

CHAPTER 52

Public Safety and Order

52.01	State Safety Statutes Adopted
52.02	State Statutes Relating to Those Under Certain Ages Adopted
52.03	Curfew
52.04	Hunting or Discharging of Firearm
52.05	Prohibited Weapons
52.06	Possession of Marijuana
52.07	Damage to Property
52.08	Damage to Public Property
52.09	Interference With Public Safety Officer
52.10	Failure to Obey Lawful Order
52.11	Trespass
52.12	Littering
52.13	Loud and Unnecessary Noise
52.14	Disturbance of Lawful Assembly
52.15	Drunkenness
52.16	Dogs
52.17	Use of Town Rights-of-Way

Sec. 52.01 State Safety Statutes Adopted.

The provisions of the following Wisconsin Statutes are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future amendment of any statutory provision incorporated herein that the Town may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment. Any offense that would be a felony if charged as a violation of a Wisconsin Statute is not adopted.

29.29	Noxious Substance in Water
167.10	Fireworks Violation
175.25	Illegal Storage of Junked Vehicle
940.19(1)	Battery
941.10	Negligent Handling of Burning Material
941.12(2)	Interfering With Fire Fighting-Equipment
941.12(3)	Interfering With Fire Fighting-Hydrant
941.13	False Alarm
941.20(1)	Reckless Use of Weapon
941.23	Carrying a Concealed Weapon
941.235	Carrying a Firearm in a Public Building
941.24	Possession of Switchblade Knife

941.2965	Illegal Use of a Facsimile Firearm
941.297	Sale of Imitation Firearm
941.35	Illegal Conduct Relating to Emergency Telephone Call
941.36	Fraudulent Tapping of Electric Wire or Gas or Water Meter or Pipe
941.37(2)	Obstructing Emergency or Rescue Personnel
942.05	Illegal Opening of Letter
943.01(1)	Damage to Property
943.017	Illegal Graffiti
943.11	Illegal Entry Into Locked Vehicle
943.125	Illegal Entry Into Locked Coin Box
943.13	Trespass to Land
943.14	Trespass to Dwelling
943.145	Trespass to a Medical Facility
943.15	Illegal Entry Into Locked Site
943.20	Theft
943.21	Fraud of Innkeeper or Taxicab Operator
943.22	Use of Cheating Token
943.225	Refusal to Pay for Motor Bus Ride
943.24	Issue of Worthless Check
943.37	Alteration of Property Identification Mark
943.38(3)	Forgery
943.392	Fraudulent Data Alteration
943.41	Credit Card Crime
943.455	Theft of Cellular Telephone Service
943.46	Theft of Cable Television Service
943.47	Theft of Satellite Cable Programming
943.50	Retail Theft
943.55	Removal of a Shopping Cart
943.61	Theft of Library Material
943.70	Computer Crime
944.20	Lewd and Lascivious Behavior
944.23	Making Lewd, Obscene or Indecent Drawing
944.36	Solicitation of Drinks
945.02	Gambling
945.04	Permitting Premises to be Used for Commercial Gambling
946.40	Refusing to Aid Officer
946.41	Resisting or Obstructing Officer
946.42	Escape
946.46	Encouraging Violation of Probation or Parole
946.69	Falsely Assuming to Act as Public Officer or Employee
946.70	Impersonating Peace Officer
946.72	Tampering with Public Record or Notice
947.01	Disorderly Conduct
947.012	Unlawful Use of Telephone
947.0125	Unlawful Use of Computerized Communication System
947.013	Harassment
947.06	Unlawful Assembly
948.51	Hazing
951.02	Mistreating Animals

- 951.03 Dognapping or Catnapping
- 951.04 Leading Animal from Motor Vehicle
- 951.05 Cruel Transportation of Animal
- 951.06 Expose Animal to Poisonous or Controlled Substance
- 951.07 Illegal Use of Certain Animal Device
- 951.08 Instigating Fight Between Animals
- 951.09 Shooting at Caged or Staked Animal
- 951.095 Harassment of Police Animal
- 951.10 Illegal Sale of Baby Rabbit, Chick or Other Fowl
- 951.11 Illegal Artificially Colored Animal
- 951.13 Failure to Provide Proper Food and Drink to Confined Animal
- 951.14 Failure to Provide Proper Shelter to Animal
- 951.15 Illegal Neglect or Abandonment of Animal
- 961.573(1) Possession of Drug Paraphernalia
- 961.574(1) Manufacture or Delivery of Drug Paraphernalia
- 961.575(1) Delivery of Drug Paraphernalia to a Minor

Sec. 52.02 State Statutes Relating to Those Under Certain Ages Adopted.

The provisions of the following Wisconsin Statutes are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future amendment of any statutory provision incorporated herein that the Town may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment.

- 938.983(2) Possess, Buy, Attempt to Buy, or Falsely Represent Age to Receive Tobacco Product
- 961.573(2) Possession of Drug Paraphernalia
- 961.574(2) Manufacture or Delivery of Drug Paraphernalia
- 961.575(2) Delivery of Drug Paraphernalia to a Minor

Sec. 52.03 Curfew

(1) **Curfew Established.** It shall be unlawful for any minor to be in, on, or at (whether on foot, in or on any type of vehicle, or otherwise), any public street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building, swimming beach, or any other public place in the Town between the hours of 12:00 midnight and 5:00 a.m. the next day, unless accompanied by his or her parent, guardian, or person having legal custody of his or her person, or unless there exists a reasonable necessity therefor. The fact that said minor, unaccompanied by parent, guardian, or custodian, is found in, on, or at any such public place during the

aforementioned hours shall be a prima facie evidence that said minor is there unlawfully and that no reasonable excuse exists therefor.

(2) Exceptions.

(a) This section shall not apply to a minor:

- (i) Who is performing an errand as directed by his or her parent, guardian, or custodian;
- (ii) Who is on her or her own premises or in an area immediately adjacent thereto;
- (iii) Whose employment makes it necessary to be in such a place during such hours;
- (iv) Who is returning home from a supervised school, church, or civic function, but not later than 60 minutes after the conclusion of such function.

(b) These exceptions shall not, however, permit a minor to unnecessarily loiter about said public places or be in a parked motor vehicle on any of the described public places.

(3) Parental Responsibility. It shall be unlawful for any parent, guardian, or custodian to allow or permit such minor to violate the provisions of this section. 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 policy department shall not be considered to have allowed or permitted any minor to violate this section.

Sec. 52.04 Hunting or Discharge of Firearm.

No person, except a law enforcement officer in the performance of an official duty, may hunt any wild game or discharge any firearm, shotgun, rifle, hand gun, spring gun, air gun, pellet gun, arrow, or bolt from within the right-of-way of any public roadway, street, or highway.

Sec. 52.05 Prohibited Weapons.

(1) Prohibited Weapons. No person may sell, manufacture, purchase, possess, or carry metallic knuckles, or knuckles of any substance that could be put to the same use with the same or similar effect as metallic knuckles; a "numchuck" (also called a "nunchaku") or any similar weapon; a "cestus" or similar material weighted with metal or some other substance and worn on the hand; a "churkin" (also called a "suriken") or any similar weapon; a "sucbai" or any similar weapon; a "manrikigusari" or any similar length of chain having weighted ends; or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person.

(2) Definitions. For the purposes of this section:

- (a) "**Numchuk**" means an instrument consisting of 2 or more sticks, clubs, or rods connected by rope, cord, wire, chain, or similar device.
- (b) "**Churkin**" means a throwing knife consisting of several sharp points protruding from a disc.
- (c) "**Sucba**" means a short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.

Sec. 52.06 Possession of Marijuana.

No person may possess 25 grams or less of marijuana, as defined by Wisconsin law, except as authorized by Wisconsin law.

Sec. 52.07 Damage to Property.

No person may negligently, recklessly, or intentionally damage, injure, deface, destroy, remove, or interfere with any property owned by another person without the consent of the owner, unless authorized to do so by law. No person may place, or permit to be placed, any sign, poster, advertisement, notice, or other writing or paper upon any pole or other structure without the consent of the owner.

Sec. 52.08 Damage to Public Property.

No person may damage any public property. No person may climb any tree or pick any flower or fruit, wild or cultivated, or break, cut down, trample upon or negligently, recklessly, or intentionally damage, injure, deface, destroy, remove, or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, sidewalk, bridge, building, structure, or other public property.

Sec. 52.09 Interference With Public Safety Officer.

- (1) **Interference with Public Safety Officer.** It shall be unlawful for any person to interfere with the efforts of any public safety officer to discharge that officer's lawful duties.
- (2) **Definitions.** For the purposes of this section:

- (a) "**Public safety officer**" means any police officer, sheriff, deputy sheriff, marshal, fire fighter, emergency medical technician, ambulance driver, or hazardous materials team member.
- (b) "**Interfere**" means to impede, obstruct, hamper, burden, or increase the difficulty of the response of a public safety officer.

Sec. 52.10 Failure to Obey Lawful Order.

It shall be unlawful for any person to fail to obey the direction or order of a law enforcement officer that is given while such officer is acting as a law enforcement officer in the Town.

Sec. 52.11 Trespass.

No person may enter or remain on any property after having been notified by the owner or lawful occupant not to enter or remain on the property, unless authorized to do so by law.

Sec. 52.12 Littering.

No person may leave, drop, throw, deposit, or lose possession of any paper, plastic, glass, can, refuse, waste, weeds, sod, brush, gravel, stone, sand, boulder, machinery, garbage, rubbish, filth, litter, or chemical upon a street, alley, highway, public park, water, or other public or private property without the consent of the owner of the property. For the purposes of this section, "chemical" means a chemical for which a materials safety data sheet exists and is required to be maintained by the Community Right To Know Act.

Sec. 52.13 Loud and Unnecessary Noise.

- (1) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue, or cause to be made or continued any loud and unnecessary noise. It shall be unlawful for any person to knowingly or wantonly use or operate, or to cause to be used or operated, any mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using, or occupying property in the neighborhood are disturbed or annoyed.
- (2) **Type of Loud and Unnecessary Noises.** The following acts are declared to be loud and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

- (a) **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle for longer than 3 seconds in any period of 1 minute or less, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any signaling device, and the sounding of any plainly audible device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.
- (b) **Radios, phonographs, similar devices.** The playing, using, or operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. 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 section.
- (c) **Loudspeakers, amplifiers for advertising.** The playing, using, or operating, or permitting to be played, used, or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can be made only by the announcer in person and without the aid of any mechanical device.
- (d) **Animals.** The keeping of any animal, including any bird, that causes frequent or long, continued, unnecessary noise.
- (e) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor boat except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.
- (f) **Construction or repair of buildings.** The erection (including excavation), demolition, alteration, or repair of any building by the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and Saturdays.
- (g) **Schools, courts, churches, hospitals.** The creation of any excessive noise near or adjacent to any school, institution of learning, church, or court while in use, or near or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in the streets indicating a nearby school, hospital, or court. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.

Sec. 52.14 Disturbance of Lawful Assembly.

No person may intentionally interrupt or in any way molest or disturb any public or private school, Sunday School, or church or other place where religious worship is held, or intentionally create or encourage any noise, riot, or disturbance at, in, or near the same, which shall have the effect to disturb or hinder the exercise of any such school, church, or place of worship, or intentionally interrupt, molest, or disturb any lawful assemblage of people, or intentionally create any disturbance at or in any place of public gathering or entertainment.

Sec. 52.15 Drunkenness.

No person may be in a state of alcohol intoxication or impairment in or upon any public place.

Sec. 52.16 Dogs.

- (1) **Dog At Large.** No dog may be at large on the property of another without the property owner's consent. No dog may be at large on public highways or other public property.
- (2) **Dog Barking.** No dog may bark for a period of time in excess of 15 minutes, except while the dog is actively engaged in lawful hunting or tracking activities.
- (3) **Caretaker Responsibility.** If a dog is in violation of any provision of this section, the caretaker of that dog is deemed to have violated the terms of this section.
- (4) **Definitions.** For the purposes of this section:
 - (a) "**At large**" means not on a leash held by a person who has the dog under control.
 - (b) "**Caretaker**" means a person who owns the dog or provides food, shelter, or otherwise cares for the dog.

Sec. 52.17 Use of Town Rights-of-Way.

- (1) **Prohibited Activities.** No person may erect, install, construct, place, or maintain within any right-of-way owned or under the control of the Town any sign, placard, bulletin, or similar item, either on a temporary or permanent basis, regardless of the content of the communication or message contained herein.
- (2) **Penalties.** Any person who violates any provision of this section shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 for each violation. Any person who violates any provision of this section shall be deemed to be causing a public nuisance and the same may be abated as such.