained from the Director of Public Safety or any authorized officer of the Fire Department. The fire must be set by the owner of the property or with his consent. The fire may not burn wet combustible rubbish, garbage, oily substances, asphalt, plastic, rubber products or any substance which creates dense black smoke upon combustion. The fire must be under control of the permit holder at all times. The fire must be not less than 15' from any buildings, structures, fences or piles of combustible materials. All residue from such fires is to be disposed of by permit holder.

9.05 <u>DISORDERLY CONDUCT</u>.

No person shall, in a public or private place, engage 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.

9.055 <u>RADIOS AND OTHER ELECTRIC SOUND AMPLIFICATION DEVICES</u>. (Cr. #099-3)

(1) DEFINITION. Sound-amplifying device means any machine or device for the amplification of the human voice, music or any other sound, but shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

(2) PROHIBITION. No person may operate, park, stop or leave standing a motor vehicle while using a radio or other electric sound-amplifying device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of 50 or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. This subsection does not apply to any of the following:

(a) The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.

(b) The operator of a vehicle of a public utility, as defined in. §11.40(1)(a), Wis. Stats.

(c) The operator of a vehicle that is being used for advertising purposes.

(d) The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.

(e) The activation of a theft alarm signal device.

(f) The operator of a motorcycle being operated outside of a business or residence district.

(3) IMPOUNDMENT.

(a) In this subsection, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.

(b) A law enforcement officer, at the time of issuing a citation for a violation of Section 9.055(2) may impound any radio, electric sound amplification device or other sound-producing device used in the commission of a violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has two or more prior convictions for violating this section within a three (3) year period.

(c) The vehicle in which the radio, electric sound amplification device or other sound-producing device is located may be impounded for not more than five (5) working days to permit the Village or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.

(d) The Village may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. Upon disposition of the forfeiture action for the violation of this section and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.

(e) The Village may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under §342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.

(f) This section does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.

(4) EXCESS NOISE GENERALLY

(a) No one may use, operate or permit to be used or operated any sound production or sound amplification device in a loud manner or producing any other sound in a loud manner. A loud manner is defined as a sound plainly audible at the property line of the lot on which the device is located. Any person, group or property owner producing or permitting to be produced sound in a loud manner will be in violation of the ordinance.

(b) Subsection (a) shall not apply to (1) village-sponsored events or to any events conducted pursuant to conditions set forth in a village-issued picnic license, (2) Between the hours of 7:00 a.m. and 11:00 p.m.

(c) Certain sounds are generated which due to the nature of generation, such as random or unpredictable times of occurrence, are impractical for police officers to assess. Where such sounds occur and cause a serious disturbance to a neighborhood, an alternative method of processing complains and relief shall apply. Upon written statement concerning such sound, signed by two or more affected adult persons from separate residences or occupancies, the Police Chief or his designee may commence prosecution on information and belief.

(5) PENALTIES. Any person violating this section shall be subject to a forfeiture of not less than $40.00 nor more than $80.00 for the first violation and not less than $100 nor more than $200 for the second or subsequent violation within a year, in addition to costs of impoundment and prosecution.

9.06 <u>UNLAWFUL ASSEMBLIES AND THEIR SUPPRESSION</u>.

(1) Policemen have a duty to suppress unlawful assemblies within their jurisdiction. For that reason they may order all persons who are part of an assembly to disperse. An "unlawful assembly" is an assembly which consists of three or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.

(2) An "unlawful assembly" includes persons who assemble for the purpose of blocking or obstructing the lawful use of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building, dwelling place or any portion thereof and which assembly does, in fact, so block or obstruct the lawful use by any other person of any such private and public thoroughfares,

property or any position of access or exit to or from any private or public building, dwelling place or any portion thereof.

(3) No person shall fail or refuse to withdraw from an unlawful assembly which the person knows has been ordered to disperse.

9.07 <u>WEAPONS</u>.

(1) DEFINITIONS.

Concealed shall mean to wear or in any manner carry an object under one's clothes or conceal upon or about one's person.

Dangerous Weapon shall mean any object or instrument which, by its capabilities of use, is capable of producing death or great bodily harm 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. The following are dangerous weapons per se: gun, pistol, rifle, airgun, blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, bow and arrow, crossbow and/or shaft, or any instrument which impels a missile by compressed air, spring or other means in the form of a ball, bullet, slug, shot, arrow or BB pellet, whether the propelling force is gun powder, explosives, compressed air, mechanical action, or any other force. In addition, any weapon upon which loaded or blank cartridges are used, cross knuckles, knuckles of any metal, barbed or blade type, arrowhead, bowie knife, dirk knife, dirk dagger, switch blade knife or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straightedge razor or any other knife having a blade three inches (3") or longer, weapons known as Kung-Fu sticks or chuck sticks, which are basically 2 or more pieces of wood or other material connected by a piece of chain or other material. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

Discharge shall mean to shoot off, fire or release the trigger of any object or instrument that impels or releases a missile by compressed air, spring or other means in the form of a ball, bullet, slug, shot, knife, arrow or BB pellet, whether the propelling force is gun powder, explosives, compressed air, mechanical action, or any other force.

Firearm shall mean any gun, pistol, rifle, air gun, bow and arrow, crossbow and/or shaft, or other device used to propel a missile in the form of a ball, bullet, slug, shot

or BB pellet, whether the propelling force is gun powder, explosives, compressed air, mechanical action, or any other force.

Peace officer shall mean any person specifically employed as a law enforcement officer as defined by sec. 165.85(2)(c), Wis. Stats.

(2) PROHIBITIONS.

(a) Concealed Dangerous Weapons. No person, except a bona fide Peace Officer, may go armed with a Dangerous Weapon or carry a Concealed Dangerous Weapon.

State Law Reference: Sec. 941.23, Wis. Stats.

(b) Carrying Of Dangerous Weapons. No person, except a bona fide Peace Officer, shall be found at or upon any public place in the Village carrying or having within his reach any Dangerous Weapon or Firearm, whether Concealed or in plain view. Plain view, within the meaning of this section, does not include weapons carried in a case which do not permit immediate access to such weapon. Private security guards approved by the Director of Public Safety and while on duty are exempt from the prohibition against carrying weapons in plain view.

State Law Reference: Sec. 941.235, Wis. Stats.

(c) Discharge of Dangerous Weapons.

(1) No person, except a bona fide Peace Officer, shall discharge any Dangerous Weapon or Firearm within the Village regardless of whether that person is on privately owned or public property, except as permitted in par. (2) below.

(2) The Discharge of BB guns may be permitted for safety programs recognized and approved by the Village Board.

(3) No person shall throw, toss or propel a Dangerous Weapon at or near another person whether either person is on privately owned or public property.

(3) PENALTY.

(a) Any person violating this section of the Municipal Code of Ordinances shall be subject to the penalty provisions in Section 25.04 of this Code.

(b) Any weapon involved in a violation of any subsection of this ordinance may be seized and held by the Village's Police Department until disposition of any citation or charge issued takes place. Upon conviction of a violation of any subsection, the weapon may be ordered destroyed by the court.

(4) EXCEPTIONS.

(a) The provisions of this Section shall not prohibit the discharge of Firearms in the following cases:

(1) By a bona fide Peace Officer while in the lawful discharge of official duties.

(2) By a member of the Armed Forces of the United States or of the National Guard of the State of Wisconsin while in the lawful discharge of official duties.

(3) By a person in the lawful defense of his person or property.

(4) By a person at an approved target range or legal game preserve.

(b) The Village is not required to negate any exception under par. (a). Any person that claims an exception under par. (a) has the burden of proving the exception by a preponderance of the evidence.

(c) A person may have a defense of privilege of self-defense or defense of others in accordance with §939.48, Wis. Stats.

9.08 <u>SHOPLIFTING</u>.

(1) No person shall intentionally alter indicia of price or value of merchandise or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant without his consent and with intent to deprive the merchant permanently of possession or the full purchase price of such merchandise.

(2) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of

another is evidence of intentional concealment on the part of the person so concealing such goods.

(3) A merchant or merchant's adult employee 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 peace officer and/or to his parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he shall not be interrogated or searched against his will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

9.09 <u>TRESPASS ON PRIVATE OR PUBLIC PROPERTY</u>.

(1) No person shall:

(a) Enter any enclosed or cultivated land of another with intent to catch or kill any birds, animals or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities.

(b) Enter or remain on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

(c) Hunt, shoot, fish or gather any product of the soil on the premises of another or enter such premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.

(d) Enter any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.

(2) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign at least 11" square must be placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected within 6

months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

(3) Whoever erects on the land of another signs which are the same as or similar to those described in sub. (2) without obtaining the express consent of the lawful occupant of or holder of legal title to such land is in violation of this section.

(4) Nothing in this section shall prohibit a representative of a labor union from conferring with any employee provided such conference is conducted in the living quarters of the employee and with the consent of the employee occupants.

(5) Any authorized occupant of employer provided housing shall have the right to decide who may enter, confer and visit with him in the housing area he occupies.

(6) Whoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, is in violation of this section.

9.10 <u>CRIMINAL DAMAGE TO PROPERTY</u>.

No person shall intentionally cause damage to any physical property of another without the person's consent.

9.105 <u>GRAFFITI</u>.

(1) DEFINITION. For the purpose of this section, graffiti means any unauthorized inscription, word, painting or other defacement that is engraved on or otherwise affixed to any surface of public or private property by any implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advanced authorization is otherwise deemed a public nuisance by the Village of Sturtevant.

(2) PROHIBITED CONDUCT- It shall be unlawful for any person to write, draw, inscribe, mark, scratch, paint spray or otherwise place graffiti of any kind on any public or private building, structure, or place or on any real or personal property. Graffiti is declared a public nuisance and is destructive to the rights and values of the property owners as well as the entire community.

(3) ALOWING GRAFFITI- No owner of real property within the Village shall allow any graffiti to remain upon any structure located on the owner's property when the graffiti is visible from the street or from other public or private property.

(4) NOTIFICATION OF VIOLATION- Whenever the Director of Public Safety or his designee determines that graffiti on any building or structure within the Village is visible from the street or from other public or private property, the Director of Public Safety or his designee shall issue an order to the owner of the property to abate the graffiti in a timely manner.

(5) COMPLIANCE- A property owner shall be deemed to have complied with an order to abate graffiti if it is obliterated by a primary paint and matching building paint or by such other means as shall obliterate the graffiti.

(6) FAILURE TO COMPLY- If a property owner fails to comply with an order to abate issued pursuant to subsection(4) above, the Director of Public Safety or his designee may cause the graffiti to be abated either by Village employees or by an independent contractor. The Village and/or the independent contractor are authorized to enter upon the property and abate the graffiti upon exterior walls, fences, billboards and other structures abutting public streets, property or right of way. The Village or private contractor will take all reasonable precautions to avoid causing damage to the property where the graffiti is abated. Any paint used to obliterate graffiti shall be as close as practical to the background color or colors in the area where the graffiti is abated. The cost of abating the graffiti shall, pursuant to section 66.0627 Wis. Stats., shall be imposed as a special charge against the real property for the cost of the service provided. If the special charge is not paid within 30 days, the special charge shall be deemed delinquent and shall be a lien against the property as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under Chapter 74, Wis. Stats.

(7) PENALTIES- Any person who violates subsection (2) above shall be the subject to a forfeiture of not less that $250 in addition to any applicable fees, assessments and the costs of prosecution and any person who previously has been convicted of a violation of this section shall be subject to a forfeiture of not less that $500 in addition to any applicable fees, assessments and the costs of prosecution. In addition, 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 or parents of any unemancipated minor child who violates this section may also be held liable for the cost of replacing or repairing such damage or destroyed property.

9.11 STORAGE OF ABANDONED, JUNKED OR DISMANTLED MOTOR VEHICLES.

(1) PURPOSE. The purpose of this section is to preserve and promote the public health, safety and welfare, which is endangered by the presence, storage or keeping

of abandoned, dismantled, inoperable, junked or wrecked motor vehicles or motor vehicle accessories or equipment on public or private property within the Village, which impedes traffic and road maintenance, reduces aesthetic values and tends to destroy the environment.

(2) DEFINITIONS. For the purpose of this section, the following definitions shall apply:

Motor Vehicle. As defined in §340.01, Wis. Stats.

Motor Vehicle, Abandoned. A motor vehicle which has been left unattended on a public highway or on other property without the permission of the property owner for more than 3 consecutive days.

Motor Vehicle, Dismantled. A motor vehicle which has parts, accessories or equipment removed therefrom so that the same cannot be legally operated upon a public highway.

Motor Vehicle, Inoperable. A motor vehicle which due to damage, wreckage or removal of parts is rendered incapable of being safely or legally operated upon a public highway.

Motor Vehicle, Junked. A motor vehicle which has been dismantled, damaged or wrecked in such a manner that it cannot be safely or legally operated upon a public highway.

Motor Vehicle, Wrecked. A motor vehicle which has been damaged by collision or otherwise and the parts of which have been bent, broken or detached so that it cannot be safely or legally operated upon a public highway.

(3) PROHIBITIONS.

(a) No person shall abandon any motor vehicle within the Village and no person shall leave unattended any motor vehicle on any public highway or on any public or private property within the Village for such time and under such circumstances as to cause the motor vehicle to reasonably appear to be abandoned.

(b) No person having the custody or possession of any abandoned, dismantled, inoperable, junked or wrecked motor vehicle shall dump or store or cause to be dumped or stored any such motor vehicle within the Village and no person having ownership, custody or possession of property within the Village shall dump or store or permit to be dumped or stored any abandoned, dismantled,

inoperable, junked or wrecked motor vehicle upon such property; provided, however, that the following shall not be prohibited if the motor vehicle has a currently paid registration with the Wisconsin Department of Transportation:

1. Storage of motor vehicles within a garage complying with the ordinances of the Village.

2. Temporary storage not to exceed 60 days of damaged motor vehicles by a sales or repair business located in a properly zoned area.

(4) REMOVAL OF MOTOR VEHICLES.

(a) Abandoned motor vehicles shall be removed by the Village Police Department and shall be disposed of in accord with the provisions of §342.40, Wis. Stats., as amended. The Director of Public Safety shall be the designated municipal representative to act on behalf of the Village under §342.40.

(b) No person shall cause any abandoned, dismantled, inoperable, junked or wrecked motor vehicle to be removed from any private property where such storage is not permitted to any other property within the Village where such storage is not permitted hereunder.

9.115 <u>GARBAGE, ASHES AND RUBBISH</u>.

(1) For the purpose of this section, waste materials are defined as follows:

<u>Ashes</u>. Waste products of coal and other fuels used for industrial purposes and in homes for cooking and heating.

<u>Garbage</u>. Organic waste resulting from the preparation, processing, handling and storage of food and all decayed or spoiled food from any source whatever.

<u>Rubbish and Refuse</u>. Paper, rags, metal, wood, glass, crockery, packing materials, used boxes, used barrels, tree branches, grass clippings, leaves, yard and garden debris, used furniture, used bedding, tin, cans, ashes, discarded articles and machines, and all other household and business wastes not classified as garbage or as construction wastes.

(2) No person shall deposit or cause to be deposited in any street or public or private alley any garbage, ashes, rubbish, cuspidor cleanings, offal, carcasses, manure or any animal or vegetable waste thereon, or by transferring any filth from his own lot to that of another.

(3) No part of the contents or substance from any sink, privy, cesspool or any manure, ashes, garbage, rubbish or waste water shall be thrown upon any street or public place by any person or be allowed to run or drop upon or remain in any street or public place, nor shall the same be allowed to fall or run into any waters surrounding or flowing through the Village save through the public sewers, where available.

(4) No person shall store or accumulate refuse on any vacant or occupied lot or premises in the Village except at licensed junkyards, Village dumps, and, with respect to grass clippings, leaves, and yard and garden debris, in a compost container for personal recycling.

(5) Every owner, lessee, tenant, manager or occupant of any lot, building or premises, including place of business, hotel, restaurant, rooming house, apartment, tenement or other establishment shall keep the same at all times in a clean, inoffensive and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the use for which the premises are regularly intended. Any accumulation of refuse is hereby declared to be a nuisance and to be dangerous to the public health and welfare.

(6) No owner, lessee, tenant, occupant or manager of any building shall permit any infestation of vermin or rodents or the accumulation of any filth, garbage, ashes, rubbish, or offal in any hall, home, closet, cellar, attic, yard, shed, garage, outbuilding or on any other place or any such premises.

(7) The occupant of every single or 2 family dwelling, or the operator of every boarding house, restaurant or place of business who does not otherwise provide for the disposal of garbage in a sanitary manner, shall provide proper and conveniently located receptacles sufficient to receive all garbage, ashes, rubbish and other wastes between the times of collection. Proper garbage receptacles shall be watertight, provided with a tight fitting cover which shall not be removed except when necessary to place garbage in such cans or to empty or cleanse the same. All garbage accumulating between the times of collection shall be placed in such cans.

(8) All the operators of every apartment or flat accommodating more than two families shall provide cubic yard containers or compactors for storage and disposal of garbage. Such containers or compactors shall be equipped with self-closing covers.

(9) No occupant of any dwelling, house, building or structure, regardless of how such occupant came into occupancy of such premises, shall vacate any such premises without first removing or causing to be removed and properly disposing of all waste materials as defined in this section.

9.12 POSSESSION OF MARIJUANA.

(1) No person shall have in their possession, use or keep any tetrahydrocannabinol, Cannabis Sativa L. or marijuana unless such substance was obtained pursuant to a prescription of a licensed physician or except as otherwise authorized by law.

(2) Any person who violates this section shall upon conviction thereof be subject to a forfeiture of not less than $100 nor more than $500 and in default of payment shall be imprisoned in the county jail not more than 30 days.

9.125 DRUG PARAPHERNALIA. (Cr. #095-8)

(1) DEFINITIONS. As used in this section:

Drug paraphernalia means all equipment, products and materials of any kind which are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, as defined in Ch. 161, Wis. Stats., in violation of this section. "Drug paraphernalia" includes, but is not limited to:

(a) Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(b) Kits used, designed for use or primarily intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(c) Isomerization devices used, designed for use or primarily intended for use in increasing the potency of any species of plant which is a controlled substance.

(d) Testing equipment used, designed for use or primarily intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

(e) Scales and balances used, designed for use or primarily intended for use in weighing or measuring controlled substances.

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, designed for use or primarily intended for use in cutting controlled substances.

(g) Separation gins and sifters used, designed for use or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

(h) Blenders, bowls, containers, spoons and mixing devices used, designed for use or primarily intended for use in compounding controlled substances.

(i) Capsules, balloons, envelopes or other containers used, designed for use or primarily intended for use in packaging small quantities of controlled substances.

(j) Containers and other objects used, designed for use or primarily intended for use in storing or concealing controlled substances.

(k) Hypodermic syringes, needles and other objects used, designed for use or primarily intended for use in parenterally injecting controlled substances into the human body.

(l) Objects used, designed for use or primarily intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.

2. Water pipes.

3. Carburetion tubes and devices

4. Smoking and carburetion masks.

5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.

6. Miniature cocaine spoons and cocaine vials.

7. Chamber pipes.

8. Carburetor pipes.

9. Electric pipes.

10. Air-driven pipes.

11. Chilams.

12. Bongs.

13. Ice pipes or chillers.

Primarily means chiefly or mainly.

(2) DETERMINATION OF DRUG PARAPHERNALIA.

(a) In determining whether an object is drug paraphernalia, the following shall be considered, in addition to any other legally relevant factors:

1. Statements by an owner or by anyone in control of the object concerning its use.

2. Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.

3. The proximity of the object, in time and space, to a direct violation of this section.

4. The proximity of the object to controlled substances.

5. The existence of any residue of controlled substances on the object.

6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this section. The innocence of an owner or of anyone in control of the object as to a direct violation of this section shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

7. Oral or written instructions provided with the object concerning its use.

8. Descriptive materials accompanying the object which explain or depict its use.

9. National and local advertising concerning its use.

10. The manner in which the object is displayed for sale.

11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

12. The existence and scope of legitimate uses for the object in the community.

13. Expert testimony concerning its use.

(b) In determining under this section whether an item is designed for a particular use, a court or other authority shall consider the objective physical characteristics and design features of the item.

(c) In determining under this section whether an item is primarily intended for a particular use, a court or other authority shall consider the subjective intent of the defendant.

(3) PROHIBITED ACTIVITIES.

(a) Possession of Drug Paraphernalia. No person may use, or possess with 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 in violation of this section.

(b) Manufacture, Sale or Delivery of Drug Paraphernalia. No person may sell, deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be 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 in violation of this section.

(c) Delivery of Drug Paraphernalia to a Minor. Any person 18 years of age or over who violates sub. (3)(b) by delivering drug paraphernalia to a person under 18 years of age is guilty of a special offense.

(d) Exemption. This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961, Wis. Stats. This section does not prohibit the possession, manufacture, delivery or use of hypodermics, in accordance with Ch. 961, Wis. Stats.

(4) PENALTIES.

(a) Any drug paraphernalia possessed in violation of this section shall be seized and forfeited to the Village.

(b) Any person who violates sub. (3)(a) or (b) shall, upon conviction, be subject to a forfeiture of not more than $250, together with the cost of prosecution, and upon default of payment be subject to further penalties, including imprisonment in the county jail, all in accordance with §800.095, Wis. Stats.

(c) Any person who violates sub. (3)(c) shall, upon conviction, be subject to a forfeiture of not more than $500, together with the cost of prosecution, and upon default of payment be subject to further penalties, including imprisonment in the county jail, all in accordance with §800.095, Wis. Stats.

9.13 INTERFERENCE WITH LAW ENFORCEMENT AND FIRE FIGHTING.

(1) INTERFERENCE WITH LAW ENFORCEMENT. No person shall knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority. In this section:

Obstructs. Includes without limitation knowingly giving false information to the officer with intent to mislead him in the performance of his duty including the service of any summons or civil process.

Officer. A peace officer or other public officer or public employee having the authority by virtue of his office or employment to take another into custody.

(2) INTERFERENCE WITH FIREFIGHTING. No person shall intentionally interfere with the proper functioning of a fire alarm system or the lawful efforts of firefighters to extinguish a fire.

(3) INTERFERENCE WITH FIRE FIGHTING EQUIPMENT. No person shall interfere with, tamper with or remove without authorization any fire extinguisher, fire hose or any other fire fighting equipment.

(4) INTERFERENCE WITH FIRE HYDRANTS. No person shall interfere with accessibility to a fire hydrant by piling or dumping material near it without first obtaining permission.

9.14 <u>THEFT</u>.

(1) ACTS. No person shall:

(a) Intentionally take or carry away, use, transfer, conceal or retain possession of movable property of another without his consent and with the intent to deprive the owner permanently of possession of such property.

(b) By virtue of his office, business or employment, or as a trustee or bailee, having possession or custody of money or of a negotiable writing of another, intentionally use, transfer, conceal or retain possession of such money, security, instrument, paper or writing without the owners consent, contrary to his authority, and with the intent to convert to his own use or to the use of any other person except the owner. A refusal to deliver any money, security, instrument, paper or other negotiable writing, which is in his possession or custody by virtue of his office, business or employment, or as a trustee or bailee, upon the demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his own use within the meaning of this paragraph.

(c) Having a legal interest of movable property, intentionally and without consent, take such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property.

(d) Obtains title to property of another by intentionally deceiving him with a false representation which is known to be false, made with the intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with the intent not to perform it if it is a part of a false and fraudulent scheme.

(e) Intentionally fail to return any personal property which is in his possession or under his control by virtue of a written lease or written rental agreement, within 10 days after the lease or rental agreement has expired.

(2) DEFINITIONS. In this section, the following definitions shall apply:

Property. All forms of tangible property, whether real or personal, without limitation, including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

Property, Movable. Property whose physical location can be changed, without limitations, including electricity and gas, documents which represent or embody intangible rights and things growing on, affixed to or found in land.

Property of Another. Includes property in which the actor is a co-owner and the property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

Value. The market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had a legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

9.15 POSSESSION AND CONSUMPTION OF INTOXICANTS IN OR UPON CERTAIN PUBLIC PLACES.

(1) No person shall sell, serve or give to another person, or offer to sell, serve or give to another person, any fermented malt beverage or intoxicating liquor while upon any public street, alley or sidewalk or within a parked motor vehicle located on any public street or alley within the Village.

(2) No person shall consume or possess an open container containing any fermented malt beverage or intoxicating liquor while upon any public street, alley or sidewalk, or within a parked vehicle located on any public street or alley within the Village.

(3) No person under the legal drinking age unaccompanied by a parent, guardian or spouse who has attained the legal drinking age shall possess, transport or have under his control any alcohol beverage in any motor vehicle, unless such person is employed by a liquor licensee and such possession is during regular working hours and in the course of his employment.

9.155 OFFENSES INVOLVING ALCOHOL BEVERAGES BY UNDERAGE PERSONS. (Cr. #92-20)

(1) DEFINITIONS. The definitions set forth in §125.02, Wis. Stats., and any amendments thereto are incorporated by reference as though fully set forth herein.

(2) PROHIBITIONS. No underage person shall do any of the following:

(a) Knowingly possess or consume alcohol beverages, unless accompanied by his parent, guardian or spouse who has attained the legal drinking age.

(b) Procure or attempt to procure alcohol beverages from a licensee or permittee.

(c) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possess or consume alcohol beverages on licensed premises. This paragraph shall not apply, however, to possession of an alcohol beverage during the course of employment as authorized in §125.07(4)(bm), Wis. Stats., which section and any amendments thereto are incorporated herein by reference as though fully set forth.

(d) Enter, knowingly attempt to enter or is on a licensed premises in violation of §125.07(3), Wis. Stats., which section and any amendments thereto are incorporated herein by reference as though fully set forth.

(e) Falsely represent his age for the purpose of receiving alcohol beverages from a licensee or permittee.

(f) Intentionally carry an official identification card not legally issued to him, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information.

(g) Make, alter or duplicate an official identification card purporting to show that he has attained the legal drinking age.

(h) Present false information to an issuing officer in applying for an official identification card.

(i) Intentionally carry an official identification card or other documentation showing that the person has attained the legal drinking age with knowledge that the official identification card or documentation is false.

(j) Provide to another underage person an official identification card or other documentation purporting to show that the other underage person has attained the legal drinking age with knowledge that the official identification card or documentation is false.

(3) PENALTIES.

(a) Any person violating any of the prohibitions of sub. (2) is subject to a forfeiture as set forth in §125.07(4), Wis. Stats., suspension of the person's operating privilege in accordance with §343.30(6), Wis. Stats., participation in a supervised work program in accordance with §343.30(6)(cg), Wis. Stats., or any combination of these penalties.

(b) The court may also impose the additional orders set forth below:

1. In this paragraph "defendant" means a person found guilty of violating any of the prohibitions of sub. (2) who is 17, 18, 19 or 20 years of age.

2. After ordering a penalty under par. (a), the court with the agreement of the defendant may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order under this subparagraph shall require the defendant to submit to an alcohol abuse assessment, participate in an outpatient alcohol abuse treatment program, participate in a court approved alcohol abuse education program or any combination of the above. The types of alcohol abuse treatment programs to be utilized and the procedure to be followed by the court and defendant are set forth in §125.07(4) (e), Wis. Stats., which section and any amendments thereto are incorporated herein by reference as though fully set forth.

9.156 <u>PURCHASE OR POSSESSION OF TOBACCO PRODUCTS</u>. (Cr. #093-18)

(1) DEFINITIONS.

(a) "Cigarette" has the meaning given in §139.30(1), Wis. Stats.

(b) "Law enforcement officer" has the meaning given in §30.50(4s), Wis. Stats.

(c) "Tobacco products" has the meaning given in §139.75(12), Wis. Stats.

(2) PROHIBITIONS. No person under the age of 18 shall:

(a) Buy or attempt to buy any cigarette or tobacco product.

(b) Falsely represent his age for the purpose of receiving any cigarette or tobacco product.

(c) Possess any cigarette or tobacco product.

(3) EXCEPTION. A child may purchase or possess cigarette or tobacco products for the sole purpose of resale in the course of employment during his working hours, if employed by a retailer licensed under §134.65, Wis. Stats.

(4) SEIZURE. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of sub. (2) committed in his presence.

(5) PENALTIES. Any person violating this section shall be subject to the penalty provisions in Section 25.04 of this Municipal Code.

9.16 DEPOSIT OF ASHES.

No person shall deposit any ashes or residue from any fire anywhere within the Village within 24 hrs. after same have been taken from any stove, furnace, fireplace or other similar place, unless the deposit is made into some noncombustible receptacle, and upon deposit in such receptacle the same shall not be removed or redeposited elsewhere during the 24-hour period.

9.17 FALSE FIRE OR RESCUE ALARM.

No person by any means or in any manner shall give, make or cause anyone else to give or make any false, misleading or untruthful call or alarm which causes or which is given under such circumstances as to be likely to cause any fire department or rescue equipment to respond with men or equipment as if to attend an actual fire or rescue call.

9.18 VILLAGE PARKS.

(1) Village parks shall be closed to all persons between 10 p.m. and 6 a.m. on the following day, with the exception of supervised activities such as ball games or special events.

(2) No person shall have in his possession or consume intoxicating beverages while in any of the Village parks except that beer and soda may be sold and consumed at the Municipal Park under the following conditions:

(a) A permit is obtained from the Clerk/Treasurer and approved by the Village Board.

(b) A licensed bartender is on the premises at all times.

(c) Only beer and soda shall be served.

(d) Service and consumption shall only be in the area specified by the Village.

(e) Only beer and soda sold or served by the licensee shall be permitted.

(3) No dogs are allowed in any Village park.

(4) No unauthorized motor driven vehicles will be allowed in any Village park.

(5) No bike riding is permitted in any Village park.

(6) No glass containers are permitted in any Village park.

(7) No horses are allowed in any Village Park.

9.185 VILLAGE RETENTION PONDS.

Village retention pond areas are identified as the pond on West Road, the pond at the corner of Washington Ave and West Road, the Parkersville Pond, the St. Bonaventure Pond, the Depot Pond and the pond at the corner of Stellar Drive and Exploration Drive. The following rules and regulations apply to retention pond areas:

(1) Village retention pond areas shall be closed to all persons between 10 pm and 6 am on the following day.

(2) No person may destroy, molest, deface, remove or attempt to remove any natural growth or natural or archaeological feature from Village retention pond areas.

(3) No person may deface or damage retention pond area equipment, facilities or fixtures.

(4) No person may dispose of any debris, waste or recyclable material in a Village retention pond area except by placing the material in receptacles provided for those purposes.

(5) No person may dispose of any waste or recyclable materials in any waste or recyclable receptacles or at any location if the waste or recyclable material is generated from a permanent or seasonal residence or a business or other commercial operation.

(6) No person may destroy, molest, possess without permission, attempt to remove or remove the property of others.

(7) No fireworks or fire arms are allowed in any Village retention pond areas (see also Sec. 9.21 Code of Ordinances).

(8) No person shall have in his possession or consume intoxicating beverages while in any of the Village retention pond area.

(9) Dogs, cats or other pets are allowed in any Village retention pond areas if on a leash and if owners pick up and properly discard of any animal waste.

(10) No unauthorized motorized vehicles are allowed in any Village retention pond areas.

(11) No person may operate or park any vehicle as defined in s.340.01(74), Stats, which is required to be registered by law on retention ponds land except:

a. In posted parking areas;
b. As otherwise specifically authorized by law or administrative rule.

(12) Bicycle riding is allowed only in designated areas or on designated paths.

(13) No person may ride a bicycle in a careless, negligent or reckless manner so as to endanger the life, property or persons of others on any Village retention pond areas.

(14) No horses are allowed in any Village retention pond areas.

(15) No skateboarding is allowed in retention pond areas.

(16) No person may start, tend or maintain any fire on the ground or burn any refuse in any Village retention pond areas.

(17) No person may construct, place, occupy or use structures or store personal property in Village retention pond areas.

9.186 VILLAGE-OWNED BUILDING REGULATIONS.

(1) DEFINITIONS. For purposes of this Section, "Village-owned building" means, without limitation, the Village Hall/Municipal Building, located at 2801 89th Street, the Amtrak Depot, located at 9900 East Exploration Court, the Village Public Works Department garages and the Village Recycling Center building. Unless otherwise specifically excluded, "Village-owned building" shall also include any parking lots and pedestrian sidewalks servicing the Village-owned building, and the parcel of land upon which a Village-owned building is located.

(2) REGULATIONS. The following rules and regulations shall apply to all Village-owned buildings:

(a) No person may undertake any activity in a Village-owned building that interferes with or tends to interfere with the provision of Village services at the Village-owned building, that obstructs or tends to obstruct the flow of traffic or the movement of people in or around a Village-owned building, that harms or threatens to harm anyone, or that in any other way interferes with or tends to interfere with the safe and efficient operation of a Village-owned building.

(b) No person may undertake any commercial activity in a Village-owned building, unless duly authorized by the Village Board. For purposes of this subsection, "commercial activity" includes (1) the advertising, display, sale, lease, offer for sale or lease, or distribution of food, goods, services or entertainment (including the free distribution of promotional goods or materials); and (2) the solicitation of money or payment for food, goods, services or entertainment.

(c) No person may panhandle, beg, or otherwise soliticit money in a Village-owned building.

(d) No person may post, distribute, display or distrbute any sign, poster, notice, advertisement, handbill, or other printed or written matter in a Village-owned building without the prior permission of the Village Board or their designee, except as otherwise provided by law.

(e) No person may litter or dump garbage, liquids or other matter, nor create any nuisance, hazardous or otherwise unsanitary condition (including, without limitation, by spitting or urinating other than in an appropriate facility) in any Village-owned building. No person may remove trash or any other waste material that has been deposited in any waste receptacle in a Village-owned building, except a person duly authorized by the Village.

(f) No person may bathe in any restroom or use any restroom in any Village-owned building for any purpose other than its intended purpose. For purposes of this sub-section, "bathe" shall mean any washing, cleaning, or other personal hygiene activity involving the removal of any clothing that is typically not removed in public.

(g) No person may carry any open flame, any lighted torch, or any other lighted material in a Village-owned building.

(h) No person may sleep or doze in any Village-owned building, if such activity may be hazardous to such person or to others, if such activity unreasonably disturbs or inconveniences others, or if such activity interferes with or tends to interfere with the safe and efficient operation of the Village-owned building.

(i) No person may create any sound at such a level as does or would tend to unreasonably disturb or disrupt others. No person may utilize any radio or other device that produces or reproduces music or other sustained sounds via speakers in a Village-owned building, provided, however, that the use of a radio or other device listened to solely by headphones or earphones and at such a volume level as is inaudible to others is permitted.

(j) No person may throw, drop or cause to be propelled any stone, snowball, projectile or other article at, from, upon, in or on a Village-owned building.

(k) Alcohol. The provisions of Sec. 9.15 are hereby made applicable to Village-owned buildings, except with respect to any duly licensed premises as may be located within a Village-owned building. No person may enter or remain in any Village-owned building while his or her ability to function safely is impaired by alcohol or by any other drug.

(l) No person may enter or remain in any Village-owned building after closing hours. No person may enter or attempt to enter any area of a Village-owned building that is not intended for public access, including without limitation closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, offices, railroad track areas, garages, and any area marked with a sign restricting access or indicating a dangerous environment, except as specifically authorized by the Village.

(m) No person may place his or her foot on any seat within a Village-owned building, or lie upon any floor, platform, stairway, or landing of a Village-owned building.

(n) No person may ride or straddle a moving bicycle or scooter, or utilize roller skates, in-line skates, a skateboard, or any other self-propelled or motor-propelled vehicle in a Village-owned building or, other than the use of such transport to and from a Village-owned building, on the premises of a Village-owned building. This subdivision does not apply to the proper use of self-propelled or motor propelled wheelchairs or similar devices by a non-ambulatory individual.

(o) No person may possess any explosives, highly combustible materials, or radioactive materials in a Village-owned building, except as authorized by the Village.

(p) No person may bring any animal into a Village-owned building or allow any animal to utilize the grounds or premises of a Village-owned building. This provision does not apply to working dogs for law enforcement agencies, or to service animals accompanying persons with disabilities.

(q) No person may refuse to comply with a lawful order and directive of any police officer or Village employee acting within the scope of his or her employment, or refuse to obey any instructions on notices or signs duly posted in or on any Village owned building.

(r) Additional regulations. Any Village ordinance or state law of general application is applicable, on its own terms, to all Village-owned buildings.

(3) VIOLATIONS. Any person who violates any provision of this Section, or who violates any rule promulgated under this Section shall, upon conviction, be subject to the penalty provisions of Section 9.25. Additionally, any person who violates any provision of this Section, or who violates any rule promulgated under this Section, may be subject to immediate ejection from a Village-owned building.

9.19 JUNKYARDS PROHIBITED.

(1) No person shall maintain or operate a junkyard within the Village.

(2) For the purposes hereof, a junkyard is defined as a yard or place for the storage of rags, rope, paper, old metal, glass objects, broken or damaged automobiles or such other material commonly classified and identified as junk.

9.20 FAIR HOUSING. (Cr. #092-17)

(1) DECLARATION OF POLICY. It is hereby declared to be the policy of the Village pursuant to the constitutions of the United States and the State and its power to

protect the public health, safety and general welfare that all persons, regardless of sex, race, color, handicap, religion, national origin, sexual orientation, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry, are entitled to fair and equal access to housing.

(2) DEFINITIONS. In this section, unless the context requires otherwise, the following definitions apply:

Discriminate and Discrimination. Segregate, separate, exclude or treat any person or class of persons unequally because of sex, race, color, handicap, religion, national origin, sexual orientation, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry.

Handicap. Any physical disability or development disability as defined in §51.01(5)(a), Wis. Stats.

Housing. Any improved property, including any mobile home as defined in §66.058, Wis. Stats., which is used or occupied or is arranged, intended or designed to be used or occupied as a home or residence.

Person. Any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee manager, employee or any other agent of any such person.

Unimproved Residential Lot. Any residential lot upon which no permanent building or structure containing living quarters has been constructed.

(3) PROHIBITED ACTS.

(a) No person shall discriminate in the Village:

1. By refusing to sell, lease, finance or construct housing or by refusing to discuss the terms thereof.

2. By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

3. By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

4. By publishing, circulating, issuing or displaying or causing to be published, circulated, issued or displayed any communication, notice,

advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in housing.

5. For a person in the business of insuring against hazards, by refusing to enter into or by exacting different terms, conditions or privileges with respect to a contract of insurance against hazards to a dwelling.

6. By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

(b) No person shall induce or attempt to induce any other person to sell, rent or lease any dwelling in the Village by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin or economic status or by representations to the effect that such present or prospective entry will or may result in:

1. The lowering of real estate values in the area concerned;

2. A deterioration in the character of the area concerned;

3. An increase in criminal or antisocial behavior in the area concerned; or

4. A decline in the quality of the schools or other public facilities serving the area.

(c) No person in the Village may coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of any right granted or protected by this section or with any person who has aided or encouraged another person in the exercise or enjoyment of any right granted or protected by this section or with any person who has aided or encouraged another person in the exercise or enjoyment of any right granted or protected by this section.

(4) ACTS NOT PROHIBITED.

(a) Nothing in this section shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.

(b) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(c) Nothing in this section shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

(d) Nothing in this section shall be deemed to prohibit an owner or his agent from requiring that any person who seeks to buy, rent or lease housing supply information concerning his family, marital, financial and business status, but not concerning race, color or creed.

(5) PENALTIES.

(a) Any person who willfully violates this section shall for the first such violation forfeit not less than $100 nor more than $1,000. In default of such payment, the violator shall be imprisoned in the county jail for not less than 5 days nor more than 30 days.

(b) Any person adjudged to have violated this section within 5 years after having been adjudged to have violated this section shall, for every violation committed within the 5 years, forfeit not less than $1,000 nor more than $10,000. In default of such payment, the violator shall be imprisoned in the county jail for not less than 30 days nor more than one year.

(c) Payment of any forfeiture under this section shall be stayed during pendency of any appeal.

9.21 <u>FIREWORKS PROHIBITED</u>. (Cr. #095-26)

No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks within the Village.

(1) FIREWORKS DEFINED. Any firecracker, blank, cartridge, toy pistol or cannon or cane in which explosives are used, contrivances using nonpaper caps or cartridges, sparklers, display wheels, the type of balloon which requires fire underneath to propel the same, torpedo, sky rocket, Roman candle, aerial salute, American or Chinese bomb or other device of like construction and any similar device containing any explosive or flammable compound, nitrates, chlorates, exalates, sulphide of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorous or any compound of the same and commonly known as fireworks.

(a) The above ban shall not apply to any of the following commonly found in permanent retail outlets such as department stores and supermarkets:

1. Toy pistols, canes, guns or other devices using paper caps made in accordance with U.S. Interstate Commerce Commission regulations. Paper caps also are permitted.

2. Gold Star producing sparklers on wires which contain no magnesium, chlorate or perchlorate.

3. Toy snakes which contain no mercury.

4. Smoke novelties and party novelties which contain less than ¼ gram of explosive mixtures.

(b) The above mentioned list of fireworks excepted from the ban may only be used on private property and shall not be permitted on public property. Streets, alleys, parks and parkways are considered public property where fireworks are banned.

(2) EXCEPTIONS. Nothing contained in this section shall prohibit fireworks in the following circumstances:

(a) For use in pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals when a permit to do so has been issued by the Director of Public Safety or his designee. The Director of Public Safety may issue such permits as he deems advisable under the circumstances of each case, but the issuance of any such permit shall not be deemed a guarantee by the Fire Department or the Village that the use of any fireworks shall be safe. In addition, the Director of Public Safety or his designee may specify in such permit the days when valid and may further limit the times of the day when the pyrotechnic display may be held. If the Director of Public Safety denies a request for a permit, the applicant may appeal to the Village Board to review the decision.

(b) The use or sale of blank cartridges for circus or theatrical purposes, for signal purposes in athletic or sports events or for use by militia, police or military organizations, and the use or sale of colored flares or torpedoes for railway, aircraft or highway signal purposes.

(c) The sale by a resident wholesaler, dealer or jobber at wholesale, but only when the same are shipped or delivered directly outside the State or to an organization or group permitted to use the same under the provisions of par. (a) above or the Wisconsin Statutes.

9.22 TRAILERS, TENTS, GARAGES, MOTORIZED VEHICLES AND BOATS AS AND FOR DWELLINGS. (Am. 97-16)

No person shall use and no owner shall allow the use of house trailers, tents, garages and other similar structures, nor any motorized vehicles including, but not limited to, motor homes and boats, as and for dwelling purposes within the boundaries of the Village unless:

(1) Such structure or motorized vehicle is designed to be used as a temporary dwelling, is not used as a dwelling in excess of 72 hours within any 30-day period of time, and is located within 75' of water and toilet facilities available for use by such person; or

(2) Such structure or motorized vehicle is specifically exempted by federal or state law.

(3) Campgrounds are prohibited within the boundaries of the Village

9.23 HAZARDOUS WASTES.

(1) PROHIBITED DISCHARGES. No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public street, alley or public property; onto the ground, surface waters, subsurface waters or aquifers; or on any private property within the Village, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, any solid, liquid or gas creating a hazard, potential hazard or public nuisance or any solid, liquid or gas having a deleterious affect on the environment.

(2) CONTAINMENT, CLEANUP AND RESTORATION. Any person in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, clean up and remove to an approved repository the offending materials and restore the site to its original condition, with the offending person being responsible for all expenses incurred. Should any person fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Village.

(3) SITE ACCESS. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff and to Village Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(4) PUBLIC PROTECTION. Should any prohibited discharge occur that threatens the life, safety or health of the public at, near or around the site of a prohibited discharge and that the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, or in his absence the Deputy Coordinator, or the senior Village police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate protective steps for a period of time until the President of the Village or the Village Board can take appropriate action.

(5) VEHICLES TRANSPORTING OR STORING HAZARDOUS MATERIALS. (Cr. #93-9)

(a) Prohibited From Parking and Being Left Unattended. No motor vehicle which is in the process of storing or transporting hazardous materials or hazardous substances shall be parked or left unattended within the Village, whether on public or private lands, within 300' of any single or multiple family residence, apartment building or school except for the following purposes:

1. To deliver or pick up such materials or substances to or from customers.

2. To clean up any hazardous materials or substances.

3. To comply with applicable traffic regulations.

4. To effect repairs to the motor vehicle or trailer in emergency situations.

5. To engage directly in construction work within the area.

(b) Definitions.

1. *Hazardous material* shall have the meaning as set out in 49 C.F.R. 171.8 and 172.101.

2. *Hazardous substance* shall have the meaning as set out in §144.01(4m), Wis. Stats.

3. *Unattended* shall have the following meanings:

a. If the operator of the motor vehicle is asleep.

b. If the operator of the motor vehicle is not in view of the motor vehicle.

c. If the operator of the motor vehicle is more than 150' away from the subject vehicle, regardless of whether the operator is in view of the motor vehicle.

(6) ENFORCEMENT. (Rn. #93-9) The Coordinator of Emergency Government and his deputies as Village police officers shall have authority to issue citations or complaints under this section.

(7) CIVIL LIABILITY. (Rn. #93-9) Any person in violation of this section shall be liable to the Village for any expenses incurred by the Village or loss or damage sustained by the Village by reason of such violation.

(8) PENALTIES. (Rn. #93-9) Any person in violation of this section shall forfeit to the Village upon conviction thereof not less than $50 nor more than $3,000, plus the costs of prosecution. Each day a violation exists shall constitute a separate offense.

9.235 STORAGE OF HAZARDOUS MATERIALS IN MINI-STORAGE UNITS.

(1) PURPOSE. This Section is enacted to regulate the storage of hazardous materials in Mini-Storage Units for either short-term or long-term storage.

(2) DEFINITIONS.

Mini-Storage Unit. An individual unit in an unoccupied compartmentalized building used for storage, regardless of whether units are rented to persons for either short-term or long-term storage.

Low Hazard Materials. Noncombustible or low hazard materials, that do not ordinarily burn rapidly, including but not limited to: asbestos, chalk, non-alcoholic beverages, brick and masonry, ceramic products, gypsum, glass and metals, beer or wine in metal or glass containers, electrical motors and coils, and fertilizers.

Moderate Hazard Materials. Materials which are likely to burn with moderate rapidity, but that do not produce either poisonous gases, fumes or explosives, including but not limited to: cloth, burlap, and paper bags, bamboo and rattan, canvas and leather belting, baskets, books and paper in rolls or packs, boots and shoes, cardboard and cardboard boxes, clothing, cordage, furniture, furs, glue, mucilage, paste and sizing, linoleum, silk, soap, sugar, tobacco products, wax candles, athletic equipment, musical instruments, beverages containing more than 12% alcohol, furniture other than metal business machines, electronics, and plastic products not classified as High Hazard.

High Hazard Materials. Highly combustible or explosive products or materials, which are likely to burn with extreme rapidity or which may produce poisonous fumes or explosions, highly corrosive, toxic or noxious alkalies, acids or other liquids or chemicals producing flame, fumes, poisonous irritant or corrosive gases, materials producing explosive mixtures or dusts that result in the division of matter into fine particles subject to spontaneous ignition.

(3) USAGE OF MINI-STORAGE UNITS. Mini-Storage Units may be utilized for:

(a) Storage of non-hazardous materials and Low Hazard Materials to Moderate Hazard Materials; and

(b) Storage of motor vehicles only if the fuel tank has been purged and the battery has been disconnected.

(4) PROHIBITION. No person shall store High Hazard Materials in a Mini-Storage Unit and no owner of a Mini-Storage Unit shall allow such materials to be stored. Uses other than for storage are prohibited except for the provision of a rental or manager's office in a Mini-Storage Unit may be provided, subject to the provisions of Wis. Admin. Code Chapter Comm 54.

(5) UNIT ADDRESS REQUIRED. All Mini-Storage Units in the Village shall have an address and individual numbers placed on each individual unit.

(6) OCCUPANCY NOTICE REQUIRED. Owners of Mini-Storage Units are to submit the following information to the Director of Public Safety:

(a) The name, address, and telephone number of the person renting a Mini-Storage Unit.

(b) A list of items to be stored in the unit, i.e., materials, hazards, etc.

(7) ENFORCEMENT.

(a) A violation of this Section of the Code of Ordinances shall constitute a fire hazard.

(b) Whenever and wherever in the Village it is determined by any inspection by the Director of Public Safety or other designated person that there exists a violation of this Section, it shall be declared a fire hazard.

(c) When a fire hazard exists, the Director of Public Safety or other designated person shall serve a notice in writing upon the property owner or other person

violating this Section giving the owner reasonable time in which to remove the hazard.

9.24 IMPROPER USE OF 911 EMERGENCY TELEPHONE SYSTEM. (Cr. #098-08)

(1) DEFINITION. "911 Emergency Telephone System" shall mean an emergency telecommunications system as defined in §146.70(1)(i), Wis. Stats.

(2) PROHIBITIONS.

(a) No person shall use the 911 emergency telephone system for regular business or non-emergency calls.

(b) No person shall use the 911 emergency telephone system to report an emergency, knowing that the fact situation which he or she reports does not exist.

(3) PENALTIES.

(a) First Offense. Any person who violates subsection (2)(a) or (2)(b) shall, upon conviction thereof, be subject to a forfeiture of not more than $300.00, together with the costs of prosecution.

(b) Second Offense. Any person found guilty of violating subsection (2)(a) or (2)(b) who has previously been convicted of a violation of the same ordinance within 4 years shall, upon conviction thereof, be subject to a forfeiture of not more than $500.00 for each such offense, together with the costs of prosecution.

9.25 PENALTY.

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 25.04 of this Municipal Code. In addition to any penalty imposed for violation of Section 9.943.01(1), 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 Section 9.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with §895.035, Wis. Stats.

9.29.601–9.961.41 <u>OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE</u>. (Am. #091-13; #095-27)

The following statutes following the prefix "9" defining offenses against the peace and good order of the State of Wisconsin, as set forth in the Wisconsin Statutes, as amended from time to time, are adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Section 25.04 of this Municipal Code:

9.29.601(3)(a)	Throwing Refuse in Waters
9.110.075(7)	Producing, Manufacturing or Using Inspection Sticker Fraudulently
9.134.06	Motor Vehicles Sales/Bonus to Chauffeurs for Purchases Forbidden
9.134.66	Sale or Gift of Cigarettes or Tobacco Products to a Child
9.146.70	Statewide Emergency Services Number
9.175.25	Illegal Storage of Junked Vehicles
9.218.0145	Used Cars/Prohibited Acts
9.218.0147	Motor Vehicles/Sale to Minor
9.254.76	Causing Fires by Tobacco Smoking
9.285.30(6)	Tampering with Pollution Control System or Mechanism
9.939.05	Parties to Crime
9.939.22	Words and Phrases Defined
9.939.32	Attempt
9.940.19(1)	Battery
9.941.10	Negligent Handling of Burning Materials
9.941.12(2), (3)	Interfering With or Failing to Assist in Fire Fighting
9.941.13	False Alarms and Interference With Fire Fighting
9.941.20(1)	Reckless Use of Weapon
9.941.23	Carrying Concealed Weapon
9.941.24	Possession of Switchblade Knife
9.943.01(1)	Criminal Damage to Property (Less than $1,000)
9.943.07	Criminal Damage to Railroad
9.943.11	Entry Into Locked Vehicle
9.943.125	Entry Into Locked Coin Box
9.943.13	Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.20	Theft (Less than $500)
9.943.21	Fraud on Hotel or Restaurant Keeper or Taxicab Operator ($500 or Less)
9.943.22	Use of Cheating Tokens
9.943.23(2)	Operate Auto Without Owner's Consent
9.943.24	Issue of Worthless Checks
9.943.50	Shoplifting
9.944.15	Fornication

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
9.944.34	Keeping Place of Prostitution
9.945.01	Definitions Relating to Gambling
9.945.02	Gambling
9.945.03	Commercial Gambling
9.945.04	Permitting Premises to Be Used for Commercial Gambling
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.42(1)	Escape
9.946.44	Assisting or Permitting Escape
9.946.69	Falsely Assuming to Act as a Public Officer or Employee
9.946.70	Impersonating Peace Officers
9.946.72	Tampering with Public Records and Notices
9.947.01	Disorderly Conduct
9.947.012	Unlawful Use of Telephone
9.947.047	Metal or Glass Debris in or on the Shore of Any Body of Water
9.947.06	Unlawful Assemblies and Their Suppression
9.948.40	Contributing to the Delinquency of a Child
9.948.45	Contributing to Truancy
9.951.01–9.951.18	Crimes Against Animals
9.961.41(1)	Unlawful Manufacture, Distribution or Delivery of Controlled Substance
9.961.41(3g)	Possession of Controlled Substance