

Village of Almena, WI  
Tuesday, July 30, 2024

## Chapter 204. Peace and Good Order

[HISTORY: Adopted by the Village Board of the Village of Almena as §§ 9.01 to 9.20 and Ch. 11 of the former Village Code. Amendments noted where applicable.]

### § 204-1. Offenses against state laws subject to forfeiture.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

A. The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under § 1-4 of this Municipal Code.

- (1) Section 97.627, Causing fires by tobacco smoking.
- (2) Section 110.075(7), Producing/using inspection sticker fraudulently.
- (3) Section 134.06, Bonus to chauffeurs for purchases, forbidden.
- (4) Section 285.30(2), Motor vehicle emissions limitations; inspections.
- (5) Section 175.25, Storage of junked automobiles.
- (6) Section 218.0146, Motor vehicles (used cars/prohibited acts).
- (7) Section 218.0147, Purchase or lease of motor vehicle by minor.
- (8) Section 346.935, Intoxicants in motor vehicles.
- (9) Section 939.22, Words and phrases defined (crimes).
- (10) Section 941.30, Recklessly endangering safety,
- (11) Section 941.10, Negligent handling of burning materials.
- (12) Section 941.12, Interfering with firefighting.
- (13) Section 941.13, False alarms.
- (14) Section 943.01(1), Criminal damage to property (less than \$200).
- (15) Section 943.13, Trespass to land.
- (16) Section 943.14, Criminal trespass to dwellings.
- (17) Section 946.40, Refusing to aid officer.
- (18) Section 946.41, Resisting or obstructing officer.
- (19) Section 946.65, Obstructing justice.
- (20) Section 946.70, Impersonating peace officers, fire fighters, or other emergency personnel.
- (21) Section 946.72, Tampering with public records and notices.

(22) Section 947.01, Disorderly conduct.

(23) Section 947.06, Unlawful assemblies and their suppression.

(24) Section 948.11, Exposing a child to harmful material or harmful descriptions or narrations.

(25) Chapter 951, Crimes against animals.

## § 204-2. Firearms.

No person except an authorized police officer shall discharge any firearm within the Village or have any firearm in his possession within the Village unless it is unloaded and knocked down and enclosed in a carrying case or other suitable container, provided the Board may issue permits to an organized gun club to engage in target practice within the Village at times and places designated by the Chief of Police.

## § 204-3. Throwing or shooting missiles and projectiles.

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.

## § 204-4. Sale and discharge of fireworks restricted.

Section 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this chapter as though set forth in full.

## § 204-5. Obstructing streets and sidewalks prohibited.

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress to or egress from any place of business or amusement or any church, public hall or meeting place.

## § 204-6. Loud and unnecessary noise prohibited generally.

No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

## § 204-7. Loitering.

- A. Loitering or prowling prohibited, generally. 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 subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him/her 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 traffic by loitering. No person shall loaf or loiter in a group or crowd 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 streets, alleys, sidewalks, street crossings or bridges or other public places by persons passing along and over the same.
- C. Loitering after being requested to move.
  - (1) In groups or crowds. No person shall loaf or loiter in a group or a crowd upon the public streets or sidewalks or in adjacent doorways or entrances, on 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.
  - (2) In places of public assembly or use. 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 any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or the area thereof.
  - (3) Obstructing highways. 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.

## § 204-8. Curfew.

[Added 8-12-1997]

- A. It shall be unlawful for any person 16 years of age or under to be on foot, bicycles, or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building, or any other public place within the Village of Almena between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said child unaccompanied by parent, guardian, or other person having legal custody, is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor.
- B. Exceptions.
  - (1) This section shall not apply to a child:
    - (a) Who is performing an errand as directed by his or her parent, guardian or person having lawful custody;
    - (b) Who is on his own premises or in the areas immediately adjacent thereto;
    - (c) Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours;
    - (d) Who is returning home from a supervised school, church, or civic function.
  - (2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or to be in a parked motor vehicle on the public streets.
- C. Parental responsibility. It shall be unlawful for any parent, guardian, or other person having the lawful care, custody, and control of any person 16 years of age or under to allow or permit such person to violate the provisions of Subsections **A** and **B** above. The fact that prior to the present

offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this section occurring within 30 days of the present offense shall be prima facie evidence that such parent, guardian, or custodian allowed or permitted the present violation. Any parent, guardian, or custodian herein who shall have made a missing person notification to the Police Department shall not be considered to have allowed or permitted any person 16 years of age or under to violate this section.

- D. Business responsibility. It shall be unlawful for any person, firm, or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor 16 years of age or under to loiter, loaf, or idle in such place during the hours prohibited by this section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by the section shall find persons 16 years of age or under loitering, loafing, or idling in such place of business, he/she shall immediately order such person to leave, and if such person refuses to leave said place of business, he/she operator shall immediately notify the Police Department and inform them of the violation.
- E. Detention of violators. Every law enforcement officer is hereby authorized to detain any minor violating the provisions above, until such time as the parent, guardian, or person having legal custody of the minor shall be immediately notified and the person so notified shall, as soon as reasonably possible thereafter, report to the Police Department for the purpose of taking the custody of the minor and shall sign a release for him/her or her. If no response is received, the police shall take whatever action is deemed necessary, in the best interests of the minor.
- F. General penalty.
  - (1) Any parent, guardian, or person having legal custody of a child described in Subsections **A** through **E** who violates any of the provisions of this section shall be subject to a penalty of \$10 plus court costs for the first offense. For second and each subsequent offenses, penalty shall double from the amount of penalty charge for the prior offense, plus court costs. After a second violation within a six-month period, if the defendant, in a prosecution under this section, proves that he/she or she is unable to comply with this section because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Ch. 938, Wis. Stats.
  - (2) Any person 16 years of age or under who violates this section after being detained and released under Subsection **E** shall be subject to a penalty of \$10 plus court costs for the first offense, and shall be dealt with under Ch. 938, Wis. Stats. For second and each subsequent offenses, penalty shall double from the amount of penalty charge for the prior offense, plus court costs.

## § 204-9. Animals and fowl 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.

## § 204-10. Storage of junk; abandoned vehicles.

### A. Generally.

- (1) Restricted. No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood, except in an enclosure which screens such property from public view or upon permit issued by the Village Board.

- (2) Order for compliance. The Building Inspector may require by written order any premises in violation of this subsection to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

B. Abandoned vehicles.

- (1) Vehicle abandonment prohibited. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any Village street or highway or on any public or private property within the Village without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.
- (2) Removal and impoundment of abandoned vehicles. Any vehicle in violation of this subsection shall be impounded until lawfully claimed or disposed of under Subsection **B(3)**; except if the Chief of Police or his authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Village prior to expiration of the impoundment period upon determination by the Chief of Police or his authorized representative that the vehicle is not wanted for evidence or any other reason.
- (3) Disposal of abandoned vehicles.
  - (a) Vehicles exceeding \$100 in value.
    - [1] If the Chief of Police or his authorized representative determines that the value of an abandoned vehicle exceeds \$100, he/she shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the Village and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges, and if not so reclaimed shall be sold. See also Subsection **B(4)**.
    - [2] If an abandoned vehicle exceeding \$100 in value is not reclaimed within the period and under the conditions provided in Subsection **B(3)(a)[1]** above, it may be sold at private sale.
    - [3] After deducting the expenses of impoundment and sale, the balance of the proceeds, if any, shall be paid into the Village treasury.
  - (b) Vehicles of less than \$100 in value. Any abandoned vehicle which is determined by the Chief of Police or his authorized representative to have a value of less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.
- (4) Owner responsible for impoundment and sale costs. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle, provided no such costs shall be imposed without notice thereof to the owner and an opportunity for the owner to be heard thereon. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the Village against the owner.
- (5) Notice of sale or disposition. Within five days after the sale or disposal of a vehicle as provided in Subsection **B(3)**, the Chief of Police or his authorized representative shall advise the State Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such form shall be given to the purchaser of the vehicle, and a copy shall be retained on file in the Village.

## § 204-11. Littering prohibited.

No person shall throw any glass, refuse, waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village or upon any private property or upon the surface of any body of water within the Village.

## § 204-12. Obedience to officers.

No person shall resist or interfere with any officer of the Village while such officer is doing any act in his official capacity and with lawful authority, nor shall any person refuse to assist an officer in carrying out his duties when so requested by the officer.

## § 204-13. Open cisterns, wells, basements or other dangerous excavations prohibited.

No person shall have or permit on any premises owned or occupied by him/her 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 such design, size and weight that the same cannot be removed by small children.

## § 204-14. Abandoned or unattended refrigerators and certain containers 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 ice box, 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 unless such door or lid, snap lock or other locking device has been removed from such ice box, refrigerator or container or unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

## § 204-15. Garbage and rubbish regulated.

- A. Duty of patrons. Any person contracting for and receiving garbage collection services shall place all of his garbage in a container provided with a cover, adequate to prevent the entrance of flies and the escape of odors, and at least two handles to enable the same to be lifted and emptied, and shall not place therein anything but garbage. Any person contracting for and receiving rubbish collection service shall provide a rubbish container, disposable or otherwise, and shall place therein nothing but rubbish.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

### **GARBAGE**

Includes all kinds of organic kitchen refuse resulting from the preparation of food and all decayed or spoiled food products from any source whatever.

### **RUBBISH**

Includes all inorganic refuse matter, such as, but not restricted to, tin cans, wire or metal, glass, china, crockery, paper, cloth, stone, earth, wood and ashes.

- C. Nonresidential and "special-haul" refuse removal.  
[Added 9-12-1989]

- (1) Nonresidential refuse removal and "special hauling" is the responsibility of the owner/occupant. They may contract with any hauler for such service. Residential refuse and rubble shall be

removed and hauled only by contractor with whom the Village has contracted.

- (2) All commercial and "special-haul" refuse haulers, other than persons hauling their own materials, shall register with the Village Clerk before commencing hauling. They shall show proof of liability insurance of at least \$300,000 for injury or damage to persons and \$100,000 for property damage. Insurance shall be proven to be in force for the period the hauler will operate in the Village.
- (3) Collection and hauling shall be done within the hours of 6:00 a.m. and 6:00 p.m. unless special waiver is obtained from the Clerk.
- (4) Haulers shall not allow any materials to fall or blow from the collection/hauling vehicle nor litter anywhere in the process of collection or hauling.
- (5) "Special hauling" is the pickup and removal of "rubble."
- (6) "Rubble" is rock, concrete, bricks, and similar and other building materials, plaster and dirt, in excess of three standard containers, and large appliances and furniture.

## § 204-16. Open containers of alcohol beverages off licensed premises.

- A. Permittees. No person licensed or permitted in the Village to sell alcohol beverages shall cause, allow, or permit any person to remove any alcohol beverages in any open glass, can, or other container beyond the licensed or permitted premises.
- B. Consumer. No person shall possess in any glass, can, or other open container, or consume any alcohol beverage at any time in any public place outside of licensed or permitted premises.
- C. Penalty. Any person violating this section shall be subject to a penalty as provided in § 1-4 of this Code.

## § 204-17. Repeated police calls.

[Added 8-14-2007]

- A. If any person in the Village calls the police more than once within a six-month period, the caller shall be liable for penalties provided below, if:
  - (1) The call or any of them are not legally justified; or
  - (2) The calls involve the same activity or the same alleged perpetrator; or
  - (3) The caller has other recourse to avoid the activity or behavior which precipitates the call.
- B. If any person in the Village is the subject of repeated legally justifiable calls to the police, that person shall be liable for the penalties provided below. "Repeated" calls means more than two in any six-month period.
- C. Any person violating Subsection **A** shall receive a citation upon the second unjustified call with penalty of not less than \$50 plus usual costs.
- D. Any person violating Subsection **A** for a third time shall receive a citation for not less than \$100 plus usual costs and shall, in addition, pay restitution to the Village for the actual cost of the police response, but not less than \$100.
- E. Any person violating Subsection **B** shall, in addition to any citation issued for the offense, upon the third call within six months, be liable for restitution to the Village for the actual cost of the police response, but not less than \$100.

## § 204-18. Smoking ban in compliance with statutes.

[Added 5-11-2010]

- A. State statutes adopted. The provisions of § 101.123 of the Wisconsin Statutes as amended by 2009 Wisconsin Act 12 relating to the prohibition of smoking in various enclosed places are hereby adopted and made part of this Code by reference. Penalties for violation shall be as provided herein. As prescribed by state statutes, a warning notice shall be issued to the "person in charge" for the first violation.
- B. Penalty. A violation of the provisions of § **204-18** of the Municipal Code relating to the prohibition of smoking in various enclosed places shall be as set forth in § 101.123(8), Wis. Stats.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- C. Effective date. The creation of this section shall be effective upon passage and posting but shall not be effective prior to July 5, 2010.

## § 204-19. Possession of controlled substance or drug paraphernalia in compliance with statutes.

[Added 8-14-2012]

- A. State statutes adopted. The provisions of Chapter 961 of the Wisconsin Statutes - Uniform Controlled Substances Act relating to the possession of controlled substances or drug paraphernalia are hereby adopted and made part of this Code by reference. Penalties for violation shall be as provided herein.
- B. Penalty. A violation of the provisions of § **204-19** of the Municipal Code relating to possession of controlled substances or drug paraphernalia shall be \$500 for each violation.
- C. Effective date. The creation of this section shall be effective upon passage and posting.

## § 204-20. Retail theft.

[Added 7-11-2006]

- A. Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals, or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection **D** hereof.
- B. The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- C. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purposes for the detention and may make phone calls, but he/she shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.



[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- D. If the value of the merchandise does not exceed \$500, any person violating this section shall forfeit not more than \$200. If the value of the merchandise exceeds \$500, this section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

## § 204-21. Issuance of worthless checks.

[Added 12-14-2011]

- A. Whoever issues any check or other order for the payment of money less than \$500 which, at the time of issuance, he/she or she intends shall not be paid, is guilty of a violation of this section.
- B. Any of the following is prima facie evidence that the person at the time he/she or she issued the check or other order for payment of money intended it should not be paid:
- (1) Proof that at the time of issuance, the person did not have an account with the drawee;
  - (2) Proof that at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed, within 10 days after receiving notice of nonpayment or dishonor, to pay the check or other order.
  - (3) Proof that when presentment was made within reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed, within 10 days after receiving notice of nonpayment or dishonor, to pay the check or other order.
- C. This section does not apply to a postdated check or to a check given in past consideration, except a payroll check.
- D. Penalty. Any person violating any provisions of this section shall be subject to a forfeiture of \$250 for each offense, together with the costs of prosecution, and, in default of payment, shall be imprisoned in the county jail until forfeiture and costs are paid, but not to exceed 60 days.