

CHAPTER 9

ORDERLY CONDUCT

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9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE (Am. Ord. #3-89; Am. Ord. #5-94; Am. Ord. #4-97; Am. Ord. #10-97; Am Ord. #11-97; Am. Ord. #29-98, Am. Ord. #13-2000, 2-2001). The following Statutes following the prefix **9** 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. 20.04 of this Code. Any future amendments, revisions, or modifications of the Statutes incorporated herein are intended to be made part of this chapter in order to secure uniform State-wide regulation.

9.120.12(20)	Prohibition of Tobacco
9.134.66	Restrictions on Sale or Gift of Cigarettes or Tobacco Products to Persons under 18 Years of Age
9.346.935	Drinking in Motor Vehicles on Highway
9.938.983	Purchase or Possession of Tobacco Products by Persons Under 18 Prohibited
9.939.22(21)(mg)	Criminal Damage to Property of Witness
9.940.19(1)	Battery
9.940.201	Battery or Threat to Witness
9.940.225(3m)	Sexual Assault or Sexual Contact
9.940.32	Stalking
9.940.34	Duty to Aid Endangered Crime Victim
9.941.01	Negligent Operation of Vehicle
9.941.03	Highway Obstruction
9.941.10	Negligent Handling of Burning Materials
9.941.12	Interfering With or Failing to Assist in Fire Fighting
9.941.13	False Alarms and Interference With Fire Fighting
9.941.20	Reckless Use of Weapon
9.941.20(3)	Discharging a Firearm From a Vehicle
9.941.21	Disarming a Police Officer Prohibited
9.941.22	Possession of Pistol by Minor
9.941.23	Carrying Concealed Weapon
9.941.235	Carrying Firearms in Public Building
9.941.237	Possession of Handguns in Taverns
9.941.24	Possession of Switch Blade Knife
9.941.327	Tampering With Household Products
9.941.35	Emergency Telephone Calls
9.941.37	Obstruction of Emergency Vehicles Prohibited
9.943.012	Criminal Damage to Religious and Other Property
9.943.01(1)	Criminal Damage to Property
9.943.06	Molotov Cocktails
9.943.11	Entry Into Locked Vehicle
9.943.125	Entry Into Locked Coin Box
9.943.13	Criminal Trespass to Land
9.943.14	Criminal Trespass to Dwellings

9.943.15	Entry Onto a Construction Site
9.943.20	Theft
9.943.22	Use of Cheating Tokens
9.943.23(lg)	Carjacking
9.943.24	Issue of Worthless Checks
9.943.24(1)	Receiving Stolen Property
9.943.37	Alteration of Property Identification Marks
9.943.46	Theft of Cable Television Service
9.943.47	Theft of Satellite Cable Programing
9.943.50	Shoplifting
9.943.61	Theft of Library Material
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
9.944.33	Pandering
9.944.34	Keeping Place of Prostitution
9.944.36	Solicitation of Drinks
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	Escape
9.946.44	Assisting or Permitting Escape
9.946.65	Obstructing Justice
9.946.66	False Complaints of Police Misconduct
9.946.70	Personating Peace Officer
9.946.72	Tampering With Public Records and Notices
9.947.01	Disorderly Conduct
9.947.012	Unlawful Use of Telephone
9.947.013	Harassment Prohibited
9.947.015	Bomb Scares
9.947.06	Unlawful Assemblies
9.947.15	Contributing to the Neglect of a Minor
9.948.015-.62	Crimes Against Children
9.951.01-.16	Crimes Against Animals
9.961.573	Possession of drug paraphernalia
9.961.574	Manufacture or delivery of drug paraphernalia
9.961.575	Delivery of drug paraphernalia to a minor
9.961.576	Advertisement of drug paraphernalia

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 from which a shot may be fired by the force of an explosive or propellant, including, but not limited to, rifles, pistols, shotguns, air guns and BB guns.
- (b) Other Dangerous Weapon. Includes bow and arrow, crossbow, sling shot, blow gun and other similar weapons.
- (c) Public Building. Any building, including the grounds thereof, owned by the Village, the County or the public School District.
- (d) Public Land. Any land owned by the Village, the County or the public School District.
- (e) Public Place. Any privately owned building which is open to the public.

(2) **POSSESSION OF FIREARMS IN PUBLIC PLACES 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 or on public land within the Village. No person shall possess a firearm while in any public place within the Village unless written consent to so possess a firearm has been given by the owner or lessee of such public place, and such possession is not contrary to s. 440.26, Wis. Stats.

(3) **USE OF FIREARMS.** (a) Regulated. No person except an authorized police officer shall discharge any firearm within the Village or have any firearm in his possession within the village, except in his own domicile, unless it is unloaded and enclosed in a carrying case or other suitable container, except as provided in par. (b) below.

- (b) Exceptions.
 1. Pest control permits issued by the Village Board.
 2. Hunting on agricultural lands designated by the Village Board.

(4) **USE OF OTHER DANGEROUS WEAPONS REGULATED.** No person shall shoot or discharge any other dangerous weapon anywhere in the Village.

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, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

9.04 MARIJUANA, POSSESSION AND USE PROHIBITED. (1) **DEFINITION.** “Marijuana” means all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

(2) **POSSESSION, DELIVERY AND USE PROHIBITED.** It shall be unlawful for

any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.

(3) EXCEPTION. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.

(4) PENALTY. Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture as provided in sec. 20.04 of this Code.

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

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

(4) USER’S PERMIT. As provided in s. 167.10(3), Wis. Stats., fireworks user’s 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 he deems necessary. A copy of the permit and proof of insurance shall be filed with the Clerk-Treasurer and copies of the permit shall be given to the Fire Chief and the Chief of Police at least 2 days before the authorized use.

(5) USE OF CERTAIN DEVICES REGULATED. No person may use fireworks or devices listed in s. 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 fireworks 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 (Am. Ord. #13-98). 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. (Am. Ord. #1-98). 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. This subsection shall not apply to the use of amplification devices on public or private property during a street dance or other activity for which a permit has been issued by the Police Department or the Village Board provided that:

(a) The amplification device is used properly so as to eliminate unnecessary hiss or feedback.

(b) The Village Board or the Police Department was notified of the intent to use an amplification device, the times of use and the location at the time of application.

(c) The amplification device is used in a manner consistent with the terms of the permit.

(3) **CONSTRUCTION AND MACHINERY NOISE.** Between the hours of 10:00 P.M. and 6:00 A.M. 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, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears, at trial, that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(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 in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the Village in such manner as to prevent, interfere with or obstruct the ordinary free use of such public sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.

(4) **LOITERING AFTER BEING REQUESTED TO MOVE.** No person shall loaf or loiter 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 of any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

(6) LOITERING IN OR ON SCHOOL PROPERTY. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander or stand in or on any school property within the Village between 7:00 A.M. and 5:00 P.M. on official school days.

9.075 RESIDENCY OF SEX OFFENDERS AND ESTABLISHMENT OF CHILD SAFETY ZONES (Ord. Cr. 4-2013) (1) PURPOSE. This chapter is a regulatory measure aimed at protecting the health and safety of children in Hazel Green from the risk that convicted sex offenders may reoffend in locations close to their residences. The Village finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of reoffense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, day-care centers and other places children frequent. The Village finds and declares that in addition to schools and day-care centers, children congregate or play at public parks.

(2) DEFINITIONS. As used in this chapter and unless the context otherwise requires:

(a) Crime Against Children. Any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively:

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|-------------|--|
| §940.225(1) | First degree sexual assault |
| §940.225(2) | Second degree sexual assault |
| §940.225(3) | Third degree sexual assault |
| §940.22(2) | Sexual exploitation by therapist |
| §940.30 | False imprisonment - victim was minor and not the offender's child |

§940.31	Kidnapping - victim was minor and not the offender's child
§944.01	Rape (prior statute)
§944.06	Incest
§944.10	Sexual intercourse with a child (prior statute)
§944.11	Indecent behavior with a child (prior statute)
§944.12	Enticing child for immoral purposes (prior statute)
§948.02(1)	First degree sexual assault of a child
§948.02(2)	Second degree sexual assault of a child
§948.025	Engaging in repeated acts of sexual assault of the same child
§948.05	Sexual exploitation of a child
§948.055	Causing a child to view or listen to sexual activity
§948.06	Incest with a child
§948.07	Child enticement
§948.075	Use of a computer to facilitate a child sex crime
§948.08	Soliciting a child for prostitution
§948.095	Sexual assault of a student by school instructional staff
§948.11(2)(a) (am)	or Exposing child to harmful material-felony sections
§948.12	Possession of child pornography
§948.13	Convicted child sex offender working with children
§948.30	Abduction of another's child
§971.17	Not guilty by reason of mental disease - of an included offense
§975.06	Sex Crimes Law, commitment

(b) Person. A person who has been convicted of or has been found delinquent

of or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.

(c) Residence (Reside). The place where a person sleeps, which may include more than one location and may be mobile or transitory.

(d) Sexually Violent Offense. Shall have the meaning as set forth in §980.01(6), Wis. Stats., as amended from time to time.

(3) **RESIDENCY RESTRICTIONS.** A person shall not reside within 1,000 feet of the real property comprising any of the following:

(a) Any facility for children [which means a public or private school or a group home, as defined in §48.02(7), Wis. Stats.; a residential care center for children and youth, as defined in §48.02(15d), Wis. Stats.; a shelter care facility, as defined in §48.02(17), Wis. Stats.; a foster home, as defined in §48.02(6), Wis. Stats.; a treatment foster home, as defined in §48.02(17q), Wis. Stats.; a day-care center licensed under §48.65, Wis. Stats.; a day-care program established under §120.13 (14), Stats.; a day care provider certified under §48.651, Wis. Stats.; or a youth center, as defined in §961.01(22), Wis. Stats.); and/or

(b) Any facility used for:

- (i) A public park;
- (ii) A public library;
- (iii) A recreational trail;
- (iv) A public playground;
- (v) A school for children;
- (vi) Athletic fields used by children;
- (vii) A day-care center; and
- (viii) Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school;

(c) The distance shall be measured from the closest boundary line of the real property supporting the residence of a person to the closest real property boundary line of the applicable above-enumerated use(s). A map depicting the above-enumerated uses and the resulting residency restriction distances, as amended from time to time, are on file in the office of the Village Clerk for public inspection.

(4) **RESIDENCY RESTRICTION EXCEPTIONS.** A person residing within 1,000 feet of the real property comprising any of the uses enumerated in sec. (3) above, does not commit a violation of this chapter if any of the following apply:

(a) The person has established a residence prior to the effective date of this chapter on September 12, 2013, which is within 1,000 feet of any of the uses enumerated in sec. (3) above, or such enumerated use is newly established after such effective date and it is located

within such 1,000 feet of a residence of a person which was established prior to the effective date of this chapter.

(b) The person is a minor or ward under guardianship.

(5) ORIGINAL DOMICILE RESTRICTION. In addition to and notwithstanding the foregoing, but subject to sec. (4) above, no person and no individual who has been convicted of a sexually violent offense and/or a crime against children shall be permitted to reside in the Village of Hazel Green, unless such person was domiciled in the Village of Hazel Green at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.

(6) CHILD SAFETY ZONES.

(a) No person shall enter or be present upon or loiter upon any real property upon which there exists any facility used for or which supports a use of:

- (i) A public park, parkway, parkland, park facility;
- (ii) A public library;
- (iii) A recreational trail;
- (iv) A public playground;
- (v) A school for children;
- (vi) Athletic fields used by children;
- (vii) A day-care center;
- (viii) Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school; and
- (ix) Any facility for children [which means a public or private school or a group home, as defined in §48.02(7), Wis. Stats.; a residential care center for children and youth, as defined in §48.02(15d), Wis. Stats.; a shelter care facility, as defined in §48.02(17), Wis. Stats.; a foster home, as defined in §48.02(6), Wis. Stats.; a treatment foster home, as defined in §48.02(17q), Wis. Stats.; a day-care center licensed under §48.65, Wis. Stats.; a day-care program established under §120.13(14), Wis. Stats.; a day-care provider certified under §48.651, Wis. Stats.; or a youth center, as defined in §961.01(22), Wis. Stats.].

(b) A map depicting the locations of the real property supporting the above-enumerated uses, as amended from time to time, is on file in the office of the Village Clerk for public inspection.

(7) CHILD SAFETY ZONE EXCEPTIONS. A person does not commit a violation of sec. (6) above, and the enumerated uses may allow such person on the property supporting such use if any of the following apply:

(a) The property supporting an enumerated use under sec. (6) also supports a church or other house of religious worship (collectively "church"), subject to the following conditions:

- (i) Entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
- (ii) Written advance notice is made from the person to an individual in charge of the church, and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the person; and
- (iii) The person shall not participate in any religious education programs which include individuals under the age of 18.

(b) The property supporting an enumerated use under sec. (6) also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property, subject to the following conditions:

- (i) Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and
- (ii) Written advance notice is made from the person to an individual in charge of the use upon the property, and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the person.

(c) The property supporting an enumerated use under sec. (6) also supports a polling location in a local, state or federal election, subject to the following conditions:

- (i) The person is eligible to vote;
- (ii) The designated polling place for the person is an enumerated use; and
- (iii) The person enters the polling place property and proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and the person vacates the property immediately after voting.

(d) The property supporting an enumerated use under sec. (6) also supports an elementary or secondary school lawfully attended by a person as a student, under which circumstances the person who is a student may enter upon that property supporting the school at which the person is enrolled, as is reasonably required for the educational purposes of the school.

(8) LOITERING.

(a) It shall be unlawful for any sex offender as designated in (2)(b) above, to loiter or prowl at any school or school property; recreational trail, playground or park; within 200 feet of a licensed day care center or group home; in a place, at a time, or a manner not usual for law abiding individuals, under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a law enforcement officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstances makes it impractical, a law enforcement officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself or explain his or her presence and conduct at the aforementioned locations. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true, and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

(b) Exceptions. The prohibitions set forth in (a) above shall not apply where the actor was with his or her parent or other adult person having his or her care, custody or control; or the actor was exercising First Amendment rights protected by the United States Constitution, including freedom of speech, free exercise of religion and the right of assembly.

(9) VIOLATIONS AND PENALTIES. If a person violates sec. (3) above, by establishing a residence or occupying residential premises within 1,000 feet of those premises as described therein, without any exception(s) as also set forth above, the Village Attorney, upon referral from the Chief of Police and the written determination by the Chief of Police that upon all of the facts and circumstances and the purpose of this chapter such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health or safety of another or others, shall bring an action in the name of the Village in the Circuit Court for Grant County to permanently enjoin such residency as a public nuisance. If a person violates sec. (6), above, in addition to the aforesaid injunctive relief, such person shall be subject to the general penalty provisions set forth under sec. 20.04 of the Municipal Code. Each day a violation continues shall constitute a separate offense. In addition, the Village may undertake all other legal and equitable remedies to prevent or remove a violation of this section.

9.08 CONSUMPTION OF FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR ON PUBLIC PROPERTY AND PARKING LOTS PROHIBITED. (1) DEFINITIONS. (a) Public Property. Any property, including buildings or structures thereon, which is owned, leased or operated by the Village, or public, private or parochial schools; public sidewalks; roadways and streets; playgrounds; parks; and alleys.

(b) Public Parking Lot. Any area held out to the public for parking of motor

vehicles, whether such area is publicly or privately owned.

(c) Licensed Premises. The area within a building or structure which is licensed pursuant to ch. 12 of this Code, but not including parking lots, sidewalks, roadways or land which is adjacent to the building or structure and within the property boundary lines, unless authorized by the Village Board.

(2) CONDUCT PROHIBITED. No person shall consume any fermented malt beverage or intoxicating liquor in or upon any public property or public parking lot.

(3) CONDUCT PROHIBITED OUTSIDE LICENSED PREMISES. No person who has purchased fermented malt beverages or intoxicating liquor from any licensed premises shall consume said beverages or liquor outside of, but within the property boundary lines of, such premises.

(4) EXCEPTIONS. (a) The prohibition relating to the drinking of fermented malt beverages in any public park, street, public place or other public area within the Village, as provided in subs. (2) and (3) above, shall not apply to organizations and groups which have been issued a license or permit as follows:

1. Any organization which has been issued a fermented malt beverage or wine picnic license pursuant to ch. 12 of this Code.

2. Permits may be granted at no cost by the Police Department for a picnic or similar gathering of a bona fide fraternal, patriotic, religious, philanthropic, veterans, or other similar group that has been in existence for at least one year. Any such organization requesting such permit shall furnish proof of their Wisconsin Sales Tax Permit and current registration with the Secretary of State, when applicable. No person shall attend these gatherings other than members of the group, their spouses and children.

3. (a) (Am. Ord. #11-98) Permits may be granted at no cost by the Police Department to groups picnicking in Village owned or leased parks.

(b) The prohibition in sub. (2) above shall not apply to a school-sponsored activity when specifically permitted in writing by the school administrator.

(c) The prohibitions in subs. (2) and (3) above shall not apply to those persons who transport unopened fermented malt beverages or intoxicating liquor from a point of purchase to their destination unless it is in violation of s. 346.93, Wis. Stats.

(d) (Amended #8-2001) The prohibitions in sub. (2) above shall not apply to fermented malt beverages consumed at picnics or other organized events in Village parks. However, malt beverages in glass bottles are not permitted in Village parks.

(e) (Cr. Ord. #1-98) The prohibitions in subs. (2) and (3) above shall not

apply where a street dance permit has been issued in accordance with sec. 12.041 of this Code.

9.09 PARK CLOSING HOURS (Am. Ord. #12-98). The Village Parks (owned or leased) shall be closed between the hours of 10:00 P.M. and 7:00 A.M. and no person shall be on park premises during said periods. This closing time may be changed by a majority vote of the Village Board for particular events at parks which are Village-wide in scope and are open to the general public.

9.095 (Ord Cr 11-2014) PETS IN PARKS AND CEMETERIES. No person shall bring a pet to, or permit a pet to be on the grounds of, any park or cemetery in the Village.

9.10 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.

9.11 KEEPING OF LIVESTOCK AND POULTRY REGULATED. No person shall keep or maintain any poultry or fowl, or any livestock such as horses, cattle, sheep or goats in any zoning district except agricultural districts.

9.12 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 a forfeiture, as provided in sec. 20.04 of this Code, plus the cost of cleanup. Each day a violation continues shall constitute a separate violation.

9.13 BURNING OF GRASS AND TRASH RESTRICTED. (1) **GRASS FIRES REGULATED.** No person shall kindle any grass fire within the Village without first securing a written permit from the Clerk-Treasurer, who shall issue such a permit only upon approval of and subject to any conditions for the protection of life and property imposed by the Fire Chief.

(2) **BURNING OF LEAVES RESTRICTED.** No person shall burn leaves or garden refuse within the Village except on dates and within the hours as may, from time to time, be designated and published by the Village Board.

(3) **TRASH BURNING PROHIBITED.**(Amend. Ord. 7-2003). No person shall kindle, or cause to be kindled, any fire in or upon any street, alley, public way, park or any public or private ground within the Village, except as provided in this section and section 9.135.

9.135 CAMPFIRES (Created Ord. 7-2003). (1) “Campfire” shall be defined as a fire in an enclosure specifically designed for ember and flame containment, such as rocked-in pits, fireplaces and barbecue grills, which allow a fire area of no more than thirty-six inches in diameter. No property owner or occupant may construct, maintain or operate or permit the

construction, maintenance or operation of more than one campfire or fire area upon any premises within the Village. In addition, such fires shall:

(2) All campfires shall:

- (a) use only wood or charcoal as the material to be burned;
- (b) be maintained so that flames do not exceed 4 feet in height or produce excessive smoke;
- (c) be under the supervision of an adult at all times; and
- (d) be no closer than 15 feet to any lot line.

(3) **PENALTY AND ENFORCEMENT.** The penalty for violation of any provision of this chapter shall be as set forth in the forfeiture schedule adopted by Section 20.04 of this code. Any person maintaining a fire deemed by the Police Department to be in violation of this ordinance, upon the direction of the Police Department, shall immediately extinguish such fire. In addition to the penalty provided herein, in the event of a Fire Department response to the location of the fire, the person responsible shall be assessed a fee equal to the then current charge for a Fire Department response.

9.14 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.

9.15 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.

9.16 CURFEW. (1) REGULATIONS AND EXCEPTIONS. (a) Regulations. No person under the age of 17 years shall loiter, idle or remain upon any street, alley or other public place in the Village between 10:00 P.M. and 5:30 A.M. the following day on Sunday through Thursday, and 11:00 P.M. and 5:30 A.M. the following 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 A.M. 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 A.M. 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 Police Department at least 24 hours in advance informing the Department 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.
7. Until the hour of 12:30 A.M. if the person is on the property of or the sidewalk directly adjacent to the building in which he resides or the buildings immediately adjacent thereto.

(2) PARENTAL RESPONSIBILITY. No parent, guardian or other person having legal custody of a child under the age of 17 years shall permit or suffer such child to loiter, idle or remain upon any street, alley or other public place in the Village during the hours prohibited in sub. (1) above unless such child is accompanied by his parent, guardian or other person having legal custody of such child.

(3) WARNING. The first time a child is detained by law enforcement officers for violation of this section, said child shall be delivered to the person having legal custody of said child and the child and the parent, guardian or person having legal custody shall be advised as to the provisions of this section and any violation of this section occurring thereafter by said child shall result in a penalty being imposed as provided in sub. (4) below.

(4) GENERAL PENALTY. (a) Any parent, guardian or person having legal custody of a child who has violated sub. (1) above who has been warned in the manner provided in sub. (3) above and who thereafter violates any of the provisions of this section shall be subject

to a penalty as provided in sec. 20.04 of this Code.

(b) Any child who violates this section after being warned, as provided in sub. (3) above, shall be dealt with under Ch. 48, Wis. Stats.

9.17 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.

9.18 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.

9.19 ACCIDENTAL SPILLS OF HAZARDOUS OR DETRIMENTAL SUBSTANCES. (1) **HAZARDOUS SUBSTANCE SPILLS.** (a) DNR Notification Required. Any person who possesses or controls a "hazardous substance," as defined in s. 144.01(4m), Wis. Stats., which has been discharged or spilled, or who causes the discharge or spilling of such hazardous substance, shall immediately notify the Wisconsin Department of Natural Resources of any such spill or discharge as required in s. 144.76, Wis. Stats.

(b) Village Notification. In addition to the notification required in par. (a) above, the owner or the person causing the discharge of a hazardous substance shall immediately notify the Fire Chief of such spill or discharge.

(2) **DETRIMENTAL SUBSTANCE SPILLS; NOTIFICATION.** Any person who possesses or controls a discharged or spilled material, or causes a discharge or spill, which, although not a "hazardous substance," may be detrimental to the general health, safety and welfare of Village residents shall immediately notify the Fire Chief. Such detrimental substances may include, without limitations, food products and nitrates.

(3) **CLEANUP REQUIRED.** Any person responsible for the discharge or spill of any hazardous or detrimental substance shall be responsible for cleanup within a time reasonable under the circumstances. In the event such cleanup is not completed within a reasonable time, the Village shall clean up and bill the person responsible.

(4) **PENALTY.** Any person responsible for a spill or discharge who does not provide the notification required under subs. (1)(b) and (2) above shall be subject to a forfeiture as provided in sec. 20.04 of this Code.

9.20 UNIFORM CITATION METHOD ADOPTED. (1) (Rep. & Recr. Ord. #3-2008) (CREATION (Rep. & Recr. Ord. #3-89). Pursuant to s. 66.0113, Wis. Stats., the Village hereby elects to use the citation method of enforcement of ordinances, including those 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 ordinance or 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 the alleged violator is subsequently summoned.

3. If a cash deposit is made and the alleged violator does not appear in court, the alleged violator will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees and surcharges imposed under ch. 814, Wis. Stats., 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 or her 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, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under s. 66.0113(3)(d), Wis. Stats., or an action may be commenced to collect the forfeiture plus costs, fees and surcharges imposed under ch. 814, Wis. Stats.

(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 in 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 assessment, the jail assessment and the automation fee, and court costs.

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

(c) The penalty assessment imposed by s. 165.87, Wis. Stats., the jail assessment imposed by s. 53.46, Wis. Stats., and the automation fee imposed by s. 814.635, Wis. Stats., 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. Said assessments shall be in an amount determined after deducting the court costs.

(d) The deposit 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 costs, fees and surcharges imposed under ch. 814, except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.

(4) DEPOSIT SCHEDULE. Every officer and official issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit, as provided in sub. (3) above, that the alleged violator may make in lieu of court appearances.

(5) ISSUANCE OF CITATION. Any law enforcement officer may issue citations authorized under this section. The Village Fire Inspector, or his or her deputies appointed pursuant to sec. 5.03 of this Code, and the Village's Building Inspector and his or her authorized employees are authorized pursuant to s. 66.0113, Wis. Stats., to issue citations with respect to ordinances which are directly related to their responsibilities as such officials.

(6) PROCEDURE. Section 66.0113(3), Wis. Stats., relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(7) NONEXCLUSIVITY. (a) Other Ordinances. Adoption of this section does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(b) Other Remedies. The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

9.21 TRUANCY AND DROPOUTS (Cr. Ord. #1-99)

(1) DEFINITIONS. As used in this section, the following definitions shall apply:

(a) “Truant” means a pupil who is absent from school without an acceptable excuse under ss. 118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.

(b) “Habitual Truant” means a pupil who is absent from school without an acceptable excuse under ss. 118.16(4) and ss. 118.15 for part or all of five or more days on which school is held during a school semester.

(c) “Drop-out” has the meaning given in ss. 118.153(1)(b).

(2) TRUANCY PROHIBITED.

(a) No person within the Village limits of the Village of Hazel Green who is under 18 years of age may be truant from school.

(b) The following dispositions shall be available to the Court upon a finding of a violation of subsection (a):

(1) An order for the person to attend school.

(2) A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within twelve months of a previous violation, subject to s. 938.37 and subject to a maximum cumulative forfeiture amount of to more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(c) A person who is under 17 years of age on the date of disposition is subject to s. 938.342.

(3) HABITUAL TRUANCY PROHIBITED

(a) No person within the village limits of the Village of Hazel Green who is under 18 years of age may be habitually truant from school.

(b) The following dispositions shall be available to the court upon a finding of a violation of subsection (a).

(1) Suspension of the person’s operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

(2) An order for the person to participate in counseling or a supervised work program or other community service work as described in s. 938.34(5g). The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person or both.

(3) An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.

(4) An order for the person to attend an educational program as described in s. 938.34(7d).

(5) An order for the Department of Work Force Development to revoke, under s. 103.72, a permit under s. 103.70 authorizing the employment of the person.

(6) An order for the person to be placed in a teen court program as described in s. 938.342(1g)(f).

(7) An order for the person to attend school.

(8) A forfeiture of not more than \$500.00 plus costs, subject to ss.938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(9) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specific premises and restrictions on associating with other children or adults.

(10) An order placing the person under formal or informal supervision, as described in s. 938.34(2), for up to one year.

(11) An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's guardian's or legal custodian's own expense or attend school with the person, or both.

(c) A person who is under 17 years of age on the date of disposition is subject to s. 938.342.

(4) **DROP-OUTS PROHIBITED.**

(a) No person within the village limits of the Village of Hazel Green under 18 years of age may drop out of school.

(b) The following dispositions shall be available to the Court upon a finding of a violation of subsection (a).

(1) Except as provided in subsection 2 below, the Court may suspend the operating privilege of a person who is at least 16 years of age but not less than 18 years of

age until the person reaches the age of 18. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

(2) The court may enter an order making any of the dispositions specified under s. 938.342(1g) if the court finds that suspension of the person's operating privilege, as defined in s. 340.01(40), until the person reaches the age of 18 would cause undue hardship to the person or the person's family.

(c) A person who is under 17 years of age on the date of disposition is subject to s. 938.342.

9.22 SMOKING PROHIBITED. (Adopted 5-2010)

(1) **ADOPTION OF STATE LAW.** The Village adopts the provisions of s. 101.123, Wis. Stats., regulating smoking except as otherwise provided in village ordinance provisions not in conflict with s. 101.123, Wis. Stats., or other state statutes or administrative rules.

(2) **DEFINITION.** For purposes of enforcing the smoking ban in the Village of Hazel Green, the following definition shall apply instead of the definition found in state statutes: In this section:

“Enclosed place” means all space between a floor and ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

(3) **INSPECTION AND ENFORCEMENT.** The Police Department shall have the power to enter any premises subject to the smoking ban under state law to ascertain whether the premises are in compliance with this section and take appropriate enforcement action pursuant to Wis. Stat. §101.123.

(4) **PENALTIES.** (a) Any person violating this ordinance incorporating the state prohibition against smoking in enclosed places or upon those unenclosed spaces identified in s. 101.123(d) and (e), Wis. Stats., shall be subject to a forfeiture of not less than \$100 nor more than \$250, and upon failure to pay the forfeiture, may be subject to confinement in the county jail.

(b) Any person in charge of property as defined in s. 101.123(1)(d) Wis. Stats., who violates the provisions of this ordinance incorporating s. 101.123(2m)(b) to (d), Wis. Stats., shall be subject to a forfeiture of \$100 and, upon failure to pay the forfeiture, may be confined in the county jail. No person may be held subject to more than \$100 total forfeiture for violations occurring on the same calendar day. For violations subject to the forfeiture provided in this paragraph, no citation shall be issued to a person in charge who has not received a prior

written warning notice.

(5) **SEVERABILITY.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance.

9.25 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 20.04 of this Code. In addition to any penalty imposed for violation of sec. 9.943.01(1) of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates sec. 9.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with s. 895.35, Wis. Stats.