

Chapter 406

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Village Board of the Village of Plover 6-4-1985 as §§ 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, 9.07, 9.08, 9.11, 9.13, 9.14, 9.18 and 9.20 of the 1985 Code. Amendments where noted where applicable.]

GENERAL REFERENCES

Alarm systems — See Ch. 180.

Animals — See Ch. 190.

Cigarettes and tobacco products — See Ch. 234.

Intoxicating liquor and fermented malt beverages — See Ch. 328.

Curfew — See Ch. 369.

Nuisances — See Ch. 388.

Parades, carnivals and exhibitions — See Ch. 397.

Parks and recreation — See Ch. 401.

§ 406-1. Offenses against state laws. [Amended by Ord. No. 3-88; Ord. No. 14-88; Ord. No. 33-89¹; Ord. No. 7-08]

- A. Except as otherwise specifically provided in this chapter, the current and future statutory provisions in Chs. 86, 938 through 948 and 951, Wis. Stats., describing and defining offenses against the peace and good order of the state, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any offenses for which the statutory penalty is a term of imprisonment, are adopted and by reference made a part of this chapter as if fully set forth herein. The penalty for commission of such offenses shall be limited to a forfeiture imposed under § 1-4 of this Code. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the current or future statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of the peace and good order of the state.
- B. Where appropriate, double the bond amount may be assessed for an aggravated offense under this section. "Aggravated offense" shall mean any offense made worse or more serious by circumstances such as intention to cause harm or reckless disregard for another's rights, property, safety or well-being.

§ 406-2. Firearms and other dangerous weapons. [Amended by Ord. No. 4-12]

- A. Definitions. For the purpose of this section, the following definitions shall apply:

DANGEROUS WEAPON – Means any firearms, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon; or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

produce death or great bodily harm (such as a bow and arrow, crossbow, slingshot, blow gun, air guns, BB guns, or other similar weapons).

ELECTRIC WEAPON – Means any device which is designed, or redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current.

FORMER OFFICER – means a person who served as a law enforcement officer with a law enforcement agency before separating from law enforcement service.

HANDGUN – Means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore. Handgun does not include a machine gun, short-barreled rifle, or a short-barreled shotgun.

LICENSEE – Means an individual holding a valid Wisconsin license to carry a concealed weapon.

OUT-OF-STATE LICENSEE – Means an individual who is 21 years of age or over, who is not a Wisconsin resident, and who has been issued an out-of-state concealed carry license recognized by the State of Wisconsin.

PROPERLY SIGNED – Means signs not less than 5 inches by 7 inches notifying any individual not to enter or remain in a part of that building, or on the grounds of that building while carrying a firearm, dangerous weapon/weapon and the posting of such signs shall be in conformance with s. 943.13 of the Wisconsin Statutes.

PUBLIC BUILDING — Any building, including the grounds thereof, owned by the state or any political subdivision of the state, such as the Village, Portage County, or the Stevens Point School District.²

PUBLIC LAND — Any land owned by the state or federal governments, the Village, Portage County, or the Stevens Point School District.

QUALIFIED OUT-OF-STATE LAW ENFORCEMENT OFFICER – Means a law enforcement officer to whom all of the following apply:

- (1) The person is employed by a state or local government agency in another state.
- (2) The agency has authorized the person to carry a firearm.
- (3) The Person is not the subject of any disciplinary action by the agency that could result in the suspension or loss of the person's law enforcement authority.
- (4) The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm.
- (5) The person is not prohibited under federal law from possessing a firearm.

WEAPON – Means a handgun, an electric weapon, a knife other than a switchblade knife, or a billy club.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

B. Unless prohibited by state and federal law, persons may carry exposed firearms in the Village of Plover, and they may further carry concealed firearms or weapons in the Village of Plover with a valid permit or license.

- (1) The following exemptions shall apply to the carrying of firearms or weapons:
 - (a) No person may go armed with a firearm in any public building unless they are peace officers; armed forced or military personnel who go armed in the line of duty or to any person duly authorized by the chief of police an any city, village or town; the chief of the capitol police, or the sheriff of any county; a qualified out-of-state law enforcement officer; a former officer with current/valid concealed carry certification card; or a licensee or an out-of –state licensee.
 - (b) No person may enter or remain in a public building which is properly signed and while in possession of a firearm, dangerous weapon or weapon whether exposed or concealed. Sworn law enforcement personnel or armed forces personnel acting in the line of duty are exempt from this restriction.
 - (c) No person may knowingly go armed with a firearm nor may a licensee or an out-of-state licensee knowingly carry a concealed weapon, a weapon that is not concealed, or a firearm that is not a weapon into any portion of the Village of Plover Police Department or any portion of a building that is a municipal courtroom if court is in session, except for those persons authorized by Wisconsin Statute.
 - (d) No person, unless otherwise permitted by statute, may carry any exposed or concealed firearm, dangerous weapon or weapon into any event which lasts no longer than three weeks and is properly signed prohibiting the possession of such firearms, dangerous weapons, or weapon and has controlled access points which are properly signed or admission is charged, or have been notified of such prohibitions by event organizers.
 - (e) No person, unless otherwise permitted by statute, may carry an exposed or concealed firearm, dangerous weapon or weapon into a private business which is properly signed or has been personally instructed to remove such weapon from the premises by the person in charge.
 - (f) No person, unless otherwise permitted by statute, may carry an exposed or concealed firearm, dangerous weapon or weapon into a private residence when informed not to do so by the owner or person in charge of such property.
 - (g) No person may intentionally go armed with a handgun on any premises for which a Class “B” or “Class B” license or permit has been issued under ch. 125. Such restriction does not apply to peace officers, a correctional officer while going armed in the line of duty, a member of the U.S. armed forces or national guard while going armed in the line of duty, a private security person meeting statutory requirements, a qualified out-of-state

law enforcement officer, a former officer to whom s. 941.23(2)(c) 1 to 7 applies, a licensee or an out-of-state licensee if the licensee or out-of-state licensee is not consuming alcohol on the premises, and further exemptions as listed in s. 941.237(3).

(h) No person may carry an exposed or concealed firearm or dangerous weapon, within school buildings, onto school property or within 1000 feet of a school, unless otherwise permitted by Wisconsin Statutes.

(i) Carrying a concealed weapon; possession and display of license document and authorization:

[1] Unless a licensee or out-of-state licensee is carrying a concealed weapon in a manner described under s. 941.23(2) (e), a licensee shall have with him or her his or her license document and photographic identification card and an out-of-state licensee shall have with him or her his or her out-of-state license and photographic identification card at all times during which he or she is carrying a concealed weapon.

[2] Unless a licensee or out-of-state licensee is carrying a concealed weapon in a manner described under s. 941.23(2) (e), a licensee who is carrying a concealed weapon shall display his or her license document and photographic identification card and an out-of-state licensee who is carrying a concealed weapon shall display his or her out-of-state license and photographic identification card to a law enforcement officer upon the request of the law enforcement officer while the law enforcement officer is acting in an official capacity and with lawful authority.

[3] Former law enforcement officers (both in state and out of state) shall, while carrying a concealed firearm have with them all required photographic identification documents and current certification cards required under s. 941.23.

[4] Persons violating B(1)(i)(1-3) shall be exempted from a forfeiture if the person presents, within 48 hours, their license documentation/current certification cards, to the law enforcement agency that employs the requesting law enforcement officer.

C. Use of firearms. [Amended by Ord. No. 16-01; Amended by Ord. No. 4-12]

(1) Regulated. No person except an authorized police officer shall discharge any firearm within the Village, except as provided in Subsection C(2) below.³

(2) Exceptions:

(a) Police firing range.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (b) Uses granted under a conditional use permit pursuant to Chapter 550, Zoning, of this Code.
- (c) A contracted deer hunter retained for purposes of culling deer while engaged in the work of stalking or hunting deer pursuant to said contract.
- (d) Any citizen whose conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wisconsin Statute section 939.45.

D. Use of other dangerous weapons. [Amended by Ord. No. 4-12; Ord. No. 2-14]

- (1) Regulated. No person except an authorized police officer shall shoot or discharge any other dangerous weapon anywhere in the Village except as provided in Subsection D(2) below.
- (2) Exceptions:
 - (a) Supervised areas designated as shooting ranges by the Village Board or the Stevens Point School Board.
 - (b) Uses granted under a conditional use permit pursuant to Chapter 550, Zoning, of this Code.
 - (c) Any citizen whose conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wisconsin Statute section 939.45.
 - (d) Persons who use a bow and arrow or crossbow to hunt in the Village of Plover must abide by all Wisconsin State Statutory and Village of Plover ordinance hunting and land use requirements. A person is prohibited from hunting with a bow and arrow or crossbow within 100 yards of a building located on another person's land. The restriction does not apply if the person who owns the land on which the building is located allows the hunter to hunt within 100 yards of the building. Persons who hunt with a bow and arrow or crossbow must discharge the arrow or bolt from the respective weapon toward the ground. [Created by Ord. 2-14]

E. Penalty. Any person who shall violate any provision of this section shall, upon conviction, is subjected to a forfeiture of not less than \$25.00 nor more than \$500.00.

§ 406-3. Throwing or shooting of arrows, stones and other missiles. [Amended by Ord. No. 15-99; 11-20-2003; Ord. No. 7-06; Ord. No. 2-14]

Except as set forth in § 406-2.D. (2)(d) and § 406-4, no person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by 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.

§ 406-4. Bow and arrow discharge permit. [Added by Ord. No. 7-06]

A. Findings. The Village Board determines that it is in the public interest that the Village

attempt to control the wild deer population within the Village, due to the negative impact that an expanding wild deer population has on an increasing Village population. Specific areas of concern include health and safety of all Village residents, particularly as manifested by the increased risk of car-deer accidents, as well as damage to ornamental foliage, shrubs and individual gardens. The Village Board determines that it is the primary purpose of this section to further public health and safety, although it recognizes that such section may have an incidental effect on hunting.

- B. Authority. This section is enacted pursuant to the authority granted under § 29.038, Wis. Stats.
- C. Discharge permit. A person may discharge an arrow from a bow within a preestablished discharge zone as set forth in Subsection D below, so long as the person complies with all of the following conditions:
 - (1) The person has received the express written permission of the landowner whose land is located in the discharge zone and such permission is on file with the Village Clerk.
 - (2) The person has applied for and received a permit for the discharge of an arrow on a form approved by the Village.
 - (3) The person is in full compliance with all laws and regulations of the state and the Department of Natural Resources for hunting deer at the time that he is discharging the arrow.
 - (4) The person discharges an arrow only during that period set by the State of Wisconsin and the Department of Natural Resources for deer hunting with a bow and arrow.
 - (5) The person keeps on his person the permit required hereunder at all times that he is engaged in or about to engage in discharging an arrow for the purpose of hunting deer.
 - (6) Four does per property must be taken before each buck.
- D. Discharge zone. The discharge zone in which an arrow may be discharged under this section is limited solely to the interior of the area designated on the map on file in the office of the Village Clerk, provided that where the boundary of the discharge zone is a public road or right-of-way, the discharge zone shall not include such public road or right-of-way.
- E. Reporting of killed deer. If the person to whom a permit is issued kills a deer as a result of any arrow discharged under the terms of this section, he shall immediately report such kill within 48 hours to the Village Clerk, who shall maintain a record of such reports.
- F. Penalty. Any person who discharges an arrow in violation of this section may be prosecuted and shall be subject to a forfeiture of not less than \$50 and no more than \$300 together with the allowable costs of prosecution.

§ 406-5. Marijuana.

- A. Definitions. As used in this section, the terms "marijuana" and "practitioner" shall be

defined as provided in § 961.01, Wis. Stats.⁴

- B. Possession. No person shall possess 25 grams or less of marijuana within the Village, unless the marijuana was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats. Any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, shall be subject to prosecution and penalties as provided by state statute.⁵
- C. Penalty. Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$100 nor more than \$200. [Amended by Ord. No. 31-95]

§ 406-6. Synthetic Cannabinoid. [Added by Ord. No. 20-10]

- A. Possession, etc. No person shall possess, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give or barter any one or more of the following chemicals whether under the common street or trade names of “Spice”, “K2”, “Genie”, “Yucatan Fire”, “Face” or “new” marijuana, or by any other names, label or description:
- (1) Salvia divinorum or salvinatorum A: all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract form any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.
 - (2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol some trade or other names: HU-210.
 - (3) 1-Pentyl-3-(1-naphthoyl) indole-some trade or other names: JWH-018\spice.
 - (4) 1-Butyl-3(1naphthoyl) indole-some trade or other names: JWH-073.
 - (5) 1-(3{trifluoromethylphenyl}) piperazine-some trade or other names: TFMPP.
 - (6) Any substance which is a cannabinoid receptor agonist (CRA). “Cannabinoid receptor agonist” means a substance that has an affinity for and stimulates physiological activity in a cannabinoid receptor within the human brain.
 - (7) Or any similar structural analogs.
- B. Medical or dental use allowed. Acts otherwise prohibited under subsection (a) shall not

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

- C. Penalty. Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$100 nor more than \$200.

§ 406-7. Drug paraphernalia. [Added by Ord. No. 30-95]

- A. Definition. "Drug paraphernalia" shall mean all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance as defined in Ch. 961, Wis. Stats. "Drug paraphernalia" shall include, but not be limited to, the items set forth in § 961.571, Wis. Stats.
- B. Possession, etc. Possession, manufacture, delivery or advertisement of drug paraphernalia by or to an adult or an individual under 18 years of age shall be unlawful. In defining whether an object is drug paraphernalia and whether or not said object is possessed, manufactured, delivered or advertised contrary to this section, the provisions of §§ 961.572, 961.573, 961.575 and 961.576, Wis. Stats., are hereby adopted by reference.
- C. Exception. This section shall not apply to a person who has obtained or possesses drug paraphernalia directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of that practitioner's professional practice. The burden of proof to prove such exception shall be on the person claiming it.
- D. Penalty. Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$100 nor more than \$200.

§ 406-8. Fireworks.

- A. Definition. The definition of "fireworks" stated in § 167.10(1), Wis. Stats., is hereby adopted by reference.
- B. 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.
- C. Use regulated. Except as provided in § 167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit issued pursuant to Subsection D below.
- D. User's permit. As provided in § 167.10(3), Wis. Stats., fireworks users' permits shall 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 Village Clerk prior to actual use of any fireworks within the Village limits. [Amended by Ord. No. 26-97]
- E. Permit from Village President for sale or possession with intent to sell fireworks required.

No group or individual, whether a resident or a nonresident, shall be permitted to sell, or possess with intent to sell, fireworks in the Village without a permit from the Village President or the Village President's designee. Permits issued by municipal officers of cities, villages or towns other than the Village of Plover shall not be valid permits permitting the sale or possession with intent to sell of fireworks in the Village. This subsection is enacted pursuant to the provisions of § 167.10(5)(a)3, Wis. Stats.

- F. Penalty. Either the owner of or person in possession of illegal fireworks may be prosecuted under this section. Any person who shall violate any provision of this section may be subject to a forfeiture of not less than \$50 nor more than \$200, together with the costs of prosecution. [Amended by Ord. No. 26-97]

§ 406-9. Noise. [Amended by Ord. No. 13-01; Ord. No. 4a-03⁶]

- A. 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 or park or any private residence. The making or causing of any such sounds or noises in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection. All trucks parking on any street must shut off engine and reefer between 10:00 p.m. and 6:00 a.m.
- B. 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.
- C. 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. The Building Inspector shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. and 6:00 a.m.
- D. Compression brakes. No person shall use motor vehicle brakes, within the Village of Plover, which are in any way activated or operated by the compression of the engine of a motor vehicle, or any unit or part thereof, unless the vehicle has a properly designed exhaust and muffler system to regulate the noise created by the utilization of compression as part of the braking process. A person shall not be deemed in violation of this subsection if it is necessary to use engine compression to stop a vehicle in the event of an emergency.
- E. Schools, churches and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, or church while in use, or adjacent to any hospital, which unreasonable interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, is prohibited, provided that conspicuous signs are displayed in those streets indicating a school, church or hospital street.

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- F. Animals and birds. No person shall keep any animal or bird which causes frequent or long-continued unnecessary noise.
- G. Exceptions. The provisions of this section shall not apply to:
 - (1) Any vehicle of the Village while engaged in necessary public business.
 - (2) Excavations or repairs of streets or other public construction by or on behalf of the Village at night when public welfare and convenience render it impossible to perform such work during the day.
 - (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
- H. Permit. The Village Board shall have the authority to grant a permit for a period necessary within which time such work, operation, or activity may take place within the hours of 10:00 p.m. to 6:00 a.m.

§ 406-10. Loitering.

- A. 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 make 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.
- B. 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.
- C. 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.
- D. 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 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 persons in authority at such places.
- E. Loitering in public places. No person shall loiter, lounge or loaf in or about any depot,

theater, 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.

- F. 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.

§ 406-11. Consumption of alcohol beverages on public property and parking lots.

- A. Definitions. For the purpose of this section, the following definitions apply:

LICENSED PREMISES — The area within a building or structure which is licensed pursuant to Chapter 328, Intoxicating Liquor and Fermented Malt Beverages, 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.

PUBLIC PARKING LOT — Any area held out to the public for the parking of motor vehicles, whether such area is publicly or privately owned.

PUBLIC PROPERTY — Any property, including buildings or structures thereon, which is owned, leased or operated by the Village or the Stevens Point School District; public sidewalks; roadways and streets; playgrounds; parks; and alleys.

- B. Conduct prohibited. No person shall consume any fermented malt beverage or intoxicating liquor in or upon public property or public parking lot.
- C. Conduct prohibited outside licensed premises. No person who has purchased fermented malt beverages or intoxicating liquor from any licensed premises shall consume said beverage or liquor outside of, but within the property boundary lines of, such premises.
- D. Exceptions.
- (1) The prohibitions in Subsections B and C above shall not apply to those events or activities which are otherwise permitted or licensed pursuant to Chapters 328 and 401 of this Code.
 - (2) The prohibitions in Subsections B and C 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.
 - (3) The Village Board may designate areas within which fermented malt beverages may be consumed in open containers on days declared to be public celebration days by the Board. [Added by Ord. No. 17-86]

§ 406-12. Littering.

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. Any person found guilty of violating this

section shall be subject to a forfeiture of not more than \$200 plus the cost of cleanup. Each day a violation continues shall constitute a separate violation.

§ 406-13. Open cisterns, wells or other dangerous openings.

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.

§ 406-14. Abandoned or unattended refrigerators or other containers.

No person shall leave or permit to remain outside of any dwelling, building 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.

§ 406-15. Damage to Village property.

No person shall intentionally cause damage to any physical property of the Village.

§ 406-16. Urinating or defecating on public or private property; indecent exposure. ⁷

It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings, or to indecently expose his person.

406-17. Social Hosting. [Added by Ord. No. 1-15]

A. Findings and Declaration of Policy. The Village Board intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons civilly responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Village Board finds:

- (1) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

⁷. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol related traffic collisions.
- (3) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- (4) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and condone the activity, and in some circumstances, provide the alcohol.
- (5) A deterrent effect will be created by holding a person responsible for hosting an event or gathering where underage possession or consumption occurs.

B. Definitions. For purposes of this chapter, the following terms have the following meanings:

- (1) “Control” means the power to direct, manage, oversee, supervise, organize, conduct, and shall also mean hosting, allowing, permitting or sponsoring. A person need not be present on the premises to be in control.
- (2) “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (3) “Host” or “allow” means to aid, conduct, entertain, organize, supervise, control or permit a gathering or event.
- (4) “Knowingly permit” means there must be evidence or a reasonable inference from evidence that the person knew or should have known that consumption of alcoholic beverages would occur.
- (5) “Premises” shall have the meaning under Section 125.02(14m) of the Wisconsin Statutes, and shall also include all public or private property, regardless of whether said property is described in a license or permit.
- (6) “Public or private location” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.
- (7) “Underage person” is any individual under twenty-one (21) years of age.

C. Prohibited Acts. No person may host or allow an event or gathering at any premises or public or private location under the person’s control, where alcohol is present, and

knowingly permit or fail to take reasonable steps to prevent the possession or consumption of alcohol by an underage person. This subsection does not apply to legally protected religious observances.

- (1) A person is responsible for violating this section if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.
- (2) A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible.

D. Exceptions.

- (1) This chapter does not apply to conduct solely between an underage person and his or her parents while the parent is present and in control of the underage person.
- (2) This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

E. Penalties. A person who violates any provision of this ordinance is subject to a forfeiture of not less than \$300 nor more than \$2,000, plus the costs of prosecution.

406-18. Bullying, Harassment. [Added by Ord. No. 4-15]

(A) Definitions. As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) Bullying: "Bullying" is a form of harassment and is defined as an intentional course of conduct which is reasonably likely to intimidate, emotionally abuse, slander or threaten another person and which serves no legitimate purpose.
- (2) Course of Conduct: "Course of conduct" is defined as a pattern of conduct composed of a series of acts over a period of time however short, evidencing a continuity of purpose.
- (3) Harassment: "Harassment" is defined as any conduct, whether verbal, physical, written, or by means of any mode of communication, which:
 - (a) Is prohibited by Wis. Stats., §§ 947.01, 947.012, 947.0125, or 947.013; or
 - (b) Is any intentional course of conduct which is likely to create an intimidating, hostile or offensive environment, and which serves no legitimate purpose.

(B) Prohibition. It shall be unlawful for any person to engage in any bullying or harassment of a person or induce another person to engage in such bullying or harassment.

- (C) Retaliation Prohibited. No person shall retaliate against any person who reports any conduct which is prohibited by this Section.
- (D) Constitutionally Protected Activity. This Section shall not be construed to apply to any constitutionally protected activity or speech.
- (E) Parental Responsibility. It shall be unlawful for any custodial parent or guardian of any unemancipated person under eighteen (18) years of age to allow or permit such person to violate the provisions of Subsection (2) above. The fact that prior to the present offense a parent, guardian or custodian was informed in writing by a law enforcement officer of a separate violation of Subsection (2) by the same minor occurring within ninety (90) days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation.

§ 406-19. Violations and penalties. ⁸

Except where another penalty is prescribed, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Code. In addition to any penalty imposed for violation of § 943.01, Wis. Stats., 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 § 943.01(1), Wis. Stats., may also be held liable for the cost of repairing such damaged or destroyed property in accordance with § 895.35, Wis. Stats.

⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).