

CHAPTER 9 ORDERLY CONDUCT

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9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. The following Statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 25.04 of this Code.

- (1) Any violation of the rules of the road under ch. 346, Wis. Stats.
- (2) Any crimes against life and bodily security under ch. 940, Wis. Stats
- (3) Any crimes against public health and safety under ch. 941, Wis. Stats.
- (4) Any property crimes under ch. 943, Wis. Stats.
- (5) Any crimes against sexual morality under ch. 944, Wis. Stats.
- (6) Any gambling violation under ch. 945, Wis. Stats.
- (7) Any crimes against government and its administration under ch. 946, Wis. Stats.
- (8) Any crimes against public peace under ch. 947, Wis. Stats.
- (9) Any crimes against children under ch. 948, Wis. Stats.
- (10) Any crimes against animals under ch. 951, Wis. Stats.

9.02 POSSESSION AND USE OF FIREARMS AND OTHER DANGEROUS WEAPONS. (1) DEFINITIONS.

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

- (a) *Firearm.* Any weapon which acts by force of gunpowder
- (b) *Other Dangerous Weapon.* Includes bow and arrow, crossbow, sling shot, blow gun, air guns and BB guns, and other similar weapons.

(c) *Public Buildings.* Any building owned by the Village, the County or the School District.

(2) **POSSESSION OF FIREARMS IN PUBLIC PLACE PROHIBITED.** In addition to the provisions of sub. (3) below, no person except duly authorized city, village, county, state or Federal law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while in any public building, as defined in sub. (1)(c) above, within the Village as provided in §941.235, Wis. Stats., within any school zone as provided in §948.605, Wis. Stats., or goes armed with a hand gun into a tavern as provided in §941.237, Wis. Stats.

(3) **USE OF FIREARMS.** No person except an authorized police officer shall discharge any firearm within the Village.

(4) **USE OF OTHER DANGEROUS WEAPONS REGULATED.** Except as provided in subs. (5) and (6) below, no person shall shoot or discharge any other dangerous weapon anywhere in the Village.

(5) **ARCHERY RANGES.** Notwithstanding sub. (4) above, the Chief of Police is hereby authorized to issue permits for the use and maintenance of archery ranges as provided herein. The Chief, before issuing such permit, shall view or have viewed by another police officer the proposed site of the archery range and shall issue the permit only after the following conditions are shown to exist with regard to the proposed archery range:

- (a) There is an unobstructed, clear and level area of 30 feet on either side of a line drawn from the proposed point or points from where the archer will shoot to the proposed point where the target will be placed.
- (b) There is an unobstructed, clear and level area of at least 60 feet in width and 300 feet in length immediately behind the target or, if there is not such an area, there is present immediately behind the target a back stop, wall or building which will prevent the arrows shot or discharged from entering or falling upon the said area of 60 feet by 300 feet immediately behind the target.
- (c) The placing of the bullseye on such proposed target range shall not be in excess of 4 feet above the ground.

(d) The applicant is the owner or a licensee with written permission of the owner of the land on which the proposed archery range is to be located.

(e) Only archers 18 years of age or older may use the range, except that archers under 18 may use the range by obtaining a permit from the Police Chief.

(f) There shall be no fee required for the approved archery range permit and the permit shall be valid for a period of one year.

9.03 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any person or at, on or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

9.04 POSSESSION OF MARIJUANA. (1) PROHIBITED. Subject to sub. (2) below and subject to the exception provided in §161.41(3r), Wis. Stats., no person shall possess marijuana, as defined in §161.01(14), Wis. Stats.

(2) **EXCEPTIONS.** This section shall not apply to a person who possesses more than 25 grams of marijuana or to a person who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in this State.

(3) **PENALTY.** Any person who shall violate sub. (1) above, except as provided in sub. (2) above, shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

9.04 POSSESSION OF MARIJUANA. (1) PROHIBITED. Subject to sub. (2) below and subject to the exception provided in §161.41(3r), Wis. Stats., no person shall possess marijuana, as defined in §161.01(14), Wis. Stats.

(2) EXCEPTIONS. This section shall not apply to a person who possesses more than 25 grams of marijuana or to a person who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in this State.

(4) PENALTY. Any person who shall violate sub. (1) above, except as provided in sub. (2) above, shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

9.05 SALE AND USE OF FIREWORKS REGULATED. (1) DEFINITION. The definition of “fireworks” stated in §167.10(1), Wis. Stats., is hereby adopted by reference.

(2) SALE REGULATED. Except as provided in §167.10(2) and (4), Wis. Stats., no person shall sell, or possess with the intent to sell, fireworks.

(3) USE REGULATED. Except as provided in §167.10(3) Wis. Stats., no person shall possess or use fireworks without a user permit issued pursuant to sub. (4) below.

(4) USER’S PERMIT. As provided in §167.10(3), Wis. Stats., firework user permits may be issued by the Village President, or other Village official designated by the Village President. The official issuing the permit shall require a certificate of liability insurance, or similar proof of coverage, in an amount deemed necessary. A copy of the permit and proof of insurance shall be filed with the Clerk and copies of the permit shall be given to the Fire Chief, when requested.

(5) USE OF CERTAIN DEVICES REGULATED. No person may use fireworks or devices listed in §167.10(1)(e) to (g) and (i) to (n), Wis. Stats., including, but not limited to, caps, toy snakes, model rocket engines, sparklers or cone fountains at a firework display for which a permit has been issued if the display is open to the general public.

9.06 LOUD AND UNNECESSARY NOISE PROHIBITED. (1) GENERAL. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley, park or waterway, or any private residence.

(2) PUBLIC ADDRESS SYSTEMS AND AMPLIFIERS. Except as provided in sub. (3) below, no person shall use or operate any public address system, amplifier or device which increases the volume of voice, music or other sounds so loud as to disturb the public peace or the quiet and peacefulness of the neighborhood unless authorized by the Village Board.

(3) LOUDSPEAKERS. Loudspeakers used for advertising a business in the B-1 Downtown Commercial District as follows:

(a) Only one loudspeaker is permitted per business. If a building houses multiple businesses, only one speaker is permitted per building.

(b) No speaker shall be mounted closer than 10 feet to any public right of way or closer than 20 feet to any other speaker.

(c) *Volume/Decibel Level Standards.* 1. No music or sound emanating from any loudspeaker shall exceed a maximum reading of 65 dbA in any frequency range when measured at a distance of 8 feet from the point of origin, using a decibel meter set on an ‘A’ weighing scale, during the hours of 6:00 PM and 8:00 AM.

2. No music or sound emanating from any loudspeaker shall exceed a maximum reading of 59 dbA in any frequency range when measured at a distance of 8 feet from the point of origin, using a decibel meter set on the ‘A’ weighing scale, between the hours of 6:00 AM and 10:00 PM.

(d) No operation of loudspeakers shall be permitted between the hours of 10:00 PM and 8:00 AM without special permission from the Village Board.

(e) Live music outdoors for the purpose of entertainment or advertising is permitted by special permit only and shall be subject to any conditions imposed by the Village Board.

(4) CONSTRUCTION AND MACHINERY NOISE. Except for Village employees, between the hours of 10:00 PM and 7:00 AM no person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature.

9.07 LOITERING PROHIBITED. (1) **LOITERING OR PROWLING.** No person shall loiter or prowl in a place at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears, at trial, that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) **OBSTRUCTION OF HIGHWAY BY LOITERING.** No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

(3) **OBSTRUCTION OF TRAFFIC BY LOITERING.** No person shall loaf or loiter alone or in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant after being requested to move by any police officer or by any person in authority at such places.

(4) **LOITERING AFTER BEING REQUESTED TO MOVE.** No person shall loaf or loiter alone or in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant after being requested to move by any police officer or by any person in authority at such places.

(5) **LOITERING IN PUBLIC PLACES.** No person shall loiter, lounge or loaf in or about any dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request leaving the premises or area thereof at the time of the request.

(6) **LOITERING IN OR ON SCHOOL PROPERTY.** (a) *Prohibited.* No person not in official attendance or on official school business shall enter into, congregate, loiter, wander or stand in or on any public or private school property within the Village between 7:00 AM and 5:00 PM on official school days. Any person who remains on school grounds after being asked to leave by the school principal, the principal's designee or a faculty member shall be presumed to be in violation of this subsection.

(b) *Exceptions.* The prohibition against loitering in this subsection shall not apply to students, school faculty and school staff personnel, or to those persons who are authorized to be on school grounds for legitimate reasons.

(c) *Definitions.* In this subsection, the terms used shall be defined as follows:

1. **School Grounds.** Any school building in the Village and those areas surrounding any school building, including parking lots, which are either owned by the school district or normally used for school related activities.

2. **Legitimate Reasons.** Such reasons as attendance at school related activities open to the public; school business; authorized meetings with school administrators, school faculty, students or school staff personnel; and any other valid reasons which justify the presence of someone on school grounds.

9.08 POSSESSION AND CONSUMPTION OF ALCOHOL BEVERAGES RESTRICTED. See sec. 12.02(13) of this Code

9.09 ANIMALS AND POULTRY NOT TO RUN AT LARGE. No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the Village.

9.10 KEEPING OF ANIMALS AND POULTRY REGULATED. (1) **ANIMALS DEFINITION.**

(a) *Livestock.* Includes, but not limited to, horses, cattle, swine, sheep and goats.

(b) *Wild Animals.* Birds, mammals and reptiles which normally inhabit and propagate in a natural environment.

(c) *Poultry.* Includes, but not limited to, chickens, ducks, pigeons, doves and quail.

(2) No person shall keep any livestock within the Village, except in an Agricultural District.

(3) No person shall keep any wild animal within the Village, except in an Agricultural District.

(4) The following regulations will govern the keeping of chickens and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens unless the following regulations are followed.

(a) Number. NO more than six (6) hens shall be allowed for each single-family dwelling.

(b) Setbacks. Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within five (5) feet of a side-yard lot line, nor within eighteen (18) inches of a rear-yard lot line. Coops and cages shall not be located in the front yard.

(c) Enclosure. Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.

(d) Sanitation. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.

(e) Slaughtering. There shall be no outdoor slaughtering of chickens

(f) Roosters. It is unlawful for any person to keep roosters.

(g) Denial. If ordinances are not followed or there are substantial written complaints approval can be rescinded.

9.11 LITTERING. (1) PROHIBITED. No person shall deposit any mud, glass, refuse or waste, filth or other litter upon the streets, highways, alleys, parks or other property of the Village or upon any private property or into or upon any body of water or stream within the Village.

(2) PENALTY. Any person found guilty of violating this section shall be subject to forfeiture, as provided in sec. 25.04 of this Code, plus the cost of cleanup. Each day a violation continues shall constitute a separate violation.

9.12 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

9.13 ABANDONED OR UNATTENDED ICEBOXES, ETC., PROHIBITED. No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock, or other locking device which may not be released from the inside, without first removing such door or lid, snap lock or other locking device from such icebox, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.14 RADIO OR TELEVISION INTERFERENCE PROHIBITED. No person shall operate any machine or equipment which causes interference with radio or television reception when such interference can be prevented by repairs, adjustments, the installation of corrective appliances or other practical alterations at a reasonable expense.

9.15 CURFEW. (1) REGULATIONS AND EXCEPTIONS. (a) *Regulations.* It shall be unlawful for any child under the age of 18 years to loiter, idle or remain upon any street or alley or other public place in the Village between 11:00 PM and 5:00 AM the next day on Sunday through Thursday, and 12:00 midnight and 6:00 AM the next day on Friday and Saturday.

(b) *Exceptions.* The following shall constitute valid exceptions to the operation of the curfew:

1. At any time, if the person is accompanied by his parent, legal guardian, or other responsible person who is over the age of 18 and who is approved by the person's parent or legal guardian.

2. At any time, in the event of an emergency which would justify the reasonableness of the person's presence.

3. At any time, while the person is pursuing the duties of his employment.

4. Until the hour of 12:30 AM if the person is on an errand as directed by the person's parent or legal guardian.

5. If the person is coming directly home from a public meeting or place of public entertainment such as a movie; play; or school, church or sporting event. This exception will apply for 1/2 hour after the completion of such event, but in no case beyond 12:30 AM. If the event is not commercial in nature or does not have a fixed publicly known time at which it will end, the sponsoring organization must register the event with the Clerk at least 24 hours in advance informing the Clerk of the time such event is scheduled to be, the place at which it will be held, the time at which it shall end, and the name of the sponsoring organization.

6. If the person is coming directly home from a private home which has been approved by the person's parent or legal guardian.

(2) PARENTAL VIOLATION. No parent, guardian or person having legal custody of a child under the age of 18 years shall suffer or permit such child to violate sub. (1) above.

(3) WARNING AND PENALTY. (a) *Warning*. The first time a child is taken into custody by a law enforcement officer, the parent, guardian or person having legal custody of such child may be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by this child or any other child under his care or custody shall result in a penalty being imposed as hereinafter provided.

(b) *Penalty*. Any parent, guardian or person having legal custody of a child described in sub. (1) above, who has been warned in the manner provided in par. (a) above and who thereafter violates this section shall be subject to a penalty as provided in sub. (4) below. Any child under the age of 18 years who violates this section shall also be subject to a penalty as provided in sub. (4) below.

(4) PENALTY. (a) A violation of this section may be punishable by a forfeiture of not less than \$5 nor more than \$200.

(b) In addition to the penalty outlined above, any person under the age of 18 years may be punished under §§48.17(2) and 48.343, Wis. Stats.

9.16 DESTRUCTION OF PROPERTY PROHIBITED. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Village or its departments or to any private person without the consent of the owner or proper authority.

9.17 UNLAWFUL REMOVAL OF PROPERTY. It shall be unlawful for any person to take and carry away the property of another without the owner's consent. This offense shall include, but not be limited to, the operation of a vehicle, whether or not motorized, without the owner's consent.

9.18 BOATING REGULATIONS. (1) INTENT. The intent of this section is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

(2) APPLICABILITY AND ENFORCEMENT. The provisions of this section shall apply to the waters of Coon Lake within the jurisdiction of the Village. The provisions of this section shall be enforced by designated officers of the Village.

(3) STATE BOATING AND WATER SAFETY LAWS ADOPTED. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and safety found in §§30.50 and 30.71, Wis. Stats., are hereby adopted by reference and made a part hereof.

(4) COON LAKE SPEED LIMIT. No person operating a boat on Coon Lake shall exceed "slow-no-wake" speed. The slowest possible speed in order to maintain steerage.

(5) COON LAKE BULKHEAD LINE. The bulkhead line of that part of the west shore of Coon Lake established by the Village Board is described and shown on the map on file in the office of the Clerk.

(6) CLERK DUTIES. The Clerk is directed to file a copy of this section and of any subsequent amendments hereto with the Department of Natural Resources.

9.19 DISTURBING CEMETERY PROPERTY. No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants or vines from any cemetery lot or property nor shall any person deface, injure or mark upon any cemetery markers, headstones, monuments, fences or structures nor shall any person other than the owner injure, carry away or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot.

9.20 HABITUAL TRUANCY. (1) PROHIBITED. Pursuant to the authority granted under §118.163, Wis. Stats., no pupil under 18 years of age may be "habitually truant" as defined in §118.16(1)(a), Wis. Stats.

9.21 OFFENSES UPON SCHOOL PROPERTY. (1) No person shall refuse to leave school property upon being asked to leave by the school principal or a person acting under direction. A violation of this section shall be considered a trespass.

(2) No person shall bring, or cause to be brought, upon school property any intoxicating liquor, fermented malt beverage or controlled substance, as defined in Ch. 161 Wis. Stats., except and unless with written consent of the school principal.

9.22 DRONES REGULATED. (1) As provided in Wis. Stat. 942.10, which is hereby adopted by reference, no person shall use a "drone," as defined in Wis. Stat 175.55 (1)(a), with the intent to photograph, record, or otherwise observe another individual in a place or location where the individual has a reasonable expectation of privacy. This section does not apply to a law enforcement officer authorized to use a drone pursuant to Wis. State 175.55(2).75.55 (1) (a)

9.23 to 9.30 (Reserved)

9.31 UNIFORM CITATION METHOD ADOPTED. (1) CREATION. Pursuant to §66.0113, Wis. Stats., the Village hereby elects to use the citation method of enforcement of ordinances, including those ordinances for which a statutory counterpart exists.

(2) CITATION. The citation shall contain the following:

(a) The name and address of the alleged violator.
(b) Factual allegations describing the alleged violation.
(c) The time and place of the offense.
(d) The section of the municipal code violated.
(e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.

(f) The time at which the alleged violator may appear in court.

(g) A statement which, in essence, informs the alleged violator, as follows:

1. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.

2. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.

3. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment and fees imposed under the Wisconsin Statutes, not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons shall be issued demanding him to appear in court to answer the complaint.

4. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the penalty assessments and fees imposed under the Wisconsin Statutes.

(h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (g) above has been read. Such statement shall be sent or brought with the cash deposit.

(i) Such other information as the Village Board deems necessary.

(3) DEPOSITS. (a) Each citation issued under this section except those to which par. (d) below applies, shall specify a cash deposit as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference or, where applicable, the Village Deposit Schedule, which is hereby adopted by reference, which consists of the appropriate forfeiture, the current penalty assessments and fees imposed by law.

(b) Deposits shall be made in cash, money order or check to the County Clerk of Courts, who shall provide a receipt therefor.

(c) The penalty assessments and fees imposed by the Wisconsin Statutes shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which State law controls or for ordinances involving nonmoving traffic violations.

(d) The deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed the maximum penalties provided in Ch. 48, Wis. Stats., plus the penalty assessments and fees under the Wisconsin Statutes except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.