

CHAPTER 9

ORDERLY CONDUCT

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9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. 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 Town, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 1.07 of this Code.

- 9.346.935 Drinking in Motor Vehicles on Highway
- 9.940.19 Battery; Substantial Battery; Aggravated Battery
- 9.940.225 Sexual Assault
- 9.940.34 Duty to Aid Victim or Report Crime
- 9.941.01 Negligent Operation of Vehicle
- 9.86.022 Obstructing Highway with Embankment or Ditch
- 9.941.10 Negligent Handling of Burning Materials
- 9.941.12 Interfering With Fire Fighting
- 9.941.13 False Alarms
- 9.941.20 Endangering Safety by use of Dangerous Weapon
- 9.941.21 Disarming a Police Officer
- 9.941.23 Carrying Concealed Weapon
- 9.941.237 Carrying Handgun Where Alcohol Beverages may be Sold and Consumed
- 9.941.24 Possession of Switch Blade Knife
- 9.941.35 Emergency Telephone Calls
- 9.941.37 Obstruction of Emergency or Rescue Personnel
- 9.943.01 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 Trespass to Land
- 9.943.14 Criminal Trespass to Dwellings
- 9.943.15 Entry Onto a Construction Site or into a Locked Building, Dwelling or Room
- 9.943.20 Theft
- 9.943.22 Use of Cheating Tokens
- 9.943.24 Issue of Worthless Checks
- 9.943.34(1) Receiving Stolen Property
- 9.943.37 Alteration of Property Identification Marks
- 9.943.50 Retail Theft; Theft of Services
- 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 Prohibited
- 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
- 9.946.70 Personating Peace Officer, Fire Fighters, or other Emergency Personnel
- 9.946.72 Tampering With Public Records and Notices
- 9.947.01 Disorderly Conduct
- 9.947.013 Harassment
- 9.947.015 Bomb Scares
- 9.947.06 Unlawful Assemblies and their Suppression
- 9.948 Crimes Against Children
- 9.951 Crimes Against Animals

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 force of an explosive, including, but not limited to, pistols, rifles, and shotguns.
 - b) Other Dangerous Weapon. Includes air guns, BB guns, and bow and arrow, crossbow, sling shot, blow gun and other similar weapons.
 - c) Public Building. Any building owned by the Town, the County or the School District.
- 2) POSSESSION OF FIREARMS IN PUBLIC BUILDINGS PROHIBITED. No person except duly authorized law enforcement officers specifically authorized by law to carry firearms, or those individuals with a valid State of Wisconsin Carrying Concealed Weapon License, shall possess a firearm while in any public building within the Town.
- 3) DISCHARGE OF FIREARMS. No person may discharge a firearm within 300 feet of a residence or other persons.

9.03 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED. No person shall throw or shoot any object, arrow, stone, 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 Town.

9.04 POSSESSION OF MARIJUANA.

- 1) POSSESSION PROHIBITED. Subject to sub. (2) below and subject to the exception provided in §59.54(25), Wis. Stats.
- 2) JURISDICTIONAL LIMITATION; APPLICABILITY. This section shall not apply to a person who possesses more than twenty-five (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. 1.07 of this Code.

9.05 SALE AND USE OF FIREWORKS REGULATED.

- 1) DEFINITIONS. For purposes of this section, "legal fireworks" means those items which from time to time are excluded from the definition of "fireworks" as set forth in §167.10(1), Wis. Stats.
- 2) SALE REGULATED. The sale of legal fireworks within the Town is prohibited unless such sales are made as part of the indoor sales of goods by an established place of business having the appropriate zoning, occupancy, sanitary, seller's and other permits and licenses necessary for the operation of the business within the Town.
- 3) USE REGULATED. Except as provided in §167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit.
- 4) USER'S PERMIT. It shall be the policy of the Town that no user permits be issued.
- 5) USE OF CERTAIN DEVICES REGULATED. No person may use legal fireworks or devices listed in §167.10(1) 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. 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, waterway, or any private residence.
- 2) PUBLIC ADDRESS SYSTEMS AND AMPLIFIERS. 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.
- 3) CONSTRUCTION AND MACHINERY NOISE. Between the hours of 10:00 P.M. and 6:00 A.M. on week days and between 10:00 P.M. and 8:00A.M. on Sundays and holidays, no person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature, except farm machinery, within 300 feet of a residence of another.

- a) This section shall not apply to Town employees, who in the process of carrying out a Town public works project, may need to operate machinery within 300 feet of a residence outside those hours listed in sub. paragraph 3 above.

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, 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, highway, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police or peace 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 Town 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 or 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.

9.08 USE OF TOWN RECYCLING CENTER.

- 1) **RESTRICTED.** No person shall deposit any refuse, waste or other material in or adjacent to the Town Recycling Center except for designated recyclable materials as required under Wis. Adm. Code NR 544 in the proper designated recycling container as directed by the Town Recycling Center Superintendent during designated hours.

- 2) PENALTY. Any person violating this section shall, upon conviction, be subject to a forfeiture as provided in sec. 1.07 of this Code.

9.09 CONSUMPTION OF FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR ON PUBLIC PROPERTY AND PARKING LOTS PROHIBITED.

- 1) DEFINITION, LICENSED PREMISES. The area within a building or structure which is licensed pursuant to Chapter 11 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 Town Board.
- 2) CONDUCT PROHIBITED OUTSIDE LICENSED PREMISES. No person who has purchased opened 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.
- 3) EXCEPTIONS.
 - a) The prohibitions in sub. (2) above shall not apply to those events or activities which are otherwise permitted or licensed pursuant to Chapter 11 of this Code.
 - b) The prohibitions in sub. (2) 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 §346.93, Wis. Stats.

9.10 KEEPING OF LIVESTOCK AND POULTRY REGULATED. No livestock or poultry shall be kept in any zoning district except as provided under the Monroe County Zoning Code.

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 Town or upon any private property or into or upon any body of water or stream within the Town.
- 2) PENALTY. Any person found guilty of violating this section shall be subject to a forfeiture, as provided in sec. 1.07 of this Code, plus the cost of cleanup. Each day a violation continues shall constitute a separate violation.

9.12 UNIFORM CITATION METHOD ADOPTED.

- 1) CREATION. Pursuant to §66.0113, Wis. Stats., the Town 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 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 imposed by ch. 814, Wis. Stats., not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - 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 sub. (3) (d), or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under ch. 814, Wis. Stats.
 - 5. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under §800.093, 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 with the cash deposit.
- i) Such other information as the Town 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 Monroe County or, where applicable, the Town Deposit Schedule, which is hereby adopted by reference, which consists of the appropriate forfeiture, the current penalty assessment, the jail assessment, the automation fee, the municipality ordinance 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 therefor.
 - c) The penalty assessment imposed by ch. 814, Wis. Stats., the jail assessment imposed by §302.46(1), Wis. Stats., the automation fee imposed by §814.635, Wis. Stats., and the municipality ordinance fee imposed by §814.63(2), 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, 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 assessment imposed by ch. 814, Wis. Stats., the jail assessment imposed by §302.46(1), Wis. Stats., the automation fee imposed by §814.635, Wis. Stats., and the municipality ordinance fee imposed by §814.63(2), Wis. Stats., except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.
- 4) DEPOSIT SCHEDULE. Every police officer or other Town officer 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 appearance.
- 5) ISSUANCE OF CITATION. Any peace officer may issue citations authorized under this section. In addition, all Town Board members, the Building Inspector, the Plumbing Inspector, the Electrical Inspector, the Zoning Administrator, Town Attorney, and the Fire Chief may issue citations for violations.
- 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 Town 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 Town 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.

9.13 PENALTY. Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in sec. 1.07 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 costs 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 §895.35, Wis. Stats.

9.14 thru 9.99 RESERVED.