TITLE 11

Offenses and Nuisances

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Title 11 ▸ Chapter 1

State Statutes Adopted

11-1-1 Offenses Against State Laws Subject to Forfeiture
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Sec. 11-1-1 Offenses Against State Laws Subject to Forfeiture.

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 of Lone Rock. With the exception of Sec. 938.342, Wis. Stats., the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code of Ordinances. The penalty for truancy and high school dropouts shall be governed by the provisions of Sec. 938.342, Wis. Stats., as adopted herein.

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Sec. 11-1-2 Penalties; Attempt; Parties to Acts.

(a) **Penalty.** In addition to the general penalty provisions of this Code of Ordinances in Section 1-1-6 or any other penalty imposed for violation of any Section of this Title, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated juvenile who violates Section 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance

with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent law enforcement authorities from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

(b) **Attempt.**

(1) Whoever attempts to commit an act prohibited by Title 11 of this Code of Ordinances of the Village of Lone Rock may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.

(2) An attempt to commit an act prohibited by the ordinances in Title 11 requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he/she does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he/she formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

(c) **Parties to Acts Prohibited in Title 11.**

(1) Whoever is concerned in the commission of an act prohibited by Title 11 of this Code of Ordinances, is a principle and may be charged with and convicted of the commission of said act although he/she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.

(2) A person is concerned in the commission of an act prohibited by these ordinances if he/she:

a. Directly commits the act; or

b. Intentionally aids and abets the commission of it; or

c. Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his/her mind and no longer desires that the act be committed and notifies the other parties concerned of his/her withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

Title 11 ▸ Chapter 2

Offenses Against Public Safety and Peace

11-2-1	Regulation of Firearms, Paintball Devices, Explosives, and Other Missiles; Hunting Limitations
11-2-2	Open and Concealed Firearms and Weapons
11-2-3	Sale and Discharge of Fireworks Restricted
11-2-4	Obstructing Streets and Sidewalks Prohibited
11-2-5	Loitering and Unlawful Assemblies Prohibited
11-2-6	Noise Limitations; Noise Pollution Prevention
11-2-7	Disorderly Conduct
11-2-8	Failure to Obey Lawful Order; Resisting an Officer
11-2-9	Possession of Controlled Substances; Marijuana; Toxic Inhalants
11-2-10	Synthetic Cannabinoid and Drugs Prohibited
11-2-11	Possession, Manufacture and Delivery of Drug Paraphernalia
11-2-12	Consumption of Products Not Labeled for Human Consumption
11-2-13	Crossing a Police Line
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11-2-15	Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited
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Sec. 11-2-1 Regulation of Firearms, Paintball Devices, Explosives and Other Missiles; Hunting Limitations.

(a) **Discharge of Firearms Regulated.**

(1) ***Discharge Prohibited.*** No person shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description in his/her possession or under his/her control within the Village of Lone Rock, except as provided in this Section.

(2) ***Exceptions.*** The following shall not constitute a violation of Subsection (a) above:

a. The maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board, or the firing or discharging of BB air

guns or pneumatic pellet guns upon private premises by persons over sixteen (16) or under the direct personal supervision of a parent or legal guardian.

b. A person working for a firm or under a plan authorized by the Village Board to harvest wildlife pursuant to a Wisconsin Department of Natural Resources-approved Wildlife Management Program, or engaged in permissible hunting under this Section.

c. The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty, including but not limited to active operations, training exercises and ceremonies.

d. The discharge of a firearm in defense of human life or the residence or place of business of the person discharging the firearm.

e. The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Village Board or which is part of a veterans commemorative honor event.

(b) **Limited Firearms Discharge and Hunting Authorized.**

(1) ***Prohibitions; Wildlife Management Programs.*** Except as provided in Subsection (b)(2) below, the discharge of a firearm for hunting of any kind shall not be allowed within the corporate boundaries of the Village of Lone Rock to protect the public health and safety. This provision does not apply to persons authorized by or firms hired by the Village of Lone Rock to conduct wildlife harvests pursuant to DNR-approved Wildlife Management Programs. Open hunting seasons as defined by the Wisconsin Department of Natural Resources (DNR) shall not be effective within such municipal boundaries, except as provided in Subsections (b)(2) and (d) below.

(2) ***Limited Firearms Hunting.*** Coinciding with the open hunting seasons defined by the Wisconsin Department of Natural Resources for hunting geese or deer, the Village Board may authorize the hunting of geese, waterfowl or deer within the Village of Lone Rock to limit their numbers. In the interest of public safety, permit conditions may include, but not be limited to, limits on numbers of authorized hunters, the use of blinds, and designation of specific locations where the hunting of geese, waterfowl or deer is permitted. The purpose of this hunting exception is to assist in the management of resident geese, waterfowl and deer numbers within the Village of Lone Rock.

(c) **Shooting Into Village Limits.** No person located in the territory adjacent to the Village shall discharge any firearm in such manner that the discharge shall enter or fall within the Village of Lone Rock in a dangerous manner.

(d) **Bow Hunting Authorized.** Hunting with a bow and arrow or crossbow is permitted at the times and in the manner prescribed by the Wisconsin Department of Natural Resources in the Village of Lone Rock subject to the following limitations:

(1) ***Residence Proximity Limitation.*** A person may not hunt with a bow and arrow or crossbow within one hundred (100) yards from a building used for human occupancy located on another person's property, unless the owner of the property on which such building is located has authorized the hunter to hunt with a bow and arrow or crossbow within one hundred (100) yards from the residential building.

(2) ***Arrow Discharge Towards the Ground.*** Hunting with a bow and arrow or crossbow shall only be permitted from a tree stand or elevated platform, and arrows or bolts shall be discharged toward the ground.

(3) ***Bow Hunting on Public Property.*** Bow hunting shall not be permitted on municipal, school, and public properties except where specifically authorized by the public body in control of such property. Village-owned public properties where hunting with a bow and arrow or crossbow is allowed shall be designated by ordinance.

(e) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village of Lone Rock without first obtaining a permit to do so from the Village Board.

(f) **Throwing, Discharging, Projecting and Shooting Prohibited.**

(1) ***Prohibition.*** Except as provided in Subsection (d) above, no person shall throw, discharge, project, or shoot any object, BB, pellet, stone, missile or projectile by any means in or onto property owned or possessed by another person or entity without the owner's or possessor's express permission.

(2) ***Exceptions.*** This Subsection shall not apply:

a. To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.

b. To a supervised archery range approved by the Village Board.

c. Within the interior of a single family dwelling.

d. To private archery practice provided such targets are placed in front of a building or an open agricultural field in such a manner as to prevent stray arrows from crossing or entering adjacent properties.

(g) **Paintball Discharge Limited.** No person shall on any private property without the express permission of its owner or on any public property (including but not limited to public streets, sidewalks, parks, playgrounds, schools, open spaces, recreation facilities or any other public facility and/or grounds) discharge or cause to set off a paintball gun, except as provided as follows:

(1) ***Business Exclusion.*** This Subsection specifically excludes any business engaged in the operation of paintball games operating within the appropriate zoning district in which the discharge of paintball guns is carried out in an approved controlled environment.

(2) ***Exclusion on Private Property.*** This Subsection specifically excludes the operation of a paintball gun on private property contingent upon the use of such paintball device being limited to a target which is protected by an appropriate barrier from other private property and prevents damage to same. Under no circumstance shall paintball guns be permitted to be aimed at other human beings and/or animals; this exclusion applies only to an appropriate target on private property.

(h) **Definitions.** For purposes of this Section:

(1) ***Building.*** A permanent structure used for human occupancy and includes a manufactured home, as defined in Section 101.91(2), Wis. Stats.

(2) ***Firearm.*** Any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

(3) ***Paintball Device.*** Any paintball gun/device which is designed or intended to expel a projectile containing paint, ink, or similar material which can cause injury to people or property.

(i) **Firearms Club(s) Exceptions.** Firearms may be discharged upon the properly zoned grounds of a Village Board-authorized rod & gun club by employees, members, and guests of such rod & gun club. Those using firearms on the premises of the rod & gun club shall be subject to all state laws, other municipal ordinances, and safety rules of the organization regarding the use of firearms on said premises.

State Law Reference: Sections 29.038, 66.0409, and 101.91(2), Wis. Stats.
Cross-Reference: Section 12-1-5, Park Hours.

Sec. 11-2-2 Open and Concealed Firearms and Dangerous Weapons.

(a) **Definitions.** The following definitions shall be applicable in this Section:

(1) ***Dangerous Weapon.*** Any firearm, whether loaded or unloaded; any device designed as a weapon 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 as defined in Sec. 941.295(1c)(a), Wis. Stats.; or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. [Sec. 939.22, Wis. Stats.].

(2) ***Electric Weapon.*** Any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current. [Sec. 941.295(1c)(a), Wis. Stats.].

(3) ***Firearm.*** A weapon that acts by force of gunpowder.

(4) ***Handgun.*** True handguns designed to be fired one-handed, and does not include machine guns, rifles or shotguns. [Sec. 175.60(1)(bm), Wis. Stats.].

(5) ***Law Enforcement Officer.*** Any person employed by the State of Wisconsin, or any political subdivision of this State, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws and/or ordinances he/she is employed to enforce.

(6) ***Qualified Out-of-State Law Enforcement Officer.*** For purposes of this Section, a law enforcement officer to whom all of the following apply:

a. The person is employed by a state or local government agency in another state;

b. The agency has authorized the officer to carry a firearm;

c. The officer 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;
d. The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm; and
e. The person is not prohibited under federal law from possessing a firearm.

(b) **Firearms and Dangerous Weapons Regulations.**

(1) ***Concealed Carry License/Permit Requirement.*** Except as provided in Subsection (b)(3) below, no person shall carry on his or her person any concealed firearm(s) or other dangerous weapon(s) unless a valid license/permit as designated under Sec. 175.60, Wis. Stats., has been duly issued. The weapons that are eligible to be carried while concealed are: handguns; electric weapons; knives except switchblades; and billy clubs.

(2) ***Carrying Prohibited in Designated Municipal Buildings.*** In addition to the provisions of Sec. 175.60, Wis. Stats., enumerating places where the open or concealed carrying of a firearm or dangerous weapon is prohibited, including exceptions thereto, it shall be unlawful for any person to enter and/or remain in the following municipal buildings in the Village of Lone Rock while carrying a dangerous weapon or a firearm:
a. Lone Rock Municipal Building.
b. Village of Lone Rock Department of Public Works Building.
c. Restrooms or enclosed shelters at a Village park.

(3) ***Law Enforcement and Military Personnel Exceptions.*** Subsections (b)(1) and (2) above do not apply to:
a. A sworn law enforcement officer as defined in Sec. 175.60, Wis. Stats.
b. A former law enforcement officer who satisfied all of the following requirements:
1. The former officer has been issued a photographic identification document or identification or certification card;
2. The weapon carried is a firearm that is of the type described in the identification document; and
3. Within the preceding twelve (12) months, the former officer met the standards of the state in which he/she resides for training and qualification for active duty law enforcement officers to carry firearms.
c. A qualified out-of-state law enforcement officer, but only if the weapon is a firearm but is not a machine gun or destructive device; the officer is not carrying a firearm silencer; and the officer is not under the influence of an intoxicant.
d. Armed forces personnel acting in the line of duty.

(4) ***Hunter's Safety Exemption.*** Hunter's Safety Courses by WisDNR-approved instructors are exempt from this Section, provided all firearms used are unloaded.

(5) ***Signage.*** Signs meeting the requirements of Sec. 943.13(2)(bm)1, Wis. Stats., shall be posted in prominent locations near all entrances of such buildings/places indicated that possession of a firearm in that building or place is prohibited.

(6) ***Miscellaneous Regulations.***

a. No person may carry any open or concealed firearm or dangerous weapon onto school property or within one thousand (1,000) feet of a school.

b. No person may carry any open or concealed firearm or dangerous weapon into any courtroom while in session.

c. No person may enter or remain in a public building which is properly signed and while in possession of any open or concealed firearm or dangerous weapon.

d. No person may carry any open or concealed firearm or dangerous weapon into a private business which is properly signed.

e. No person may carry any open or concealed firearm or dangerous weapon into any community-type event which lasts no longer than three (3) weeks, has controlled access points which are properly signed, and for which admission is charged.

f. No person may carry any open or concealed firearm or dangerous weapon into any establishment that serves alcohol for consumption on the premises and that person partakes in such consumption.

(c) **Possession, Sale, and Manufacture of Certain Weapons Prohibited.**

(1) ***Prohibitions.*** No person shall sell, manufacture, purchase, possess or carry metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, a "numchuk" (also called a "nunchaku") or any similar weapon, a "cestus" or similar material weighted with metal or other substance and worn on the hand, a "churkin" (also called a "suriken") or any similar object intended to injure a person when thrown, a "sucbai" or similar weapon, a "manrikigusari" or a 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 within the Village of Lone Rock.

(2) ***Subsection Definitions.*** For the purpose of this Subsection, the following definitions shall apply:

a. ***"Numchuk" or "Nunchaku."*** An instrument consisting of two (2) or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.

b. ***"Churkin."*** A round throwing knife consisting of several sharp points protruding from a rounded disc.

c. ***"Sucbai."*** 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.

(3) ***Disposal of Seized Devices.*** Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

(d) **Reckless Use of Weapons.**

(1) ***Acts Prohibited.***

a. No person shall endanger another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow.

b. No person shall operate or go armed with a firearm, air gun, knife or bow and arrow while he/she is under the influence of an intoxicant.
c. No person shall intentionally point a firearm, air gun, knife or bow and arrow at or toward another person.

(2) ***Reckless Conduct Defined.*** "Reckless conduct" consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take chances of perpetrating an injury.

Sec. 11-2-3 Sale and Discharge of Fireworks Restricted.

No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks within the limits of the Village of Lone Rock unless he/she shall be authorized by a fireworks permit as provided in Title 7, Chapter 6, of this Code of Ordinances, or is lawfully engaged in retail or wholesale sales activities permitted by state law. The term "fireworks" as used in this Section shall be defined as provided in Sec. 167.10(1), Wis. Stats., and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

State Law Reference: Sec. 167.10, Wis. Stats.
Cross-Reference: Title 7, Chapter 6.

Sec. 11-2-4 Obstructing Streets and Sidewalks Prohibited.

(a) **Obstructing Streets.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village of Lone Rock in such a manner as to:
(1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
(2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
(3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.

(b) **Obstructing Public Ways.**
(1) No person shall obstruct or interfere with by any means any vehicular, railroad or pedestrian traffic on any public walk, highway, street, alley, railroad track or public thoroughfare for the purpose of disrupting the orderly movement of such traffic or to impede intentionally or unintentionally the flow of the vehicular, train or pedestrian traffic on a public walk, highway, street, alley, railroad track or public thoroughfare or at any public building or premises, parking lot or structure.

(2) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets and sidewalks is a violation of this Section.

(c) **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) ***Loiter.*** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.

(2) ***Nuisance.*** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Lone Rock.

(3) ***Obstruct.*** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.

(4) ***Sidewalk.*** Any sidewalk owned or maintained by the Village of Lone Rock. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

(d) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

Sec. 11-2-5 Loitering and Unlawful Assemblies Prohibited.

(a) **Public Property Loitering Prohibited.**

(1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any law enforcement officer.

(2) 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.

(3) No person shall loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious conduct or any unlawful act.

(4) No person shall loiter in or about any school or public place at or near which children or students attend or normally congregate. As used in this Subsection, "loiter" means to delay, to linger or to idle in or about any said school or public place without a lawful purpose for being present.

(b) **Private Property Loitering Prohibited.**

(1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps or entrance of any business place of private residence without the expressed consent of the owner thereof, or at any time other than usual business hours. Under this Subsection, business place shall include public building at such times that the same shall be closed for the usual and normal business conduct thereat.

(2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

(3) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the expressed consent of the owner thereof, whether such be parked upon a public street, alley, parking lot, driveway or private premises.

(4) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.

(c) **Loitering or Prowling Prohibited.**

(1) 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 law enforcement officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement 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/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement 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 law enforcement officer at the time, would have dispelled the alarm.

(2) No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.

(3) No person shall lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.

(4) No person shall loiter in or about a restaurant, tavern or other public building. As used in this Subsection, "loiter" means to, without just cause, remain in a restaurant,

tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.

(d) **Loitering by Underage Persons Where Alcohol Beverage is Dispensed.**

(1) ***Underage Persons and Intoxicants.*** No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(2) ***Permitting Loitering Prohibited.*** No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(e) **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) ***Loiter.*** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.

(2) ***Nuisance.*** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Lone Rock.

(3) ***Unlawful Assemblies.*** An "unlawful assembly" is an assembly which consists of three (3) or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed. An unlawful assembly includes an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by any other person or persons of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building, or dwelling place, or any portion thereof and which assembly does in fact so block or obstruct the lawful use by any other person, or persons of such private or public thoroughfares, property or any position of access or exit to or from any private or public building, or dwelling place, or any portion thereof.

(f) **Soliciting.** No person shall loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, that such person repeatedly beckons to stop or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce,

entice, solicit or produce another to commit an act of prostitution. No arrest shall be made for a violation of this Subsection unless the law enforcement officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this Subsection:

(1) ***Public Place*** is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.

(2) ***Known Prostitute or Panderer*** means a person who, within five (5) years previous to the date of arrest for violation of this Section, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

(g) **Unlawful Assemblies.** Whoever intentionally fails or refuses to withdraw from an unlawful assembly which the person knows has been ordered to disperse is guilty of a violation of this Section.

Sec. 11-2-6 Noise Limitations; Noise Pollution Prevention.

(a) **Purpose.** Excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life. It is the intent of this Section to minimize the public's exposure to the physiological and psychological dangers of excessive noise, and protect, promote and preserve the public health, safety and welfare. It is the express purpose of this Section to control the level of noise in the Village of Lone Rock in a manner which promotes the reasonable use and enjoyment of property, conduct of business, sleep and repose of residents, and an environment free from unnecessary and excessive sound that constitutes noise pollution. This Section shall be liberally construed to carry out its public purposes.

(b) **Definitions.** The following definitions shall be applicable in this Section, unless the context otherwise clearly indicates:

(1) ***"A" Band Level.*** The total sound level of all noise as measured with a sound level meter using the the "A" weighting network. The unit is the dB(A). Instrument response shall be set on "fast" for motor vehicle measurement and "slow" for all other measurements.

(2) ***Ambient Noise Level.*** The sound pressure level of the all-encompassing noise - associated with a given environment, being usually a composite of sounds with many sources and excluding the specific noise under investigation.

(3) ***Band-Pressure Level.*** The sound pressure level for the sound contained within the restricted band (a specified frequency).

(4) ***Commercial Purpose.*** The use, operation or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting attention the attention of the public to or advertising for, or soliciting patronage or customers to or for any event, performance, show, exhibition or entertainment, or for the purpose of demonstrating any such sound equipment.

(5) ***Cycle.*** The complete sequence of values of a periodic quantity which occurs during a period of time.

(6) ***Decibel (dB).*** A unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

(7) ***Emergency Work.*** Work made necessary to restore property to a safe condition following a public emergency or work required to protect persons or property from an imminent exposure to danger.

(8) ***Frequency.*** The frequency of a function periodic in time shall mean the reciprocal of the primative period. The unit is the "cycle per unit" and shall be specified.

(9) ***Microbar.*** A unit of pressure commonly used in acoustics and is equal to one (1) dyne per square centimeter.

(10) ***Motor Vehicle.*** Is defined in Sec. 340.01(35), Wis. Stats. For purposes of this Section, "motor vehicle" includes, but is not limited to, all of the following:

a. ***Aircraft*** as defined in Sec. 29.001(16), Wis. Stats.
b. ***All-Terrain vehicles*** as defined in Sec. 340.01(2g), Wis. Stats.
c. ***Antique vehicles*** as described in Sec. 341.265, Wis. Stats.
d. ***Automobiles*** as defined in Sec. 340.01(4), Wis. Stats.
e. ***Boats*** as defined in Sec. 29.001(16), Wis. Stats.
f. ***Camping trailers*** as defined in Sec. 340.01(6m), Wis. Stats.
g. ***Farm equipment*** as defined in Sec. 100.47(1), Wis. Stats.
h. ***Farm tractors*** as defined in Sec. 340.01(16), Wis. Stats.
i. ***Hobbyist or homemade vehicles*** as defined in Sec. 341.268, Wis. Stats.
j. ***Junk vehicles*** as defined in Sec. 340.01(25j), Wis. Stats.
k. ***Implements of husbandry*** as defined in Sec. 340.01(24), Wis. Stats.
l. ***Manufactured homes*** as defined in Sec. 101.91(2), Wis. Stats.
m. ***Mobile homes*** as defined in Sec. 340.01(29), Wis. Stats.
n. ***Mopeds*** as defined in Sec. 340.01(29m), Wis. Stats.
o. ***Motor bicycles*** as defined in Sec. 340.01(30), Wis. Stats.
p. ***Motor buses*** as defined in Sec. 340.01(31), Wis. Stats.
q. ***Motor homes*** as defined in Sec. 340.01(33m), Wis. Stats.
r. ***Motor trucks*** as defined in Sec. 340.01(34), Wis. Stats.
s. ***Motor vehicle*** as defined in Sec. 340.01(35), Wis. Stats.

t. ***Motorcycles*** as defined in Sec. 340.01(32), Wis. Stats.
u. ***Railroad trains*** as defined in Sec. 340.01(48), Wis. Stats.
v. ***Recreational vehicles*** as defined in Sec. 340.01(48r), Wis. Stats.
w. ***Road machinery*** as defined in Sec. 340.01(52), Wis. Stats.
x. ***Road tractors*** as defined in Sec. 340.01(53), Wis. Stats.
y. ***Salvage vehicles*** as defined in Sec. 340.01(55g), Wis. Stats.
z. ***School buses*** as defined in Sec. 340.01(56), Wis. Stats.
aa. ***Self-Propelled Vehicles*** of any type.
bb. ***Semi trailers*** as defined in Sec. 340.01(57), Wis. Stats.
cc. ***Snowmobiles*** as defined in Sec. 340.01(58), Wis. Stats.
dd. ***Special interest vehicles*** as defined in Sec. 341.266, Wis. Stats.
ee. ***Trailers*** as defined in Sec. 340.01(71), Wis. Stats.
ff. ***Truck tractors*** as defined in Sec. 340.01(73), Wis. Stats.
gg. ***Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and go carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles*** that require no registration or licensure by the State of Wisconsin.

(11) ***Noncommercial Purpose.*** The use, operation or maintenance of any sound equipment for other than a commercial purpose, and shall include, but not be limited to, civic, patriotic, philanthropic, charitable and/or political purposes.

(12) ***Period.*** The smallest increment of time for which the function repeats itself.

(13) ***Periodic Quantity.*** Means the oscillating quantity, the values of which recur for equal increments of time.

(14) ***Sound-Amplifying Equipment or Device.*** Any device, equipment, musical instrument, loudspeaker, radio, television, digital or analog music player, public address equipment, electronics or machine for the amplification or intensification of music, the human voice, or any other sound. Not included in this definition are standard automobile or truck radios and audio equipment when used and heard only by the occupants of the vehicle in which the radio or audio equipment is installed. As used in this Section, this definition shall also not include warning devices on any emergency vehicle or vehicle used for traffic or worker safety purposes.

(15) ***Sound Analyzer.*** A device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

(16) ***Sound Level Meter.*** An instrument sensitive to pressure fluctuations and meeting the standards of the American National Standards Institute (ANSI) SI.4-1983 or its successors. The instrument shall use the "A" weighted network.

(17) ***Sound Pressure Level.*** Measured in decibels of sound, shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

(18) ***Sound Truck.*** Any motor vehicle, or any other vehicle regardless of method of motive power, whether stationary or in motion, having mounted thereon, or attached thereto, any sound-amplifying equipment.

(19) ***Spectrum of a Function of Time.*** The spectrum of a function of time shall mean a description of its resolution into components, each of a different frequency.

(c) **Decibel Measurement Criteria.** Unless otherwise indicated, any decibel (dB) measurement made pursuant to the provisions of this Section shall be based on the reference sound pressure and measured with a sound level meter using the "A" weighting network. In this Section, the terms dB and dB(A) are synonymous unless otherwise stated.

(d) **Limitations on General Sources of Sound or Noise.**

(1) ***Loud and Unnecessary Noise or Sound Prohibited.***

a. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise as regulated by this Section. No person shall cause, suffer, allow or permit the operation of any source of sound or noise in such manner as to create a sound level that equals or exceeds the sound level limits set forth in this Section or which occurs during designated times of sound or noise limitation. Noise and sound shall be so muffled or otherwise controlled as not to become objectionable, due to intermittence, duration, beat, frequency, periodic character, impulse character or shrillness

b. It shall be unlawful for any person to use or operate, or permit to be used or operated, any sound-amplifying equipment or device in any public or private place in such manner that persons owning, occupying or using property in the neighborhood are unreasonably disturbed or annoyed by noise or sound levels that equal or exceed the sound level limits set forth in this Section.

(2) ***General Noise Sound Levels Established.*** The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and use classification listed below. This includes, but is not limited to, sound from such activities as production, processing, entertainment, cleaning, servicing, maintenance, operating and/or repairing vehicles, goods, materials, products or devices. Sound pressures in excess of those established below, during the named time periods, shall constitute prima facie evidence that such sound is an excessive and unnecessary noise creating noise pollution:

Sound Pressure Level Limit dB(A)

Districts/Time	Residential	Commercial	Industrial
7 a.m. - 10 p.m. (Day)	65	65	75
10 p.m. - 7 a.m. (Night)	55	55	65

[**Note:** "Residential" includes the residential portion of a multi-use property. "Commercial" includes the non-residential portion of a multi-use property and public properties.]

(3) ***Agricultural Parcels.*** The sound pressure limits established above for commercial parcels shall also apply to any parcel of land zoned agricultural..

(4) ***Where Measured.*** Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public right-of-way, at a height of at least three (3) feet above the ground surface and at least three (3) feet away from walls, obstructions, barriers or sound reflective surfaces. Measurements shall be taken using a sound level meter which operates on the "A" weighting network.

(5) ***Different Land Use Categories.*** Sound projecting from a property of one land use category onto property of another land use category having a lower sound level limit shall not exceed the limits for the property of the land use category onto which it is projected.

(e) **Exceptions.** The sound level limitations of Subsection (d) above shall not apply to:

(1) ***Emergency Work.*** Sounds caused by emergency equipment and emergency work necessary in the interests of law enforcement or the protection of the safety, health or welfare of the community or individuals, or to restore property to a safe condition following a calamity.

(2) ***Emergency Alarms.*** Sounds created by fire and other emergency alarms.

(3) ***State-Prescribed Noise Limits.*** Situations where specific noise standards or limitations prescribed by the Wisconsin Statutes or Wisconsin Administrative Code are applicable.

(4) ***Federal Noise Limits.*** Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), by the Federal Emergency Management Agency (FEMA) or other government agencies to the extent that they comply with the noise requirements of the enabling legislation or regulation. Examples are sounds regulated by federal law that include sounds caused by aircraft, railroads and interstate motor carriers.

(5) ***Sports and School Events.*** Amplified or non-amplified sounds created by organized athletic, school or other group activities, when those activities are conducted on property generally used for that type of activity, such as athletic fields, parks, and schools, between the hours of 7:00 a.m. and 11:00 p.m.

(6) ***Community Events; Public Fireworks Displays.*** Sounds created by community/civic events, such as, but not limited to, public fireworks displays, street dances, fairs and festivals, between the hours of 7:00 a.m. and 11:00 p.m. Included in this exception is the reasonable utilization of amplifiers or loudspeakers in the course of noncommercial use at such events.

(7) ***Solid Waste Collection.*** Sounds made by Village-authorized solid waste and recyclables collectors engaged in collection activities.

(8) ***Snow Removal.*** Sounds made by the removal of snow or ice from public or private property provided equipment used for this purpose has operable mufflers meeting manufacturer's specifications.

(9) ***Public Works Construction.*** Excavations or repairs of streets or other public construction on behalf of a governmental entity at night when public welfare and convenience is served.

(10) ***Bells and Chimes.*** Any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any clock, school or place of religious worship.

(f) **Specific Noise and Sound Limitations.**

(1) ***Lawn and Yard Maintenance Equipment.*** Sounds created by yard maintenance equipment, such as lawn mowers, power tools, home maintenance tools, leaf blowers, chainsaws, rototillers, and yard maintenance equipment, are exempt from the sound limits of Subsection (d) provided such equipment is operated with operable mufflers meeting manufacturer's specifications. Such equipment shall only be operated outside between the hours of 7:30 a.m. and 9:00 pm.

(2) ***Portable Sound Production Devices on Public Property.*** Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space, public propery or public right-of-way in such a manner as to be plainly audible at a distrance of fifty (50) feet in any direction from the operator between the hours of 8:00 a.m. and 9:00 p.m. Between the hours of 9:00 p.m. and 8:00 a.m., such sound shall not be plainly audible at a distance of twenty-five (25) feet in any direction from the operator.

(3) ***Construction, Repair or Demolition of Buildings.*** The construction (including excavation), demolition, alteration, or repair of any building, as well as the operation of any pile driver, heavy equipment, pneumatic hammer, motorized or electric hoist or any similar such equipment attended by loud or unusual noise shall only be conducted between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday or Sunday. Such operations shall be subject to the sound level limitations of Subsection (d) above.

(4) ***Schools, Hospitals, Religious Institutions and Libraries.*** No person shall create any unnecessary noise on any street, sidewalk or public place adjacent to any school, library or religious institution while the same is in use; or adjacent to any hospital which noise unreasonably interferes with the operations of such facility or which unduly disturbs patients therein, provided signage is erected on such street, sidewalk or public place indicating the presence of a school, hospital, religious institution or library.

(5) ***Public Disturbances and Disorderly Conduct.*** No person shall persistently yell, shout, hoot, whistle, sing or create other human-produced noise that is unnecessarily loud and disturbs the peace of persons residing beyond a property line between the hours of 10:00 p.m. and 7:00 a.m.

(g) **Temporary Variance Permits.**

(1) ***Application.*** The Village Clerk may grant a temporary permit which allows noncompliance with the limitations prescribed in this Section for the purpose of

amplified sound or construction noise activities of short duration. Permits may be granted upon application provided an initial evaluation indicates that the permit will not result in a condition injurious to public health, safety and general enjoyment of property. The application shall contain the following information:

a. Dates requested;
b. Time and place of operation;
c. Equipment and operation involved;
d. Necessity for such permit;
e. Steps to be taken to minimize noise; and
f. Name, address and contact information (landline, cellphone and fax numbers; email address) of the responsible person(s) who will be present at the site while the noise is being produced.

(2) ***Application Review Criteria.*** The following factors will be considered in the evaluation of an application:

a. ***Temporary Amplified Sound Permits.***
   1. Distance of proposed activities from noise-sensitive property.
   2. Number and type of amplification devices to be used with the proposed activities.
   3. Anticipated direction of amplification devices.
   4. Anticipated length of proposed activities.
   5. Whether the activity will be held within or outside of a structure.
   6. The public purposes of this Section.

b. ***Temporary Construction Noise Permits.***
   1. Distance from noise-sensitive property.
   2. Type of activity and equipment.
   3. Estimated noise level and duration.
   4. Noise mitigation measures to be employed.
   5. Health and safety benefits to be realized as a result of the completed project.
   6. A statement explaining how compliance with the standards of this Section would cause extraordinary loss or inconvenience to the applicant and be against the public interest.
   7. The public purposes of this Section.

(3) ***Application Determination; Revocation; Appeals.***

a. Upon a determination that the granting of a temporary variance permit will not result in a condition injurious to public health or safety, the permit may be issued, with any requirements appropriate to the proposed activity site.
b. A Village enforcement official may revoke a temporary variance permit if it is found that any requirement of the permit has been violated.
c. Any person aggrieved by the disposition of an application and/or issuance of a temporary variance permit may appeal such disposition to the Village Board by

filing a written appeal request with the Village Clerk within fifteen (15) days of the issuance decision regarding the permit.

Sec. 11-2-7 Disorderly Conduct.

(a) **Disorderly Conduct Prohibited.** No person within the Village of Lone Rock shall:
   (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person;
   (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation;
   (3) With intent to annoy another, make a telephone call, whether or not conversation ensues;
   (4) Indecently expose his or her person;
   (5) Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner.

(b) **Violent and Abusive Behavior; Non-Verbal Gestures.** No person in any public or private place may engage in any violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person. Such prohibited conduct also includes non-verbal gestures, signals or gang signs if said conduct tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person.

(c) **Defecating or Urinating in Public Places.** 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 of Lone Rock, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.

(d) **Disturbance of Meetings.** No person may disrupt or disturb any congregation, audience, public meeting or lawful assembly of persons of any kind, or in concert with others disturb or disrupt such meeting.

(e) **Public Intoxication.** It shall be unlawful for any person to in public be in a state of intoxication, either under the influence of a controlled substance, prescription drug, alcohol beverage or other substance.

(f) **Public Indecency.**
   (1) ***Definitions.*** As used in this Section, the following definitions shall be applicable:
      a. *Nudity.* The showing of the human male or female genitals, pubic area, or buttocks with less than fully opaque covering, the showing of the female breast

with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

b. ***Peep.*** Any looking or peering of a clandestine, surreptitious, prying, or secretive nature.

(2) ***Prohibitions.*** Whoever does any of the following is guilty of public indecency:

a. Commits an indecent act of sexual gratification with another with knowledge that they are in the presence of others.

b. Publicly and indecently exposes genitals or pubic area.

c. Appears publicly in a state of nudity.

d. Engages in masturbation, or conduct which would appear to an ordinary observer to be masturbation, with knowledge that they are in the presence of others or that they can be observed by others.

(3) ***Prohibited Nonconsentual Behavior.*** No person shall do any of the following without the consent of the other person:

a. Peep into an area where an occupant of the area has a reasonable expectation of privacy, including, but not limited to:

1. Restrooms;
2. Bath and/or shower units; and
3. Dressing rooms.

b. Go upon the land of another with the intent to peep into an occupied dwelling of another person; this includes the placement of recording devices.

(4) ***Exceptions.***

a. This Section shall not apply to the following:

1. Legitimate, authorized law enforcement activities.
2. A mother's breast-feeding of her child.

b. Subsection (2)b above shall not apply to the following:

1. A theater, concert hall, art center, museum or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this Section were permitted or allowed as part of such art exhibits or performances.
2. Establishments fully complying with the requirements of Title 11, Chapter 7 and Title 15 of this Code of Ordinances.

Cross-References: Section 11-2-6(c), Title 11, Chapter 7, and Title 15.
State Law Reference: Sec. 944.20, Wis. Stats.

Sec. 11-2-8 Failure to Obey Lawful Order; Resisting an Officer.

(a) **Lawful Orders.** It shall be unlawful for any person to fail to obey the direction or order of a law enforcement officer while such police officer is acting in an official capacity in carrying out his or her duties.

(b) **Resisting or Interfering with Officer Prohibited.** It shall be unlawful for any person to resist or in any way interfere with any law enforcement officer or any person called to assist such officer, or to threaten, resist or interfere with such officer or person or to advise or encourage any other person to resist or interfere with such officer or person in the discharge of the officer's duties, or to in any way interfere with or hinder or prevent the officer from discharging his/her duties as such officer or assistant, or to offer or endeavor to do so, or to in any manner assist any person in the custody of any law enforcement officer to escape or to attempt to escape from such custody, or to try to persuade any person to escape from the custody of such officer, or to rescue or attempt to rescue any person so in custody or to fail to obey the order or direction of such officer while such officer is acting in his/her official capacity in carrying out his/her duties.

Sec. 11-2-9 Possession of Controlled Substances; Marijuana; Toxic Inhalants.

(a) **Possession of Controlled Substances.** It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in schedule I and II under Chapter 961, Wis. Stats., which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his/her professional practice, or except as otherwise authorized by this Code of Ordinances. [See also Sec. 11-5-6 regarding Drug Paraphernalia].

(b) **Possession of Marijuana.**

(1) No person shall possess twenty-five (25) grams or less of marijuana (tetrahydrocannabinols, commonly known as "THC", in any form including tetrahydrocannabinols (THC) contained in marijuana or its salts, isomers or salts of isomers, obtained from marijuana or chemically synthesized), as defined in Sec. 961.01, Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 961, Wis. Stats.

(2) A positive Dequenois/Levine test for tetrahydrocannabinols, or other test of comparative validity, shall be prima facie evidence that the substance is or contains tetrahydrocannabinols.

(3) For purposes of this Section, "practitioner" means:

a. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.

b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer

a controlled substance in the course of professional practice or research in the State of Wisconsin.

(4) This Section does not apply to any person who is charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

(c) **Toxic Inhalants.**

(1) ***Definitions.*** "Toxic inhalants" shall mean any glue, paint, gasoline, aerosol, adhesive cement, mucilage, plastic cement or any similar substance containing one or more of the following volatile substances:

a. Acetone;
b. Benzene;
c. Butyl alcohol;
d. Cyclohexanone;
e. Ethyl acetate;
f. Ethyl alcohol;
g. Ethylene dichloride;
h. Hexane;
i. Isopropl alcohol;
j. Methyl alcohol;
k. Methyl celosove;
l. Acetate;
m. Methyl ethyl ketone;
n. Methyl isobutyl ketone;
o. Pentachlorphenol;
p. Petroleum ether;
q. Trichlorethylene;
r. Tricresylphosphate;
s. Toluene;
t. Toluol; or
u. Any other chemical capable of producing intoxication when inhaled.

(2) ***Inhalation of Vapors or Fumes from Toxic Inhalants Prohibited.*** No person shall inhale or otherwise introduce into his respiratory tract any toxic vapors or fumes which may be released from any toxic inhalants with the intent of becoming intoxicated, elated, excited, stupefied, irrational, paralyzed, or of changing, distorting, or disturbing his/her eyesight, thinking process, judgment, balance or muscular coordination.

(3) ***Limitations on Sales, Transfer, and Possession of Toxic Inhalants.*** No person shall, for the purpose of violating or aiding another to violate any provision of this Subsection, possess, buy, sell, transfer possession or receive possession of any toxic inhalants.

(d) **Additional Penalties.** In addition to the penalties in Section 1-1-6:

(1) ***Adult Operating Privilege Suspension.*** If any adult violates Subsections (b) or (c), the court shall, in addition to any other penalties that may apply to the offense, suspend or revoke the person's operating privilege for not less than six (6) months nor more than five (5) years. The court shall immediately take possession of any suspended or revoked license and forward it to the Wisconsin Department of Transportation, together with the record of conviction and notice of suspension or revocation.

(2) ***Supervised Work Program.*** If any person who is under eighteen (18) years of age violates Subsections (b) or (c), such person shall be subject to the same penalties set forth in Subsection (d)(1) or participation in a supervised work program or both.

(3) ***Juvenile Operating Privilege Suspension.*** If any person who is under eighteen (18) years of age violates Subsections (b) or (c), the court shall, in addition to any other penalties that may apply to the offense, suspend or revoke the person's operating privilege for not less than six (6) months nor more than five (5) years. The court shall immediately take possession of any suspended or revoked license and forward it to the Wisconsin Department of Transportation, together with the record of conviction and notice of suspension or revocation.

State Law Reference: Chapter 961, Wis. Stats.

Sec. 11-2-10 Synthetic Cannabinoid and Drugs Prohibited.

(a) **Purpose; Background.**

(1) ***Background – Synthetic Cannabinoid.*** Products that are commonly known as synthetic cannabinoid, marijuana containing synthetic cannabinoids, synthetic THC, or substantially similar chemicals or products often in the form of incense, potpourri, plant food, spice, special dietary supplements or herbal smoking blends, are commonly marketed or sold to the public under names such as, but not limited to: "K2", "K3" or "K4"; "K-2 Summit"; "K-2 Sex"; "Spice"; "Genie"; "Yucatan Fire"; "Dascents"; "Zohal"; "Sage"; "Pep Spice"; "Solar Flare"; "K.O. Knock-Out 2"; "Spice Gold"; "Spice Diamond"; "Spice Cannabinoid"; and "Fire and Ice".

(2) ***Background – Synthetic Drugs.*** Like the marketing of synthetic cannabinoids as incense [such as, but not limited to, Spice or K2], synthetic drugs are also commercially available, and in some instances are marketed as bath salts under such names as Bliss, Vanilla Sky, White Lightning, Ivory Snow, Ivory Wave, Purple Wave, Red Dove, Hurricane Charlie or other names, or are packaged or marketed as potpourri, incense, plant food, spice, tobacco, or dietary supplements.

(3) ***Scientific Background.*** The Village Board finds that the United States Drug Enforcement Agency in 2008 alerted law enforcement and public officials that

synthetic cannabinoid products are structurally and pharmacologically similar to the active ingredient of marijuana (THC), a Schedule 1 controlled substance. While there are hundreds of synthetic compounds and their analogs, some are more common synthetic cannabinoids and synthetic drugs include, but are not limited to:

a. ***Salviadivinorum or Salvinorum A.*** All parts of the plant presently classified botanically as salvia divinorum.

b. ***JWH-018.*** (1-Pentyl-3-(1-naphthoyl) indole is an analgesic chemical from the naphthoylindole family, which acts as a full agonist at both the CB1 and CB2 cannabinoid receptors, with some selectivity for CB2. It produces effects in animals similar to those of THC, a cannabinoid naturally present in cannabis, leading to its use in synthetic cannabis.

c. ***JWH-073.*** 1-butyl-3-(1naphthoyl) indole is an analgesic chemical from the naphthoylindole family, which acts as a partial agonist at both the CB1 and CB2 cannabinoid receptors. It is somewhat selective for the CB2 subtype with affinity at this subtype approximately 5x the affinity at CB1. The abbreviation JWH stands for John W. Huffman, one of the inventors of the compound.

d. ***JWH-200.*** 1-[2-4(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole is an analgesic chemical from the phenylacetylindole family, which acts as a cannabinoid agonist at both the CB1 and CB2 receptors, with a Ki of 11nM at CB1 and 33nM at CB2. Unlike many of the older JWH series of compounds, this compound does not have a naphthalene ring, instead occupying this position with a 2'-methoxypheny1 group making JWH-250 a representative member of a new class of cannabinoid ligands.

e. ***CP 47, 497.*** 2-(3-hydroxycyclohexyl)-5-(2-methylocatan-2-yl) phenol [some trade and other names: CP-47, 497] and 2-(3-hydroxyclohexyl)-5-(2 methylnonan-2-yl) phenol [some trade names and other names: CP-47, 497, C8 homologue, cannabicyclohexanol] is a cannabinoid receptor agonist drug, developed by Prizer in the 1980's. It has analgesic effects and is used in scientific research. It is a potent CB1 agonist with a Kd of 2.1nM.

f. ***JWH-081.*** 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl) methanone is an analgesic chemical from the naphthoylindole family, which acts as a cannabinoid agonist at both the CB1 and CB2 receptors. It is fairly selective for the CB1 subtype, with affinity at this subtype approximately 10x the affinity at CB2.

g. ***JWH-250.*** (1-pentyl-1H-indol-3-yl)-2-(2methoxyphenyl)-ethanone is an analgesic chemical from the phenylacetylindole family, which acts as a cannabinoid agonist at both the CB1 and CB2 receptors, with a Ki of 11nM at CB2. Unlike many of the older JWH series compounds, this compound does not have a naphalene ring, instead occupying this position with a 2'-methoxyphenyphenylacetyl group making JWH-250 a representative member of a new class of cannabinoid ligands.

h. ***HU-210.*** (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2methyloctan-2-yl)6a, 7, 10, 10a-tetrahydrobenzo[c] chromen-1-ol is structurally and pharmacologically similar to tettrahydrocannabinol.

(4) ***Federal Health and Law Enforcement Warning.*** The Village Board notes that the National Drug Intelligence Center of the United States Department of Justice issued an immediate alert to law enforcement and public health officials of potential substance abuse problems and harmful side effects related to the use of these synthetic cannabinoid products in EWS 000006 dated May 18, 2010.

(5) ***Statutory Status.*** The Village Board finds that while these synthetic cannabinoids and synthetic drugs listed above may be prohibited controlled substance analogs under Chapter 961, Wis. Stats., the State of Wisconsin may not specifically list all varieties of synthetic cannabinoids and synthetic drugs as controlled substances in Chapter 961, Wis. Stats.

(6) ***Municipal Determination.*** The Village Board finds that, in order to promote the public health, safety and welfare, products containing synthetic cannabinoids or synthetic drugs, and their derivatives, analogues, homologues, salts, optical isomers and salts of optical isomers with substantially similar chemical structure and pharmacological activity intended to mimic the effects of marijauna or other controlled substance, such synthetic substance(s) should be prohibited in the Village of Lone Rock. Ingestion of synthetic drugs has been shown to produce dangerous side effects such as, but not limited, to:

a. Nausea;
b. Vomiting;
c. Hallucinations;
d. Blurred vision;
e. Delusions;
f. Headaches;
g. Agitation;
h. Anxiety;
i. Insomnia;
j. Convulsions;
k. Addiction;
l. Psychosis;
m. Elevated blood pressure;
n. Loss of consciousness;
o. Tremors;
p. Suicidal thoughts;
q. Seizures;
r. Paranoid behavior;
s. Elevated or irregular heart rates; and
t. Death.

(b) **Possession and Sale of Synthetic Cannabinoids Prohibited.** It shall be illegal for any person to possess, purchase, attempt to purchase, sell, publically display for sale or attempt

to sell, give, or barter any material, chemical, compound, mixture or preparation that is intended to have the same or similar effects of the controlled substance marijuana including, but not limited to, synthetic cannabinoids, JWH-018, JWH-073, JWH-200, JWH-081, JWH-250, Hu-210; cannabicyclohexanol, cp 47, 497; or any similar structural analogs commonly found in, referred to, or marketed or sold under the names "K2", "K3", "K4", "Spice", "Genie", "Yucatan Fire", "Fake", "new or legal marijuana", or by any other name, label or description:

(1) Salviadivinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from 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 name(s); HU-210;
(3) 1-Pentyl-3-(1-naphthoyl) indole or some trade or other name(s); JWH-018, Spice;
(4) 1-Butyl-3-(lnaphthoyl) indole or some trade or other name(s); JWH-073;
(5) 1-(3{trifluoromethylphenyl}) piperazine or some trade or other name(s); TFMPP;
(6) 1-[2-4(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole or some trade or other name(s); JWH-200;
(7) 2-(3-hydroxycyclohexyl)-5-(2-methylocatan-2-yl) phenol or some trade or other name(s); CP-47, 497;
(8) 4-methoxynaphthalen-l-yl-(1-pentylindol-3-yl) methanone or some trade or other name(s);
(9) (1-pentyl 1H-indol-3-yl)-2-(2methoxyphenyl)-ethanone or some trade or other name(s); JWH;
(10) Any similar structural analogs or synthetic cannabinoids specified in Section 961.14(4)(tb) through (ty), Wis. Stats., if not otherwise listed above.

(c) **Possession and Sale of Synthetic Drugs Prohibited.** It shall be illegal in the Village of Lone Rock for any person to possess, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give or barter any material, chemical, compound, mixture or preparation that is a synthetic drug, including, but not limited to the following:

(1) Methylenedioxypyrovalerone, commonly known as "MDPV" or "bath salts".
(2) 4-methylmetheathinone, commonly known as "mephedrone" or "4-MMC".
(3) 4-bromo-2,5-dimethoxy-beta-phenylethylamine, commonly known as "Nexus" or "2C-B".
(4) 4-iodo-2,5-dimethoxy-beta-phenylethylamine, commonly known as "2C-1".
(5) Any other substance which has been listed as a synthetic drug in the Wisconsin Statutes or Village ordinances, including this Section, and their derivatives, analogues, homologues, salts, optical isomers and salt of isomers with substantially similar chemical structure and pharmacological activity as a synthetic drug or other controlled substance.

(d) **Use or Possession of Synthetic Cannabinoids or Synthetic Drugs.** It shall be unlawful for any person to use, possess, attempt to possess, inject, ingest, insert rectally, burn, incinerate or ignite the any substance prohibited by this Section. For purposes of this Section, a person knowingly possesses such substances when the person knows the substance induces the effects described in this Section, regardless of whether the person knows whether a chemical compound specifically described in this Section is present in the product being used or possessed.

(e) **Additional Statutory-Derived Prohibitions.** Section 961.14 and 961.41, Wis. Stats., are adopted and incorporated herein by reference. The following are prohibitions based upon those statutory regulations:

(1) The possession of any controlled substance (i.e. synthetic cannabinoids) specified in Section 961.14(4)(tb) through (ty), Wis. Stats., is prohibited.

(2) Any act prohibited by Section 961.41(3g)(em), Wis. Stats., pertaining to MDPV and mephedrone or a controlled substance analog of synthetic cannabinoids is prohibited.

(3) Any act prohibited by Section 961.41(3g)(d), Wis. Stats., pertaining to MDPV and mephedrone or a controlled substance analog of MDPV or mephedrone is prohibited.

(f) **Medical or Dental Use Allowed.** Acts otherwise prohibited under this Section shall not be unlawful if done by or under the direction of 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 law.

(g) **Definitions.** The following words, terms or phrases, when used in this Section, shall have the meanings ascribed to them as follows, except where the text clearly indicates a different meaning or the word, term or phrase is defined in the Wisconsin Statutes:

(1) ***Analogue.*** A chemical compound that is structurally similar to another but differs slightly in composition, such as in the replacement of an atom by an atom of a different element or in the presence of a particular functional group.

(2) ***Homologue.*** One of a series of compounds distinguished by the addition of a CH_2 group in successive members.

Sec. 11-2-11 Possession, Manufacture and Delivery of Drug Paraphernalia.

(a) **Definition.** In this Section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, 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., in violation of this Section. It includes but is not limited to:

(1) Kits used, intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
(2) Kits used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, or preparing controlled substances.
(3) Isomerization devices used, intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance.
(4) Testing equipment used, intended for use, or designed for use, in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
(5) Scales and balances used, intended for use, or designed for use, in weighing or measuring controlled substances.
(6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
(7) Separation gins and sifters used, intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
(8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use, in compounding controlled substances.
(9) Capsules, balloons, envelopes, or other containers used, intended for use, or designed for use, in packaging small quantities of controlled substances.
(10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
(11) Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting controlled substances into the human body.
(12) Objects used, intended for use, or designed for use, in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil, into the human body, including but not limited to:
    a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
    b. Water pipes;
    c. Carburetion tubes and devices;
    d. Smoking and carburetion masks;
    e. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
    f. Miniature cocaine spoons and cocaine vials;
    g. Chamber pipes;
    h. Carburetor pipes;
    i. Electric pipes;
    j. Air-driven pipes;

k. Chillums;
l. Bongs;
m. Ice pipes or chillers.

(b) **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of such other considerations a court may deem relevant:

(1) Statements by an owner or by anyone in control of the object concerning its use.
(2) Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.
(3) The proximity of the object in time and space to a direct violation of this Section.
(4) The proximity of the object to controlled substances.
(5) The existence of any residue of controlled substance on the object.
(6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
(7) Oral or written instructions provided with the object concerning its use.
(8) Descriptive materials accompanying the object which explain or depict its use.
(9) National and local advertising concerning its use.
(10) The manner in which the object is displayed for sale.
(11) Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise.
(12) The existence and scope of legitimate uses for the object in the community;
(13) Expert testimony concerning its use.

(c) **Prohibited Uses.**

(1) ***Possession of Drug Paraphernalia.*** No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this Subsection.
(2) ***Manufacture or Delivery of Drug Paraphernalia.*** No person may deliver, or possess with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this Subsection.
(3) ***Delivery of Drug Paraphernalia by a Minor to Minor.*** Any person who is under eighteen (18) years of age, who violates Subsection (c)(2) by delivering drug

paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than the violator, is guilty of a special offense.

(4) ***Exemption.*** This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 961, Wis. Stats.

(d) **Penalties.** Any person who violates Subsection (c)(1), (2) or (3), shall upon conviction, be subject to Section 1-1-6 and disposition under Sec. 938.344(2e), Wis. Stats.

Sec. 11-2-12 Consumption of Products Not Labeled For Human Consumption.

(a) **Statement of Purpose; Findings of Fact.** The Village Board of the Village of Lone Rock finds the following facts to exist:

(1) The consumption of products labeled not for human consumption is a public health hazard, creates public nuisance situations, and results in an increased need for public safety services.

(2) Health hazards associated with the consumption of such products and materials include:

a. Addiction;
b. Stimulation;
c. Psychosis;
d. Stroke;
e. Anxiety;
f. Agitation;
g. Nausea;
h. Vomiting;
i. Hallucinations;
j. Blurred vision;
k. Delusions;
l. Headaches;
m. Insomnia;
n. Convulsions
o. Elevated blood pressure;
p. Loss of consciousness;
q. Tremors;
r. Suicidal thoughts;
s. Seizures;
t. Paranoid behavior;

u. Elevated or irregular heart rates; and
v. Other physical and mental disorders.

(3) This Section is intended to compliment state and federal laws regulating products labeled not for human consumption, including, but not limited to, synthetic drugs. In the event of conflict, the most restrictive regulatory provision shall apply.

(b) **Prohibitions; Exception.**

(1) It is a violation of this Section:
a. For any person to intentionally consume any product labeled not for human consumption.
b. To intentionally aid another in the violation of this Section.

(2) It is not a violation of this Section if a person is acting under the written direction and supervision of a licensed medical doctor.

(c) **Definition.** For purposes of this Section, "consume" or "consumption" shall include eating, smoking, drinking, inhalation or injection.

Sec. 11-2-13 Crossing a Police Line.

No individual shall cross a police or fire line that has been so designated by a banner, signs or other similar identification.

Sec. 11-2-14 Harassment.

(a) **Harassment.** No person, with intent to harass or intimidate another person, shall do any of the following; each instance shall be considered a separate violation:

(1) Strike, shove, kick or otherwise subject the person to physical contact or attempts or threatens to do the same.

(2) Engage in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

(b) **Harassing or Obscene Telephone Calls.** Whoever commits any of the following acts shall be subject to the general penalty as provided in this Code of Ordinances:

(1) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;

(2) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;

(3) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;

(4) Makes repeated telephone calls, during which conversation ensures, solely to harass any person at the called number or numbers;

(5) Knowingly permits any telephone under his/her control to be used for any purpose prohibited by this Section;
(6) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

Sec. 11-2-15 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 fenced 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. Building or Zoning Code fencing requirements regarding excavations shall be complied with.

Sec. 11-2-16 Gambling and Lotteries.

(a) **Definition.** "Gambling" shall be as defined in Sec. 945.01, Wis. Stats.
(b) **Prohibitions.** Except as permitted by the Wisconsin Statutes, all forms of gambling, lotteries and fraudulent devices and practices are prohibited within the Village of Lone Rock. Penalties for violations shall be as prescribed by the Wisconsin Statutes. Any law enforcement officer of the Village may seize anything or device found in actual use for illegal gambling activity and dispose thereof after a judicial determination that such device was used solely for improper gambling or found in acual use for illegal gambling.

State Law Reference: Ch. 945, Wis. Stats.

Sec. 11-2-17 Obstructing Emergency or Rescue Personnel.

(a) **Definitions.** For the purposes of this Section, the following definitions apply to the terms as used herein:
(1) ***Ambulance.*** An emergency vehicle, including any motor vehicle, boat or aircraft, whether privately or publicly owned, which is designated, constructed or equipped to transport patients.
(2) ***Ambulance Service Provided.*** A person engaged in the business of transporting sick, disabled or injured persons by ambulance to or from facilities or institutions providing health services.

(3) ***Ambulance Attendant.*** A person who is responsible for the administration of emergency care procedures, proper handling and transporting of the sick, disabled or injured persons, including but not limited to, ambulance attendants and ambulance drivers.

(4) ***Person.*** Any individual, firm, partnership, association, corporation, trust, foundation, company, any governmental agency other than the U.S. government, or any group of individuals, however named, concerned with the operation of an ambulance.

(5) ***Authorized Emergency Vehicle*** means any of the following:

a. Police vehicles, whether publicly or privately owned;

b. Conservation wardens' vehicles or foresters' trucks, whether publicly or privately owned;

c. Vehicles of a fire department or fire patrol;

d. Privately owned motor vehicles being used by deputy state fire marshals or by personnel of a full-time or part-time fire department or by members of a volunteer fire department while en route to a fire or on an emergency call pursuant to orders of their chief or other commanding officer;

e. Such emergency vehicles of municipal or county departments or public service corporations as are designated or authorized by the local authorities to be authorized emergency vehicles.

f. Such emergency vehicles of state departments as are designated or authorized by the heads of such departments to be authorized emergency vehicles;

g. Such ambulances, publicly owned, as are designated or authorized by local authorities to be authorized emergency vehicles;

h. Such ambulances which are privately owned and are operated by owners or their agents and which vehicles are authorized by the sheriff or others designated by the county board to be operated as emergency vehicles. The sheriff or others designated by the county board may make such authorization which shall be in writing and which shall be effective throughout the state until rescinded. The sheriff or others designated by the county board may designate any owner of ambulances usually kept in the county to operate such vehicles as authorized emergency vehicles. Such written authorization shall at all times be carried on each ambulance used for emergency purposes. The sheriff shall keep a file of such authorizations in his/her office for public inspection, and all other persons permitted to issue authorizations shall file a copy of all authorizations issued with the sheriff who shall keep them on file;

(6) ***Emergency Medical Personnel.*** Any emergency medical personnel, ambulance attendant, peace officer or fire fighter, or other person operating or staffing an ambulance or an authorized emergency vehicle.

(7) ***Bonafide Emergency or Bonafide Request for Emergency Services.*** Those circumstances wherein the caller reasonably believes that person(s) and or property

may be in actual or potential danger of injury, and in the case of person(s), in danger of illness.

(b) **Prohibitions.** It is the intent of the Village of Lone Rock, in its adoption of this provision, to protect against the foregoing activities in a manner consistent with that provided by Sec. 941.37, Wis. Stats. The following acts are prohibited and perpetration thereof subjects the violator to penalty as provided by Section 1-1-6:

(1) Knowingly obstructing any emergency medical personnel in the performance of duties relating to an emergency or rescue;

(2) Intentionally interfering with any medical personnel in the performance of duties relating to an emergency or rescue, when it is reasonable that the interference may endanger another's safety;

(3) Knowingly making any telephone call to any emergency medical personnel, police agency or fire department for any purpose other than to report a bona fide emergency or to make a bona fide request for emergency services.

Sec. 11-2-18 Improper Use of Lodging Establishments.

(a) **Definitions.** In this Section:

(1) ***Alcohol beverages*** has the meaning given in Sec. 125.02(1), Wis. Stats.

(2) ***Controlled substances*** has the meaning given in Sec. 961.01(4), Wis. Stats.

(3) ***Lodging establishment*** has the meaning given in Sec. 101.22(1m)(n), Wis. Stats.

(4) ***Underage person*** has the meaning given in Sec. 125.02(20m), Wis. Stats.

(b) **Improper Activities.** Any person who procures lodging in a lodging establishment, and permits or fails to take action to prevent any of the following activities from occurring in the lodging establishment, is subject to the penalties provided in Section 1-1-6.

(c) **Denial of Lodging.** An owner or employee of a lodging establishment may deny lodging to an adult if the owner or employee reasonably believes that consumption of an alcohol beverage by an underage person, not accompanied by his or her parent, legal guardian or spouse, who has attained the legal drinking age, or illegal use of a controlled substance, may occur in the area of the lodging establishment procured.

(d) **Deposits.** An owner or employee of a lodging establishment may require a cash deposit or use of a credit card at the time of application for lodging.

Sec. 11-2-19 Sexual Offender Residency Restrictions.

(a) **Findings, Reticals and Intent.**

(1) ***Recitals.***

a. The Village Board of the Village of Lone Rock promulgates this ordinance enactment to protect and improve the health, safety and welfare of the citizens of the Village and particularly its children.

b. Upon recent review of a published opinion and order in the case of *Hoffman, et al. v. Village of Pleasant Prairie*, Case No. 16-CF-697-JES from the United States District Court, Eastern District of Wisconsin, it is the intent of the Village Board to adopt a Village of Lone Rock sexual offender residency ordinance consistent with this recent court decision.

(2) ***Findings and Intent.***

a. Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public health, welfare and safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims that are never reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

b. According to a 1997 report by the United States Department of Justice, sex offenders have high rates of recidivism which are much higher than recidivism rates for other types of violent crimes. Sex offenders are the least likely to be cured and the most likely to re-offend and prey on the most vulnerable members of the community.

c. While Federal and State Fair Housing Statutes prohibit unlawful discrimination, they do not extend the same protections to a sex offender (as herein defined) with respect to a place of residency (as herein defined) where a Safety Zone (as herein defined) has been established.

d. It is the intent of this Section to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Village of Lone Rock by creating safety zones around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from loitering or establishing temporary or permanent residence.

e. This Section is a regulatory measure aimed at protecting the health and safety of children in the Village of Lone Rock from risk that convicted sex offenders may reoffend in locations near their residences. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of reoffense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, day care facilities and other places children frequent.

f. The Village of Lone Rock finds and declares that repeat sexual offenders who use physical violence and sexual offenders who prey on children are sexual offenders who present an extreme threat to the public safety and health of children. Sexual offenders are very likely to use physical violence and to repeat their offenses.

Most sexual offenders commit numerous offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large and the community where they reside, while incalculable, clearly exorbitant. Such persons present a significantly high risk of re-offending once released. As such, the Village hereby establishes regulations which restrict certain offenders from residing or congregating in areas which are at or near where there is a high concentration of children in order to provide better protection for children in the Village by minimizing immediate access and proximity to children and thereby reducing the opportunity and temptation for recidivism.

g. The Village Board of the Village of Lone Rock has also been advised of the decision of the United States Court of Appeals for the 8th Circuit, in *Doe v. Miller*, 405 F.3d 700 (8th Cir. 2005), which provides in part at page 716 of that decision the following:

> "The record does not support a conclusion that the Iowa General Assembly and the Governor acted based merely on negative attitudes toward, fear of, or a bare desire to harm a politically unpopular group. [Citations omitted.] Sex offenders have a high rate of recidivism, and the parties presented expert testimony that reducing opportunity and temptation is important to minimizing the risk of reoffense. Even experts in the field could not predict with confidence whether a particular sex offender will reoffend, whether an offender convicted of an offense against a teenager will be among those who "cross over" to offend against a younger child, or the degree to which regular proximity to a place where children are located enhances the risk of reoffense against children. One expert in the district court opined that it just "common sense" that limiting the frequency of contact between sex offenders and areas where children are located is likely to reduce the risk of an offense. [Citation omitted.] The policy makers of Iowa are entitled to employ such "common sense", and we are not persuaded that the means selected to pursue the State's legitimate interest are without a rational basis . . ."

(3) ***Intent.*** It is the intent of this Section not to impose a criminal penalty or punish sex offenders, but rather to serve the Village of Lone Rock's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers, wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence. Due to the high rate of recidivism for sexual offenders, and because reducing both opportunity and

temptation would help minimize the risk of re-offense, there is a compelling need to protect children where they congregate or play in public places.

(b) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning:

(1) ***Child/Children.*** A person under the age of eighteen (18) for purposes of this Section.

(2) ***Designated Offender (Sex Offender).*** Any person who is required to register under Sec. 301.45, Wis. Stats., or any person who is required to register under Sec. 301.45, Wis. Stats., and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Sec. 301.46(2) and (2m), Wis. Stats. Included in this definition is a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a "sexually violent offense" and/or a "crime against children". This definition does not include a person who is released under Sec. 980.45, Wis. Stats., so long as the person is subject to supervised release under Ch. 980, Wis. Stats., the person is residing where he or she is ordered to reside under Sec. 980.08, Wis. Stats., and the individual is in compliance with all court orders issued under Ch. 980, Wis. Stats.

(3) ***Loitering.*** Whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle.

(4) ***Minor.*** A person under the age of eighteen (18).

(5) ***Residence, Permanent.*** A place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.

(6) ***Residence, Temporary.*** A place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent address. A residence may be mobile or transitory.

(7) ***Safety Zones.*** Any real property that supports or upon which there exists any facility used for children, including, but not limited to:

a. A public park, parkway, park facility, recreation area, beach, conservancy area or similar area or facility held open for use by the public for active or passive leisure purposes. Also included are any privately owned neighborhood parks and open spaces where children congregate such as those owned by a homeowners association of a subdivision.

b. A swimming pool or splash pad where children swim, wade or splash in a pool or other aquatic facility held open for use by the public or where no lifeguard is on duty and children are known to congregate.

c. A library which is open for use by the public where such library includes a collection of material specifically intended for use by children.

d. A public recreational trail or pat where children regularly walk, ride bicycles, or ride horses, and that is dedicated to the public for recreation purposes or intended for public use.
e. A playground which is any public outdoor area set aside for recreation and play and includes any area with playground equipment including, but not limited to, swings, slides, play structures, sandboxes, and seesaws.
f. A school property serving children. Included are any public school as defined by Sec. 115.01(1), Wis. Stats.; a private school as defined by Sec. 115.001(3); a charter school as defined by Sec. 115.001(1), Wis. Stats.; a speciality school, including, but not limited to, a Montessori school, gymnastics academy, dance academy, or music school.
g. Athletic fields and facilities used by children for organized and/or informal athletic activities. This includes public athletic fields and private athletic fields if open to the public.
h. A movie theater.
i. A licensed day care center that has been licensed under Sec. 48.65, Wis. Stats., to provide care and supervision of children, and includes before- and after-school daycare, which has the meaning as defined by Sec. 120.125(1), Wis. Stats.
j. A ski hill or sledding hill open to the public.
k. Any specialized school or place of instruction for children, including, but not limited to a gymnastics academy, dance academy, music school, or fitness club. Included are "private places" owned by a private entity or person and are open to the public to provide a service and where children regularly congregate, whether supervised or unsupervised.
l. A public or private golf course or range.
m. A place of worship, church, synagogue, mosque, temple or other house of religious worship ("church").
n. Any facility for children (which means a public or private school, a group home, as defined in Section 48.02(7), Wis. Stats.; a residential care center for children and youth, as defined in Section 48.02(15d), Wis. Stats.; a shelter care facility, as defined in Section 48.02(17), Wis. Stats.; a foster home, as defined in Section 48.02(6), Wis. Stats.; a treatment foster home, as defined in Section 48.02(17q), Wis. Stats.; a day care center licensed under Section 48.65, Wis. Stats.; a day care program established under Section 120.13(14), Wis. Stats.; a day care provider certified under Section 48.651, Wis. Stats.; or a youth center, as defined in Section 961.01(22), Wis. Stats.

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

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

940.225(1)	First Degree Sexual Assault
940.225(2)	Second Degree Sexual Assault
940.225(3)	Third Degree Sexual Assault
940.22(2)	Sexual Exploitation by Therapist
940.30	False Imprisonment - Victim Was Minor & Not The Offender's Child
940.31	Kidnapping – Victim Was Minor & Not the Offender's Child
944.02	Rape (prior statute, see now 940.225)
944.06	Incest
944.10	Sexual Intercourse With a Child (prior statute, see now 948.02)
944.11	Indecent Behavior With a Child (prior statute, see now 948.02)
944.12	Enticing Child for Immoral Purposes (prior statute, see now 948.07)
948.02(1)	First Degree Sexual Assault of a Child
948.02(2)	Second Degree Sexual Assault of a Child
948.025	Engaging in Repeated Acts of Sexual Assault of the Same Child
948.05	Sexual Exploitation of a Child
948.055	Causing a Child to View or Listen to Sexual Activity
948.06	Incest With A Child
948.07	Child Enticement
948.075	Use of a Computer to Facilitate a Child Sex Crime
948.08	Soliciting a Child For Prostitution
948.095	Sexual Assault of a Student by School Instructional Staff
948.11(2)(a) or (am)	Exposing a Child to Harmful Material (felony sections)
948.12	Possession of Child Pornography
948.13	Convicted Child Sex Offender Working With Children
948.30	Abduction of Another's Child
971.17	Not Guilty By Reason of Mental Disease or An Included Offense
975.06	Sex Crime Law Commitment

(c) **Sexual Offender and Sexual Predator Residency; Prohibitions; Penalties; Exceptions.**

(1) ***Prohibited Location of Residence.*** It is unlawful for any designated offender to establish a permanent residence or temporary residence within Five Hundred (500) feet of any Safety Zone property/use enumerated in Subsection (b)(7), or any other place designated by the Village of Lone Rock as a place where children are known to congregate.

(2) ***Prohibited Activity.***

a. ***Loitering.*** It is unlawful for any designated offender to loiter within Five Hundred (500) feet of any Safety Zone property/use enumerated in Subsection (b)(7) or any other place designated by the Village of Lone Rock as a place where children are known to congregate.

b. ***Holiday Events/Parties.*** It is unlawful for any designated offender to participate in a holiday event involving children under eighteen (18) years of age, such as

distributing candy or other items to children on Halloween, wearing a Santa Claus costume, or wearing an Easter Bunny costume or any costume resembling a character known to be popular among children. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this Subsection. "Participation" is to be defined as actively taking part in the event.

(3) ***Measurement of Distance.***

a. For purposes of determining the minimum distance separation under this Section, the distance requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outside property line of a protected location designated by the Village of Lone Rock as a Safety Zone property/use per Subsection (b)(7) above where children are known to congregate.

b. The Village Clerk shall maintain an official map showing prohibited locations and Safety Zones as defined by this Section. The Village Clerk shall update the map at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as child safety zones. The map is to be displayed in the Office of the Village Clerk.

(4) ***Violations; Penalties.*** A person who violates this Section shall be punished by forfeiture per Section 1-1-6. Each day a person maintains a residence in violation of this Section constitutes a separate violation. The Village of Lone Rock may also seek equitable relief.

(5) ***Exceptions.*** A designated offender residing within a prohibited area as described in Subsection (c)(1) does not commit a violation of this Section if any of the following applies:

a. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Section 301.45, Wis. Stats., before the original effective date of this Section.

b. The person is a minor or ward under guardianship and is not required to register under Sections 301.45 or 301.46, Wis. Stats.

c. The protected location within Five Hundred (500) feet of the person's permanent residence was opened after the person established the permanent residence and reported and registered the residence pursuant to Sec. 301.45, Wis. Stats.

d. The residence is also the primary residence of the person's parents, grandparents, spouse, domestic partner, or children provided that such party established the residence at least one (1) year before the designated offender established the residence at the location.

e. In such cases involving a juvenile placed in accordance with this exception, when the juvenile turns eighteen (18) years of age, the juvenile would be allowed to continue to reside at the already established residence.

f. The person is a designated offender that has been adjudicated a sexually violent person pursuant to Chapter 980, Wis. Stats., if the designated offender is subject to supervised release under Chapter 980, Wis. Stats., the designated offender is residing where he or she is ordered to reside under Sec. 980.08, Wis. Stats., and the offender is in compliance with all court orders issued under Ch. 980, Wis. Stats.

(d) **Property Owners Prohibited From Renting Real Property To Certain Sexual Predators and Sexual Offenders; Penalties.**

(1) ***Prohibition.*** It is unlawful to let or rent any place, structure, or part thereof, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this Section, if such place, structure, or part thereof, trailer, or other conveyance is located within Five Hundred (500) feet of a protected location zone described in Subsection (c)(1). A person letting or renting a place or structure shall be deemed to have such knowledge if, at least ten (10) days prior to letting or renting the place or structure, the sex offender's name appears on the Wisconsin Department of Correction's sex offender registry and the person letting or renting the place knew the sex offender would be residing at the subject place or structure.

(2) ***Violations; Penalties.*** A property owner's failure to comply with the provisions of this Subsection shall constitute a violation of this Section, and shall subject the property owner to the Code enforcement provisions in Subsection (c)(4) as provided in this Section. Each day a violation continues shall constitute a separate offense.

(e) **Safety Zones.**

(1) ***Presence Regulated.*** A sex offender shall not enter upon or be present upon a property within a Safety Zone under this Section.

(2) ***Safety Zone Exceptions.*** A sex offender who enters upon or who is present upon or within a safety zone does not commit a violation of this Subsection if any of the following apply:

a. The property also supports a church, synagogue, mosque, temple or other house of religious worship, subject to all of the following conditions:

1. The sex offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
2. The sex offender shall not participate in any religious education programs that include individuals under the age of eighteen (18).

b. The property also supports a use lawfully attended by a sex offender's natural or adopted children, which a child's use reasonably requires the attendance of the sex offender as the child's parent upon the property, subject to the following condition:

1. The sex offender's entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public.
2. Written advance notice is made from the person to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the sex offender.

c. The property also supports a polling location in a local, state or federal election, subject to all of the following conditions:
   1. The sex offender is eligible to vote;
   2. The property is the designated polling place for the sex offender; and
   3. The sex offender enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is to any member of the electorate, and vacates the property immediately after voting.

d. The property also supports a school lawfully attended by a sex offender as a student under which circumstances the sex offender may enter upon the property supporting the school at which the sex offender is enrolled, for such purposes and at such times as are reasonably required for the educational purposes of the school.

e. The property also supports a court, government office or room for public governmental meetings, subject to all of the following conditions:
   1. The sex offender is on the property only to transact business at the government office or place of business, other than a public library, or attend an official meeting of a governmental body; and
   2. The sex offender leaves the property immediately upon completion of the business or meeting.

(3) ***Violations; Penalties.*** A person who violates this Subsection shall be punished by a forfeiture per Section 1-1-6. Each day a violation continues shall constitute a separate offense.

(f) **Injunctions and Other Penalties for Violations.** Neither the issuance of a citation nor the imposition of forfeiture hereunder shall preclude the Village of Lone Rock from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this Chapter. If an offender establishes a residence in violation of Subsections (c) or (d) above, or enters or is present upon or within a Safety Zone in violation of Subsection (e) above, the Village Attorney may bring an action in the name of the Village of Lone Rock in circuit court to permanently enjoin any such violation as a public nuisance.

(g) **Appeals.**

(1) ***Appeals Body.*** A designated offender may seek an exemption, waiver or modification from this Section by appealing to the Village Board. The above requirements may be waived or modified upon approval of the Village of Lone Rock Village Board through appeal by the affected party. Such appeal request shall be made to the Village Clerk, who shall forward the request to the Village Board.

(2) ***Hearing Notice.*** The Village Board shall hold a public hearing on the appeal. Notice in the form of an agenda shall be published/posted as required by state law and be provided to the members of the Village Board, the applicant, and the property owner if not the applicant. Such agenda notice shall be provided a minimum of seven (7) days prior to the hearing date.

(3) ***Hearing; Considerations.*** The Village Board shall hold a hearing on each appeal to conduct a risk assessment in each case, during which the Village Board may review any pertinent information and may accept oral or written statements from any person. The Village Board shall request and receive reports from law enforcement authorities serving the Village on such appeal. The Village Board shall consider the public interest as well as the applicant's presentation and concerns, giving the applicant a reasonable opportunity to be heard. The Village Board shall also consider any written, emailed or oral statements from any person at the hearing or received in advance of the hearing in the case of written or emailed comments. The Village Board shall consider the specific circumstances and facts of each applicant and determine whether the applicant poses a threat public safety if he or she resides at that proposed location. The Village Board shall consider factors which may include, but are not limited to, the following:

a. Circumstances surrounding the offense.
b. Relationship of the offender and victim.
c. Presence or use of force with the offense.
d. Presence of enticement.
e. Need to protect the victim or similarly situation individuals.
f. Current dangerousness of the offender.
g. Proximity in time from the original offense.
h. Duration of incarceration and subsequent time out.
i. Current supervision status by the Wisconsin Department of Corrections.
j. Counseling and treatment history.
k. Any criminal offense or regulatory violations committed since the original offense.
l. Credibility of the offender/applicant.
m. Remorse.
n. Proximity of proposed residence to a Safety Zone.
o. Support network of offender near proposed residence.
p. Alternative options for housing.

(4) ***Determination.*** The Village Board shall decide by majority vote whether to grant or deny an exemption or modification. An exemption decision may be unconditional or be conditional to a specific address or period of time. After deliberation and determination, the Village Board shall forward its written decision to the applicant, Village Clerk, and to the law enforcement authorities serving the Village of Lone

Rock for their information and action. The decision of the Village Board may be appealed to the circuit court by any aggrieved party within thirty (30) days of the final receipt of the final decision. The review shall be a review by certiorari and the circuit court may affirm or reverse the final decision, or remand the decision to the decision maker for further proceedings consistent with the court's decision.

Sec. 11-2-20 Unauthorized Presence on School Property.

(a) **Unauthorized Presence.**

(1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him/her from attending any school located within the Village of Lone Rock or any person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise "authorized person," shall be present within any school building or upon any school grounds without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.

(2) Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection (a)(1), shall be guilty of trespass.

(3) "Authorized person" shall include:

a. Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;

b. Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;

c. Any person utilizing a designated area for attending an athletic or other organized school event.

(b) **Disorderly Conduct on Public School Property.**

(1) No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

(2) Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the School System's published rules and regulations shall be considered in violation of this Section. The published rules and regulations of the School System are incorporated as if fully set forth herein.

(3) All entrances to the school buildings referred to in Subsection (a) shall be posted by the School Board with a notice stating "Entry Into School Building by Unauthorized Person Prohibited."

(4) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a Village citation that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.

(c) **Loitering Near School Prohibited.** No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the Village of Lone Rock or upon any School District grounds or within adjacent posted school zones on any day when such schools are in session.

(d) **Possession of Intoxicating Liquor and Fermented Malt Beverages.** No person shall possess intoxicating liquor or fermented malt beverages while on any school property.

(e) **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) ***Loiter.*** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.

(2) ***Nuisance.*** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Lone Rock.

Sec. 11-2-21 E911 Emergency Telephone Line Abuse Prohibited.

(a) **Statement of Purpose.** False E911 telephone calls are a threat to public health, safety and welfare in the Village of Lone Rock. Each false E911 call requires a response by emergency response personnel, creates unnecessary expense for the Village, and harms the ability of emergency response personnel to respond to legitimate emergencies.

(b) **Definitions.** For purposes of this Section, an "emergency" exists when a person reasonably believes that an immediate response by public safety personnel is essential due to the risk or actual occurrence of death or bodily harm; property damage; or any other situation which reasonably requires the immediate response of public safety personnel.

(c) **Intentionally False E911 Calls Prohibited.**

(1) No person shall use the E911 emergency telephone number system for any purpose other than to report an emergency.

(2) No person shall use the E911 system to report an emergency knowing that the fact situation which he/she reports does not exist.

(3) No person shall call the E911 emergency telephone number system and hang up without reporting an emergency, if, in fact, no emergency exists.

(4) No parent, legal guardian or other adult having the care and custody of a person under eighteen (18) years of age shall permit or by insufficient control allow such person to violate the provisions of this Section.

(5) Any person violating this Section regarding intentional false E911 calls shall forfeit an amount as prescribed by Section 1-1-6.

(d) **Unintentional E911 Calls.**

(1) Unintentional E911 calls made due to human error, equipment malfunctions, or equipment programming shall be the joint and several responsiblity of the person making the unintentional E911 call and the owner, tenant, business occupant, occupant or person in control of a premises or telephone equipment, including wireless cellphones, from which such false E911 calls originate.

(2) The person making the unintentional E911 call, or the owner, tenant, business occupant, occupant or person in control of a premises or telephone equipment, including wireless cellphones, from which such false E911 calls originate shall be issued a citation and be subject to a forfeiture as provided in Section 1-1-6. No citation shall be issued nor forfeiture assessed for the first two (2) false E911 calls in a calendary year (January 1 – December 31).

Title 11 ▸ Chapter 3

Offenses Against Property

11-3-1	Destruction or Theft of Property Prohibited
11-3-2	Littering Prohibited
11-3-3	Abandoned Refrigerators Prohibited
11-3-4	Theft of Library Material
11-3-5	Damage to Public Property
11-3-6	Retail Theft
11-3-7	Issuance of Worthless Check
11-3-8	Trespass to a Dwelling or Land
11-3-9	Regulation of Smoking and Vaping
11-3-10	Theft Prohibited
11-3-11	Fraud on Residential Landlords Prohibited
11-3-12	Graffiti
11-3-13	Cemetery Regulations
11-3-14	Damaging or Tampering with Coin Machines
11-3-15	Theft of Cable Television Service; Tampering
11-3-16	Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes

Sec. 11-3-1 Destruction or Theft of Property Prohibited.

(a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy, or unlawfully remove or interfere with any property belonging to the Village of Lone Rock, the School District, or to any private person without the consent of the owner or proper authority, nor shall any person or organization place or permit to be placed any sign, poster, advertisement, notice, or other writing upon any utility ornamental light pole belonging to the Village of Lone Rock without the consent of proper authority. Any signs, posters, advertisements, notices, or other writings so placed shall be removed by law enforcement authorities and the placing person or organization cited for violation of this Section.

(b) **Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars ($2,500.00).

(c) **Theft of Property or Fuel.** No person shall intentionally take and carry away, use, transfer, conceal or retain possession of movable property of another without that other person's consent and with intent to deprive the owner permanently of possession of such property. Included within the scope of theft of property is failing to pay for fuel that a person obtained from a fuel vendor.

(d) **Penalty Provisions.**

(1) Any person seventeen (17) years of age or over who violates this Section is subject to a penalty as provided in Section 1-1-6, restitution to the injured party, and the costs of prosecution.

(2) Any person fourteen (14) years of age through sixteen (16) years of age shall be subject to a forfeiture not to exceed Twenty-five Dollars ($25.00) and any other applicable penalty provided by Sec. 938.344, Wis. Stats., as that Section may exist, be amended or changed.

(e) **Victim Remedies.** Any person or entity injured by a violation of this Section by a minor child shall be advised of the rights and remedies available under Sec. 895.035, Wis. Stats.

Cross-Reference: Section 11-3-10.

Sec. 11-3-2 Littering Prohibited.

(a) **Littering Prohibited.** No person shall throw any object, glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village of Lone Rock, upon property within the Village owned by the School District or upon any private property not owned by them, or upon the surface of any body of water within the Village of Lone Rock.

(b) **Litter From Conduct of Commercial Enterprise.**

(1) ***Scope.*** The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.

(2) ***Litter to be cleaned up.*** Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

(3) ***Litter picked up at litterer's expense.*** If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Village shall arrange to have the same picked up by Village crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be

charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.

(c) **Depositing of Materials Prohibited.** It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Village Board, Public Works Department or Village Clerk to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

(d) **Improper Placement of Recyclables.** Persons shall only place recyclable objects or materials in proper recycling containers which are specifically designated for that type of material.

(e) **Handbills.**

(1) ***Scattering Prohibited.*** It shall be unlawful to deliver any handbills or advertising material to any premises in the Village of Lone Rock except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

(2) ***Papers in Public Places Prohibited.*** It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

Sec. 11-3-3 Abandoned Refrigerators 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/her 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 without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his/her agent and is securely locked or fastened.

Sec. 11-3-4 Theft of Library Material.

(a) **Definitions.** For the purposes of this Section, certain words and terms are defined as follows:

(1) ***Archives.*** A place in which public or institutional records are systematically preserved.

(2) ***Library.*** Means any public library, library of an educational or historical organization or society or museum, and specifically the public library within the Village of Lone Rock and school libraries.

(3) ***Library Material.*** Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics, belonging to, on loan to or otherwise in the custody of a library.

(b) **Possession Without Consent Prohibited.**

(1) Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code of Ordinances.

(2) The failure to return library material after its proper return date, after written notice from the library shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.

(3) No person shall be charged with a violation of this Section unless such person is provided written notice signed by a library official, agent or employee setting forth the following:

a. A reasonable description of the library materials;

b. The date that the library materials were due to be returned;

c. The final date by which either the library materials are to be returned or a written explanation made to the library that the library materials are incapable of being returned because they are lost or destroyed; and

d. The statement that:

> "Your failure to comply with the demands of this notice will subject you to being prosecuted for a violation of Section 11-3-4 of the Municipal Code of the Village of Lone Rock, 'Theft of Library Material'; and upon conviction, a penalty of not less than $25.00 nor more than $500.00, together with the costs of prosecution."

Said notice shall be served by regular first class mail sent to the person's last known address or by personal service upon such person.

(c) **Concealment.** The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the

material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

(d) **Detention Based on Probable Cause.** An official or adult employee or agent of a library who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a law enforcement officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a law enforcement officer making an arrest in the line of duty.

(e) **Damaging Material Prohibited.** No person shall mar, deface or in any other way damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library. Any person convicted of violating this Subsection shall be subject to the penalties as set forth in Section 1-1-6.

(f) **Return Demanded.** No person shall fail, on demand, to return any book periodical, pamphlet, picture or other articles or property belonging to or in charge of the Public Library according to the rules or regulations duly made and adopted by the Library Board and no person shall remove from the library any book, periodical, pamphlet, picture or other articles or property without first having it charged as provided by such rules and regulations. Any person convicted of violating any provision of this Subsection shall be subject to the penalties as set forth in Section 1-1-6.

State Law Reference: Sec. 943.61, Wis. Stats.

Sec. 11-3-5 Damage to Public Property.

(a) **Damaging Public Property.** No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Village of Lone Rock.

(b) **Breaking of Street Lamps or Windows.** No person shall break glass in any street lamps or windows of any building owned or occupied by the Village of Lone Rock.

(c) **Damaging Fire Hydrants and Water Mains.** No person shall, without the authority of Village authorities, operate any valve connected with the street or water supply mains, or open any fire hydrant connected with the water distribution system, except for the purpose

of extinguishing a fire. No person shall injure or impair the use of any water main or fire hydrant.

Sec. 11-3-6 Retail Theft.

(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).

(b) The intentional concealment of unpurchased merchandise 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/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a law enforcement officer, or to his/her parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he/she shall not be interrogated or searched against his/her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the merchant or his/her employee affecting the detention to the same defense in any action as is available to a law enforcement officer making an arrest in the line of duty.

(d) If the value of the merchandise does not exceed One Hundred Dollars ($100.00), any person violating this Section shall forfeit not more than One Thousand Dollars ($1,000.00). If the value of the merchandise exceeds One Hundred Dollars ($100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

State Law Reference: Sec. 943.50, Wis. Stats.

Sec. 11-3-7 Issuance of Worthless Checks.

(a) **Violations.** Whoever issues any check or other order for the payment of money less than One Thousand Dollars ($1,000.00) which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.

(b) **Prima Facie Evidence.** Any of the following is prima facie evidence that the person at the time he 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; or

(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 five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or

(3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.

(c) **Exceptions.** This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.

(d) **Returned Check Fee.** In the event a person issues a check to the Village of Lone Rock, and does not have sufficient funds or credit such that the check is returned unpaid, such person shall pay the check or other order and shall also pay a fee as prescribed in Section 1-3-1, representing the cost of additional administrative expense which results from non-payment of the original obligation. [See also Section 3-1-17].

(e) **Penalties.**

(1) In addition to any other penalties provided for under Section 1-1-6, a court may order a violator of this Section to pay restitution to a victim. In determining the method of payment the court shall consider the financial resources and future ability of the violator to pay. The court shall provide for payment of an amount equal to the pecuniary loss caused by the offense. Upon the application of an interested party, the court shall schedule and hold an evidentiary hearing to determine the value of the victim's pecuniary loss resulting from the offense. A victim may not be compensated under this Section and under Sec. 943.245, Wis. Stats.

(2) In this Section, "pecuniary loss" means:

a. All special damages, but not general damages, substantiated by evidence in the record, which a person could recover against the violator in a civil action arising out of the facts or events constituting the violator's criminal activities, including, without limitation because of enumeration, the money equivalent of loss resulting from property taken, destroyed, broken or otherwise harmed and out-of-pocket losses, such as medical expenses; and

b. Reasonable out-of-pocket expenses incurred by the victim resulting from the filing of charges or cooperating in the investigation and prosecution of the offense.

Sec. 11-3-8 Trespass to a Dwelling or Land.

(a) **Trespass to Land.** No person shall enter or remain on any land after having been notified by the owner or occupant not to remain on the premises.

(b) **Trespass to Dwelling.** No person shall intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

State Law Reference: Secs. 943.13 and 943.14, Wis. Stats.

Sec. 11-3-9 Regulation of Smoking and Vaping.

(a) **Finding of Facts; Statement of Purpose; Definitions.**
   (1) The findings of fact and statement of purpose set forth in Section 11-5-9(a) are incorporated herein by reference and made a part of this Section as if fully set forth herein.
   (2) The definitions set forth in Section 11-5-9(b) are incorporated herein by reference and made a part of this Section as if fully set forth herein.

(b) **Statutory Requirements Adopted.** The provisions of Sec. 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except the provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Section.

(c) **Definitions.** As used in this Section, the definitions of Section 101.123(1), Wis. Stats., are hereby adopted and incorporated herein by reference, except as set forth below. In this Section:
   (1) ***Village Buildings.*** All Village-owned or operated buildings and those portions of buildings leased or operated by the Village of Lone Rock.
   (2) ***Enclosed Indoor Area.*** All space between a floor and a ceiling that is bound by walls, doors, or windows, whether open or closed, covering more than fifty percent (50%) of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an eighteen (18) by sixteen (16) mesh count is not a wall for purposes of this Section.

(d) **Smoking Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.** In recognition of the need to protect the health and safety of the public and Village employees from the detrimental effects of smoking, pursuant to the authority granted to the Village of Lone Rock by Sec. 101.123(2)(c), Wis. Stats., smoking as defined by Sec. 101.123(1)(h), Wis. Stats., is prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Lone Rock, except in designated areas.

(e) **Vaping Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.** In recognition of the need to protect the health and safety of the public and Village employees from the detrimental effects of vaping and to maintain consistency with no-smoking regulations, the use of a vapor device is prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Lone Rock, except in designated areas. Furthermore, it shall be unlawful for any person to use a vapor device or product on any school grounds or building.

(f) **State Statutes Adopted.** The provisions of Sec. 120.12(20), Wis. Stats., regulating smoking on school premises are adopted by reference and made part of this Section as though set forth in full.

(g) **Outside Areas.** Any person managing or in charge of a tavern, restaurant, retail establishment or private club that is subject to this Section may designate an outside area that is a reasonable distance from the entrance to said establishment where employees, customers and/or other persons associated with the establishment may smoke. The designated outside smoking area shall contain receptacles for trash and cigarette butts and shall be maintained in a neat and orderly manner. All refuse and cigarette butts shall be placed in proper receptacles.

Sec. 11-3-10 Theft Prohibited.

(a) **Acts.** Whoever does any of the following may be penalized as provided in Section 1-1-6 of this Code of Ordinances:

(1) Intentionally takes and carries away, uses, transfers, conceals or retains possession of movable property of another without his/her consent and with intent to deprive the owner permanently of possession of such property.

(2) By virtue of his/her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his/her authority, and with intent to convert to his/her own use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his/her possession or custody by virtue of his/her office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his/her own use within the meaning of this Subsection.

(3) Having a legal interest in movable property, intentionally and without consent, take such property out of the possession of the pledgee or such other person having a superior right of possession with intent thereby to deprive the pledgee or other person permanently of the possession of such property.

(4) Obtains title to property of another by intentionally deceiving him/her with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.

(5) Intentionally fails to return any personal property which is in his/her possession or under his/her control by virtue of a written lease or written rental agreement, within ten (10) days after the lease or rental agreement has expired.

(b) **Definitions.** The following definitions shall be applicable in this Section:

(1) ***Property.*** All forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a choice in action or other intangible rights.

(2) ***Movable Property.*** Property whose physical location can be changed, without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on or affixed to or found in land.

(3) ***Value.*** The market value at the time of the theft or the cost to the victim of replacing the property within the reasonable time after the theft, whichever is less, if the property stolen is a document evidencing a choice in action or other intangible right; value means either the market value of the choice in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had a legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

(4) ***Property of Another.*** Includes property in which the actor is a co-owner and property of a partnership of which the actor is a member unless the actor and the victim are husband and wife.

Cross-Reference: Section 11-3-1.

Sec. 11-3-11 Fraud on Residential Landlords Prohibited.

(a) **Prohibited Acts.** Any person who, with intent to defraud, does any of the following shall be guilty of violating this Section:

(1) Intentionally absconds without paying rent that has been contractually agreed upon in an oral or written lease with a landlord. Prima facie evidence of intentionally absconding will be established if a tenant fails to pay rent due prior to the vacating of the rental premise by the tenant, and the non-payment of said rent continues for a period of five (5) days after vacation of the premise; or

(2) Issues any check, money order or any other form of bank or monetary draft as a payment of rent, where such document lacks sufficient funds, where the account is closed, or where such draft is unredeemable in any other form or fashion. Prima facie

evidence of intention to defraud will be established if a tenant fails, within five (5) days of a written demand by the landlord or agent, to pay in full the total amount of the draft presented as rent payment plus any bank charges to the landlord attributable to the unredeemability of the draft.

(b) **Applicability.** This Section shall apply to rental agreements between residential landlords and tenants only. The words and terms used in this Section shall be defined and construed in conformity with the provisions of Chapter AG 134, Wis. Adm. Code, Chapter 704, Wis. Stats., and Sec. 990.001(1), Wis. Stats. The act of service by a landlord of a legal eviction notice or notice to terminate tenancy shall not, in itself, act as a bar to prosecution under this Section.

(c) **Procedure.** A law enforcement officer may issue a citation only when the complainant provides the following:

(1) The name and current address of the tenant, a copy of the subject lease agreement, or sworn testimony of the terms of the subject oral lease.

(2) The amount of rent due, the date it was due, the date the tenant actually vacated the premise, and testimony that the rent remained unpaid for not less than five (5) days after vacating and that the tenant did not notify or attempt to notify the complainant of the tenant's new address, or that the tenant knowingly gave the complainant a false address.

(3) As to an unredeemable payment, the document used for attempting rent payment, the written demand for payment of the full amount plus bank charges, proof that the tenant received the written demand, and testimony that at least five (5) days have elapsed since the demand was received and no payment has been made.

State Law Reference: Chapter 704 and Sec. 990.001(1), Wis. Stats.; Ch. AG 134, Wis. Adm. Code.

Sec. 11-3-12 Graffiti.

(a) **Definition.** "Graffiti" is any drawing, figure, inscription, symbol, or other marking which is scratched, painted, drawn in pen or marker, or placed by some other permanent or semi-permanent means upon sidewalks, streets, public or private structures or any other place in public view without the express permission or consent of the property owner.

(b) **Public Nuisance.** Graffiti is hereby declared to be a public nuisance, as defined under Title 11, Chapter 6 of this Code, affecting peace and safety. Graffiti is deemed to be a public nuisance not only because it offends the aesthetic sensibilities of the community but because it may indicate the presence of gang activity or encourage gang activity and rivalry. It shall be the duty of every owner, lessee or occupant to promptly remove or obliterate graffiti on any building, fence, structure, parking lot or walkway over which the owner, occupant or lessee has control.

(c) **Prohibitions.** No person shall write, spray, scratch or otherwise affix graffiti upon any property whether private or public without the consent of the owner or owners of said property. Any person who shall affix graffiti to any property without the consent of the owner shall be liable for the costs of removing or covering such graffiti in addition to any fines imposed for violating this Section. The parents of any unemancipated minor child who affixed graffiti shall be held liable for the cost of removing or covering said graffiti in accordance with Sec. 895.035, Wis. Stats.

(d) **Removal By Property Owner.**

(1) Every owner of a structure or property defaced by graffiti shall cover or remove the graffiti within fifteen (15) days in compliance with written notice by certified letter from the Village of Lone Rock to remove or cover such graffiti.

(2) In the event any owner fails to comply with the above-mentioned notice, the Village may have the graffiti covered or removed, and in such event, all costs, fees and expenses will be assessed to said owners real estate taxes pursuant to Sec. 66.0627, Wis. Stats.

Sec. 11-3-13 Cemetery Regulations.

(a) **Purpose and Definition.** In order to protect cemetery areas within the Village from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this Section shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the Village of Lone Rock.

(b) **Authority to Establish Rules and Regulations.** The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.

(c) **Specific Regulations.**

(1) ***Disturbing Cemetery Property.*** No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property except the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.

(2) ***Protection of Cemetery Property.*** No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb, any animals, birds or waterfowl, wild or domestic within any cemetery in any matter except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery. No picnic, parties, or similar gatherings are permitted.

(3) ***Motor Vehicles.*** Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.

(4) ***Speed Limit.*** No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) miles per hour unless otherwise posted.

(5) ***Parking.*** No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.

(6) ***Littering Prohibited.*** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.

(7) ***Pets.*** Pets, including animals of any species, and horses are prohibited in any cemetery outside of a vehicle.

(8) ***Sound Devices.*** No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.

(9) ***Authorized Notices.*** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any cemetery, except cemetery regulations and other signs authorized by the owner. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.

(10) ***Loitering Prohibited.*** No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.

(11) ***Alcoholic Beverages Prohibited.*** No person shall consume or have in his/her possession any open container containing an alcohol beverage upon any cemetery property within the Village unless the property is specifically named as being part of a licensed premises.

(12) ***Play Vehicles Prohibited.*** No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this Section, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

(13) ***Presence After Hours Prohibited.*** No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

Sec. 11-3-14 Damaging or Tampering with Coin Machines.

(a) **Prohibited Tampering.** No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the Village of Lone Rock. No person shall deposit a slug in a coin-operated machine.

(b) **Definition.** In this Section, "coin machine" means any device or receptacle designed to receive money or anything of value. The term includes a depository box, parking meter, vending machine, pay telephone, money-changing machine, coin-operated phonograph and amusement machine if they are designed to receive money or other thing of value.

Sec. 11-3-15 Theft of Cable Television Service and Tampering.

(a) **Prohibited Conduct.** No person, whether or not a subscriber to the cable television system, may intentionally or knowingly damage or cause to be damaged any wire, cable, conduit, equipment or apparatus of a cable provider or commit any act with intent to cause such damage, or tap, tamper with or otherwise connect any wire or device to a wire, cable, conduit, equipment and apparatus, or appurtenances of a cable provider with the intent to obtain a signal or impulse from the cable system without authorization from the cable provider, or to obtain cable television or other commuications services with the intent to cheat or defraud the cable provider of any lawful charge to which it is entitled.

(b) **Theft of Service.** It is unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cable, wire, or other equipment used for the distribution of television signals, radio signals, pictures, programs, sound or any other information or intelligence transmitted over a cable system.

State Law Reference: Sec. 943.46, Wis. Stats.

Sec. 11-3-16 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes.

It shall be unlawful for any person without permission and for the purpose of obtaining electrical current, natural gas or water with intent to defraud any vendor of electricity, natural gas or water or to do any of the following:

(a) Connect or cause to be connect by wire or other device with a wire, cable or conductor of any such vendor.

(b) Connect or disconnect the meters, pipes or conduits of the vendor or in any other manner tamper or interfere with the meters, pipes or conduits or connect with the meters, pipes or conduits by pipes, conduits or other instruments.

State Law Reference: Sec. 941.36, Wis.

Title 11 ▸ Chapter 4

Offenses Involving Alcoholic Beverages

11-4-1	Outside Consumption
11-4-2	Sale to Underage or Intoxicated Persons Restricted
11-4-3	Underage Persons' Presence in Places of Sale; Penalty
11-4-4	Underage Persons; Prohibitions; Penalties
11-4-5	Defense of Sellers
11-4-6	Persons Who Have Attained the Legal Drinking Age; False or Altered Identification Cards
11-4-7	Possession of Alcohol Beverages on School Grounds
11-4-8	Adult Permitting or Encouraging Underage Violation
11-4-9	Solicitation of Drinks Prohibited
11-3-10	Social Host Responsibility

Sec. 11-4-1 Outside Consumption.

(a) **Alcoholic Beverages in Public Areas.**

(1) ***Regulations.*** Unless otherwise provided in this Section, it shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, municipal building, library, cemetery or drives or other public area within the Village of Lone Rock or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his/her possession any open container containing alcohol beverage upon any public street, public sidewalk, public way or drive, cemetery, municipal building, library, public alley, public parking lot within the Village of Lone Rock, or on private property without the owner's consent, except for licensed premises.

(2) ***Private Property Held Out For Public Use.*** It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Village of Lone Rock unless the property is specifically named as being part of a licensed premises.

(3) ***Parks.*** It shall be unlawful for any person to drink or have in his/her possession any alcohol beverage in any Village park between the hours of 2:00 a.m. and 6:00 a.m.

(4) ***Leaving Licensed Premises with Open Container.***

a. It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.

b. It shall be unlawful for any patron to leave a licensed premises with an open container containing any alcohol beverage.

c. It shall be unlawful for any patron to remove an original unopened package, container or bottle containing any alcohol beverage from a Class "A" licensed premises between the hours of 9:00 p.m. and 6:00 a.m.

(5) ***Exceptions.***

a. The provisions of this Section may be waived by the Village for duly authorized civic or community events.

b. Any organization which has been issued a Temporary Fermented Malt Beverage and/or Temporary Wine License for a designated area and event pursuant to this Code of Ordinances, provided that the provisions of this Chapter and Title 7, Chapter 2, are fully complied with.

c. The provisions of this Section regarding open consumption of fermented malt beverages or intoxicating liquor shall not apply within two hundred (200) feet of a parade route which the Village of Lone Rock has authorized from one (1) hour prior to the scheduled start of said parade until one (1) hour after the end of said parade; except that the foregoing exemption does not extend to any vehicle or unit of the parade, however propelled, nor to any parade participant for that period of time during which the vehicle, unit of the parade or person is participating within the assembly and disembarkment points of the parade.

(b) **Definitions.**

(1) As used in this Section, the term "alcoholic beverage" shall include all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (1/2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purposes.

(2) As used in this Section, the term "public area" shall be construed to mean any location within the Village of Lone Rock which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.

(3) As used in this Chapter "underage person" shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

Cross Reference: Section 7-2-16.

Sec. 11-4-2 Sale to Underage or Intoxicated Persons Restricted.

(a) **Sales of Alcohol Beverages to Underage Persons.**

(1) No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

(3) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.

(4) No adult may intentionally encourage or contribute to a violation of Subsection (a)(1) or (b).

(b) **Penalties.** For purposes of determining previous violations, the thirty (30) month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one (1) violation occurs at the same time, all those violations shall be counted as one (1) violation. A person who commits a violation of Subsection (a) above may be:

(1) Required to forfeit not more than Five Hundred Dollars ($500.00) if the person has not committed a previous violation within thirty (30) months of the violation; or

(2) Fined not more than Five Hundred Dollars ($500.00) if the person has committed a previous violation within thirty (30) months of the violation.

(3) Fined not more than One Thousand Dollars ($1,000.00) if the person has committed two (2) previous violations within thirty (30) months of the violation.

(4) Fined not more than Ten Thousand Dollars ($10,000.00) if the person has committed three (3) or more previous violations within thirty (30) months of the violation.

(5) In addition to the forfeitures provided in Subsections (b)(1)-(4) above, a court shall suspend any license issued under this Chapter to a person violating this Subsection for:

a. Not more than three (3) days, if the court finds that the person committed a violation within twelve (12) months after committing one (1) previous violation;

b. Not less than three (3) days nor more than ten (10) days, if the court finds that the person committed a violation within twelve (12) months after committing two (2) other violations; or

c. Not less than fifteen (15) days nor more than thirty (30) days, if the court finds that the person committed the violation within twelve (12) months after committing three (3) other violations.

(c) **Exception.** A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to Subsection (b)(5) but is not subject to Subsection (b)(1)-(4) or Sec. 125.11, Wis. Stats.

(d) **Sale of Alcohol Beverages to Intoxicated Persons.**

(1) ***Restrictions.***

a. No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.

b. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(e) **Penalties.** Any person who violates Subsection (d)(1) above shall be subject to a forfeiture of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00).

State Law Reference: Section 125.07, Wis. Stats.

Sec. 11-4-3 Underage Persons' Presence in Places of Sale; Penalty.

(a) **Restrictions.** An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter, or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This Subsection does not apply to:

(1) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.

(2) An underage person who enters or is on a "Class A" or Class "A" premises for the purpose of purchasing other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.

(3) Hotels, drug stores, grocery stores, bowling alleys, indoor golf simulator facilities, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums or public facilities as defined in Sec. 125.51(5)(b)1.d, Wis. Stats., which are owned by a county or municipality, or centers for the visual. or performing arts.

(4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chapters 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.

(5) Ski chalets, golf courses and golf clubhouses, racetracks licensed under Chapter 562, Wis. Stats., curling clubs, private soccer clubs and private tennis clubs.

(6) Premises operated under both a "Class B" or Class "B" license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a "Class B" or Class "B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

(7) Premises operating under both a "Class C" license and a restaurant permit.

(8) An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this Subsection, except as provided in Subsection (b) below.

(9) A person who is at least eighteen (18) years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.

(10) An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the Police Department, in advance, of the times underage persons will be allowed on the premises under this Subsection.

(11) An underage person who enters or remains in a dance hall attached to Class "B" or "Class B" licensed premises if the dance hall is separate from any room where alcohol beverages are sold, if there is a separate entrance to the dance hall and if no alcohol beverages are furnished or consumed by any person in the dance hall where the underage person is present.

(12) An underage person who enters and remains on premises for which a temporary Class "B" license is issued under Sec. 125.26, Wis. Stats., if the licensee is authorized by the official or body of the City that issued the license to permit underage persons to be on the premises under Sec. 125.26(6), Wis. Stats., and if the licensee permits underage persons to be on the premises.

(b) **Exception Permitting Presence of Underage Persons on Licensed Premises.**

(1) Underage persons who are not accompanied by a parent, legal guardian or spouse who has attained the legal drinking age may enter and remain in a room on a Class "B" or "Class B" licensed premise which is separate from any room where alcohol beverages are sold or served if:

a. No alcohol beverages are furnished or consumed by any person in the room where the underage person is present; and

b. The Class "B" or "Class B" licensee obtains a written authorization from the Village Board permitting underage persons to be present on a specified date set forth in the authorization. Prior to the issuance of any authorization, the Village Board shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. Licensees shall obtain a separate authorization for each date on which underage persons will be present on the premises.

c. Prior to issuance of any authorization, the Village Board may seek the recommendations of law enforcement authorities.

(2) The presence of underage persons on a licensed premise authorized by Subsection (b)(1) above, shall be subject to the following restrictions and requirements:

a. Each application shall be received a minimum of five (5) business days prior to the date requested.

b. During the period of time when underage persons are permitted on the premise, persons entering the premise, or that authorized portion of the licensed premise, shall be restricted to those individuals at least eighteen (18) years of age. This restriction shall not apply to parents, guardians, employees of the establishment, law enforcement officers, Village officials or anyone else for a legitimate business purpose authorized by the licensee to enter said premises.

c. No person shall be admitted to a licensed premise during the period of authorization if it is determined that that person has been drinking alcohol beverages or been using any other drugs not prescribed and taken in accordance with instructions from a licensed physician.

d. People attending events authorized under Subsection (b)(1) above must be provided with restroom facilities separate from those being used by individuals present on other portions of the licensed premise where alcohol beverages are being served, sold or consumed.

e. There shall be at least one (1) chaperone of each sex present during authorized time periods. Chaperones shall be at least twenty-one (21) years of age. Service personnel employed by the licensed premises shall not qualify as chaperones.

f. A licensee shall not allow any underage person to loiter outside the licensed premise including public sidewalks or parking lots adjacent thereto.

g. The exterior of the premises shall be lighted so as to provide for the safety of patrons.

h. All requirements of Sec. 7-2-18 shall be fully complied with.

(3) The Village Board may refuse to authorize underage presence on licensed premises under Subsection (b)(1) if the following has occurred:

a. The applicant has violated any provision(s) of this Section.

b. The applicant has failed to comply with applicable requirements/conditions with a prior application.

c. The laws of the State of Wisconsin or Village ordinances were violated during a previously authorized date of operation.

d. Events have taken place on a prior authorized date or dates which make law enforcement authorities unable to certify that the presence of underage persons on the licensed premise will not endanger the health, safety or welfare of other members of the community.

(c) **Penalties.** A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of Subsection (a) above is subject to a forfeiture of not more than Five Hundred Dollars ($500.00).

Sec. 11-4-4 Underage Persons; Prohibitions; Penalties.

(a) **Prohibitions.** Any underage person who does any of the following is guilty of a violation:
(1) Procures or attempts to procure alcohol beverages from a licensee or permittee.
(2) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
(3) Enters, knowingly attempts to enter or is on licensed premises in violation of Section 11-4-3(a).
(4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

(b) **Adult to Accompany.** Except as provided in Subsection (c) below, any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverage is guilty of a violation.

(c) **Exceptions.** An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:
(1) A brewer.
(2) A fermented malt beverages wholesaler.
(3) A permittee other than a Class "B" or "Class B" permittee.
(4) A facility for the production of alcohol fuel.
(5) A retail licensee or permittee under the conditions specified in Sec. 125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
(6) A campus, if the underage person is at least eighteen (18) years of age and is under the immediate supervision of a person who has attained the legal drinking age.

(d) **Penalties for Subsection (a) Violations.** Any person violating Subsection (a) is subject to the following penalties:
(1) For a first (1st) violation, a forfeiture of not more than Two Hundred Fifty Dollars ($250.00), suspension of the person's operating privilege as provided under Sec.

343.30(6)(b)1, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.

(2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Three Hundred Dollars ($300.00) not more than Five Hundred Dollars ($500.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)(1), Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.

(3) For a violation committed within twelve (12) months of two (2) previous violations, either a forfeiture of not less than Five Hundred Dollars ($500.00) nor more than Seven Hundred Fifty Dollars ($750.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.

(4) For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Seven Hundred Dollars ($700.00) nor more than One Thousand Dollars ($1,000.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work or any combination of these penalties.

(e) **Penalties for Subsection (b) Violations.** Any person violating Subsection (b) above is subject to the following penalties:

(1) For a first (1st) violation, a forfeiture of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Dollars ($200.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.

(2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Two Hundred Dollars ($200.00) nor more than Three Hundred Dollars ($300.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)2, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.

(3) For a violation committed within twelve (12) months of two (2) previous violations, either a forfeiture of not less than Three Hundred Dollars ($300.00) nor more than Five Hundred Dollars ($500.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.

(4) For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), revocation of the person's operating

privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.

(f) **Multiple Violations From an Incident.** For purposes of Subsections (a) or (b) above, all violations arising out of the same incident or occurrence shall be counted as a single violation.

(g) **Work Programs.**

(1) A supervised work program ordered under Subsections (d) or (e) above shall be administered by the county department under Sec. 46.215 or 46.22, Wis. Stats., or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work. Community service work ordered under Subsection (d) or (e), other than community service work performed under a supervised work program, shall be administered by a public agency or nonprofit charitable organization approved by the court. The court may use any available resources, including any community service work program, in ordering the child to perform community service work under Subsection (d) or (e).

(2) The supervised work program or other community service work shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from a member of the staff of the county department, community agency, public agency or nonprofit charitable organization or other qualified person. The supervised work program or other community service work may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

(h) **Disclosure of License Revocation Information.** When a court revokes or suspends a person's operating privilege under Subsections (d) or (e), the Wisconsin Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this Subsection may not disclose the information to any other person or agency.

(i) **Applicability of Statutory Proceedings.** A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 938.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under Sec. 938.344(3), Wis. Stats.

(j) **Alcohol Abuse Programs.**

(1) In this Subsection, "defendant" means a person found guilty of violating Subsections (a) or (b) who is eighteen (18), nineteen (19), or twenty (20) years of age.

(2) After ordering a penalty under Subsections (d) or (e), the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order under this Subsection shall require the defendant to do any of the following:
   a. Submit to an alcohol abuse assessment that conforms to the criteria specified under Sec. 938.547(4), Wis. Stats., and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol abuse assessment and shall specify the date by which the assessment must be completed.
   b. Participate in an outpatient alcohol abuse treatment program at an approved treatment facility, if an alcohol abuse assessment conducted under Subsection (j)(2)a recommends treatment.
   c. Participate in a court-approved alcohol abuse education program.

(3) If the approved treatment facility, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant has submitted to an assessment under Subsection (j)(2)a and that the defendant does not need treatment or education, the court shall notify the defendant of whether or not the penalty will be reinstated.

(4) If the defendant completes the alcohol abuse treatment program or court-approved alcohol abuse education program, the approved treatment facility or court-approved alcohol abuse education program shall, with the written informed consent of the defendant, notify the agency primarily responsible for providing services to the defendant that the defendant has complied with the order and the court shall notify the defendant of whether or not the penalty will be reinstated. If the court had ordered the suspension of the defendant's operating privilege under Subsections (d) or (e), the court may order the secretary of transportation to reinstate the operating privilege of the defendant if he or she completes the alcohol abuse treatment program or court-approved alcohol abuse education program.

(5) If an approved treatment facility or court-approved alcohol abuse education program, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant is not participating in the program or that the defendant has not satisfactorily completed a recommended alcohol abuse treatment program or an education program, the court shall hold a hearing to determine whether the penalties under Subsection (d) or (e) should be imposed.

Sec. 11-4-5 Defense of Sellers.

(a) **Defenses.** In determining whether or not a licensee or permittee has violated Sections 11-4-2(a) or 11-4-3(a), all relevant circumstances surrounding the presence of the underage

person or the procuring, selling, dispensing or giving away of alcohol beverages may be considered, including any circumstances listed below. In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this Section:

(1) That the purchaser falsely represented that he or she had attained the legal drinking age.

(2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.

(3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

(4) That the underage person supported the representation under Subsection (a)(1) above with documentation that he/she had attained the legal drinking age.

(b) **Book Kept by Licensees and Permittees.**

(1) Every retail alcohol beverage licensee or permittee may keep a record for the purposes of Subsection (a) above. The licensee or permittee or his or her employee may require any of the following persons to sign the book:

a. A person who has shown documentary proof that he or she has attained the legal drinking age if the person's age is in question.

b. A person who alleges that he or she is the underage person's parent, guardian or spouse and that he or she has attained the legal drinking age, if the licensee or permittee or his or her employee suspects that he or she is not the underage person's parent, guardian or spouse or that he or she has not attained the legal drinking age.

(2) The book may show the date of the purchase of the alcohol beverage, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchase and the purchaser's signature.

State Law Reference: Section 125.07(6) and (7), Wis. Stats.

Sec. 11-4-6 Persons Who Have Attained the Legal Drinking Age; False or Altered Identification Cards.

(a) **Adult Violations.**

(1) Any person who has attained the legal drinking age, other than one authorized by Sec. 125.08 or Sec. 343.50, Wis. Stats., who makes, alters or duplicates an official identification card may be fined not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00).

(2) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00).

(b) **Underage Violations.** Any underage person who does any of the following is subject to the penalties specified under Section 11-4-4(d) or (e):

(1) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this Subsection.

(2) Makes, alters or duplicates an official identification card.

(3) Presents false information to an issuing officer in applying for an official identification card.

State Law Reference: Sec. 125.09(3), Wis. Stats.

Sec. 11-4-7 Possession of Alcohol Beverages on School Grounds Prohibited.

(a) **Definitions.** In this Subsection:

(1) ***Motor vehicle.*** A motor vehicle owned, rented or consigned to a school.

(2) ***School*** program for one (1) or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

(3) ***School administrator.*** The person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

(4) ***School premises.*** Premises owned, rented or under the control of a school.

(b) **Prohibitions.** Except as provided by Subsection (c) no person may possess or consume alcohol beverages:

(1) On school premises;

(2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or

(3) While participating in a school-sponsored activity.

(c) **Exception.** Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

(d) **Penalty.** A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars ($200.00), except that Sec. 938.344, Wis. Stats., and Section 11-4-4(d) and (e) of this Code of Ordinances provide the penalties applicable to underage persons.

Cross Reference: Section 11-6-5.

Sec. 11-4-8 Adult Permitting or Encouraging Underage Violation.

(a) **Adult Permitting Violation.** No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.

(b) **Adult Contributing to Violation.** No adult may intentionally encourage or contribute to a violation of Section 11-4-4(a) or (b).

(c) **Penalty.** A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars ($200.00).

State Law Reference: Sec. 125.07(1)(a)3 and 4, Wis. Stats.

Sec. 11-4-9 Solicitation of Drinks Prohibited.

Any licensee, permittee or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the Village of Lone Rock who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in Sec. 125.02(1), Wis. Stats., or any other drink from a customer on the premises, or any entertainer or employee who solicits such drinks from any customer is deemed in violation of this Section.

Sec. 11-4-10 Social Host Responsibility.

(a) **Purpose.** The Village of Lone Rock intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence or other structure, and intends to hold adult persons civilly responsible who host events or gatherings where persons under twenty-one (21) years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Lone Rock Village Board finds:

(1) ***Public Health Considerations.***

a. Events and gatherings held on private or public property where alcohol is consumed by persons under the age of twenty-one (21) years of age are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

b. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those individuals who use it, particularly underage individuals, as well as those who are affected by the actions of an irresponsible user.

(2) ***Prohibiting Underage Consumption.*** Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdoses or alcohol-related traffic accidents.

(3) ***Parental/Guardian Role.*** Events or gatherings involving underage possession and consumption often occur outside the presence of parents. There are, however, instances when the parent(s) or legal guardian is/are present and condone the activity, and, in some circumstances, provide the alcohol.

(4) ***Deterrent Effect.*** A deterrent effect will be created by holding an adult person(s) responsible for hosting an event or gathering where underage possession or consumption occurs.

(b) **Definitions.** For purposes of this Section, the following terms shall have the following meanings:

(1) ***Alcohol.*** Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced, including wine and fermented malt beverages.

(2) ***Alcohol Beverage.*** Alcohol, spirits, liquor, wine, beer and other fermented malt beverages, and every liquid or solid containing alcohol, spirits, wine or fermented malt beverages, and which contain one-half of one percent (.5%) or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

(3) ***Event or Gathering.*** Any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.

(4) ***Host or Allow.*** To aid, conduct, entertain, organize, supervise, control, provide or permit a gathering or event.

(5) ***Parent.*** Any adult person having legal custody of a juvenile:

a. As natural, adoptive parent or step-parent;

b. As a legal guardian; or

c. As a person to whom legal custody has been given by order of a court.

(6) ***Residence, Premises, or Public or Private Property.*** Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit or accessory structure, 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 unit, 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.*** Any individual under twenty-one (21) years of age.

(8) ***Present.*** Being at hand or in attendance.

(9) ***In Control.*** The power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.

(c) **Prohibited Acts.**

(1) ***Prohibited Hosting Activity.***

a. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on property, including

any premises, owned and occupied by the adult or occupied by the adult and under the adult's control. This prohibition applies to a lodging establishment, as defined in Sec. 106.52(1)(d), Wis. Stats., only if the adult has furnished payment or security of lodging.

b. Under this prohibition, it is unlawful for any adult(s) to: host, allow or permit any event or gathering at any residence, premises or on any other private or public property under the adult's control where alcohol or alcohol beverages are present when the adult knows that underage persons will, likely will, or does consume any alcohol or alcohol beverage with the intent to consume it; and the adult(s) fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(2) ***Intent to Aid Prohibited Hosting Activity.*** An adult(s) violates this Section if the adult(s) intentionally aids, advises, hires, or conspires with or otherwise procures another to commit or engage in an act prohibited by this Section.

(3) ***Presence Not Required for Violation.*** An adult(s) who knowingly hosts an event or gathering does not have to be present at the event or gathering to be responsible.

(d) **Exceptions.** The following are exceptions to this Section:

(1) ***Other Parties Not Present.*** This Section does not apply to conduct solely between an underage person and his/her parent(s) or legal guardian while that parent or legal guardian is present and in control of the underage person.

(2) ***Legally Protected Religious Observances.*** This Section does not apply to legally protected religious observances.

(3) ***Employment Exception.*** This Section does not apply to situations where underage persons are lawfully in possession of alcohol or alcohol beverages during the course and scope of employment.

State Law Reference: Section 125.07(1)(a)3, Wis. Stats.

Title 11 ▸ Chapter 5

Offenses by Juveniles

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Sec. 11-5-1 Curfew.

(a) **Curfew Established.**

(1) ***Curfew for Minors Generally.*** No minors or persons between the age of sixteen (16) years of age and eighteen (18) years of age shall loiter, idle, wander or play either on foot or in a vehicle of any nature whatsoever upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, vacant lots or other unsupervised places of the Village of Lone Rock between the hours of 11:00 p.m. and 6:00 a.m., unless such minor is accompanied by his or her parent, legal 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 minor, unaccompanied by a parent, legal 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 minor is there unlawfully and that no reasonable excuse exists therefor.

(2) ***Curfew for Minors Under Sixteen.*** No minors or persons under the age of sixteen (16) years of age shall loiter, idle, wander or play either on foot or in a vehicle of any

nature whatsoever upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, vacant lots or other unsupervised places of the Village of Lone Rock between the hours of 10:00 p.m. and 6:00 a.m., unless the such minor is accompanied by his or her parent, legal guardian, or person having lawful custody and control of his/her person, or unless there exists a reasonable necessity therefor. The fact that said minor, unaccompanied by a parent, legal 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 minor is there unlawfully and that no reasonable excuse exists therefor.

(b) **Exceptions.**

(1) ***Exceptions Defined.*** This Section shall not apply to a juvenile:

a. Who is performing an errand as directed by his/her parent, legal guardian or person having lawful custody.
b. Who is on his/her 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, but not later than sixty (60) minutes after the ending of such function.
e. Who is at any time, in the event of an emergency which would justify the reasonableness of the person's presence.
f. Who is engaged in interstate travel.
g. Who is accompanied by his/her parent, guardian, or other adult person having legal custody of such minor;
h. Who is participating in, going to, or returning from an activity involving the exercise of his/her rights protected under the First Amendment to the United States Constitution or any equivalent rights under the Wisconsin Constitution, including freedom of speech, the free exercise of religion, and the right of assembly.

(2) ***Limitations on Exceptions.*** These exceptions shall not, however, permit a juvenile to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

(c) **Responsibility of Operators of Places of Amusement.** No person operating a place of amusement or entertainment within the Village of Lone Rock, or any agent, servant or employee of any such person, shall permit a person under seventeen (17) years of age to enter to enter or loiter in such place of amusement or entertainment between 12:00 midnight and 5:00 a.m. the next day, unless such person under seventeen (17) years of age is accompanied by his/her parent, guardian or other adult person having legal custody of such person.

(d) **Responsibility of Hotels, Motels and Rooming Houses.** No person operating a hotel, motel, lodging or rooming house within the Village or any agent, servant or employee of such person, shall permit any person under seventeen (17) years of age to visit, wander or

stroll in any portion of such hotel, motel, lodging or rooming house between 12:00 midnight and 5:00 a.m. the next day, unless such person under seventeen (17) years of age is accompanied by his/her parent, legal guardian or other adult person having legal custody of such person.

(e) **Parental Responsibility.** It shall be unlawful for any parent, legal guardian or other person having the lawful care, custody and control of any person under age seventeen (17) to permit, or by ineffective control allow, such person to violate the provisions of Subsections (a)-(d) above. The fact that prior to the present offense a parent, legal guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, legal guardian or custodian allowed or permitted the present violation. Any parent, legal 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 juvenile under age sixteen (16) to violate this Section. No person shall be liable under this Subsection for a violation committed by a minor during any period when physical placement of such minor has been assigned exclusively to some other person by judgment or order of a court.

(f) **Detaining a Juvenile.** Pursuant to Chapter 938, Wis. Stats., law enforcement officers are hereby authorized to detain any juvenile violating the above provisions and other provisions in this Chapter until such time as the parent, legal guardian or person having legal custody of the juvenile shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to law enforcement authorities for the purpose of taking the custody of the juvenile and shall sign a release for him or her, or such juvenile may be taken directly from the scene of his/her apprehension to his/her home. If such juvenile's parents or relative living nearby cannot be contacted to take custody of such juvenile and it is determined by the apprehending officer that the juvenile's physical or mental condition is such as would require immediate attention, the law enforcement officer may make such necessary arrangements as may be necessary under the circumstances for the juvenile's welfare.

(g) **Warning and Penalty.**

(1) ***Explanation Opportunity Prior to Warning/Citation Issuance.*** Unless flight by the child or other circumstances makes it impracticable, a law enforcement officer shall, prior to issuing a citation or warning for an offense under this Section, afford the child an opportunity to explain his/her reasons for being present in the public place. A law enforcement officer shall not issue a citation or warning for an offense under this Section unless the officer reasonably believes that an offense has occurred, and that none of the exceptions provided in this Section apply.

(2) ***Warning.*** The first time a parent, legal guardian, or person having legal custody of a juvenile who is taken into custody by a law enforcement officer as provided in Subsection (f) above, such parent, legal guardian, or person having such legal custody

shall be advised as to the provisions of this Section and further advised that any violation of this Section occurring thereafter by this juvenile or any other juvenile under his or her care or custody shall result in a penalty being imposed as hereinafter provided.

(3) ***Penalty.***

a. Any parent, legal guardian, or person having legal custody of a juvenile described in Subsection (a) above who has been warned in the manner provided in Subsection (g)(1) herein and who thereafter violates this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this Section because of the disobedience of the juvenile, the action shall be dismissed and the juvenile shall be referred to the court assigned to exercise jurisdiction under Chapter 938, Wis. Stats.

b. Any juvenile under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit not less than One Dollar ($1.00) nor more than Twenty-five Dollars ($25.00), together with the costs of prosecution. Any juvenile violating this Section shall be subject to disposition as provided in Sec. 938.343, Wis. Stats., or any subsequent amendment, modification, revision, renumbering, recodification or addition or deletion of said provision.

Sec. 11-5-2 Possession of Controlled Substances by Juveniles.

It shall be unlawful for any juvenile to possess a controlled substance contrary to the Uniform Controlled Substances Act, Ch. 961, Wis. Stats.

Sec. 11-5-3 Petty Theft by Juveniles.

It shall be unlawful for any juvenile with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

Sec. 11-5-4 Receiving Stolen Goods.

It shall be unlawful for a person under the age of seventeen (17) to intentionally receive or conceal property he/she knows to be stolen.

Sec. 11-5-5 Village Jurisdiction Over Juveniles.

(a) **Adoption of State Statutes.** Secs. 938.02, and 938.17(2), Wis. Stats., are hereby adopted and by reference made a part of this Section as if fully set forth herein.

(b) **Definition of Adult and Juvenile.**

(1) ***Adult*** means a person who is eighteen (18) years of age or older, except that for purposes of prosecuting a person who is alleged to have violated any civil law or municipal ordinance, "adult" means a person who has attained seventeen (17) years of age.

(2) ***Juvenile*** means a person who is less than eighteen (18) years of age, except that for purposes of prosecuting a person who is alleged to have violated a civil law or municipal ordinance, "juvenile" does not include a person who has attained seventeen (17) years of age.

(c) **Provisions of Ordinance Applicable to Juveniles.** Subject to the provisions and limitations of Sec. 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against juveniles may be brought on behalf of the Village of Lone Rock and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.

(d) **No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.

(e) **Additional Prohibited Acts.** In addition to any other provision of the Village of Lone Rock Code of Ordinances, no juvenile shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Ch. 125, Wis. Stats.

(f) **Penalty for Violations of Subsections (c) and (e).** Any juveniles who shall violate the provisions of Subsections (c) and (e) shall be subject to the same penalties as are provided in Section 1-1-6 of this Code of Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Cross Reference: Section 11-4-7.

Sec. 11-5-6 Truancy and Dropouts.

(a) **Definitions.** For the purpose of this Section, the following definitions shall be applicable:

(1) ***Acceptable Excuse.*** Permission of the parent/guardian/legal custodian of the pupil, within limits of policies on truancy established by the school in which the pupil is enrolled. Except in emergencies or unforeseeable circumstances, such permission is expected to be communicated in writing from the parent/guardian/legal custodian to the school, prior to the absence. In emergencies or unforeseeable circumstances, such communication is expected to be as soon as practicable following the absence.

(2) ***Dropout.*** A child who has ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under Sec. 118.15(1)(b) to (d) or (3), Wis. Stats.

(3) ***Habitual Truant.*** A pupil who is absent from school without an acceptable excuse under Secs. 118.15 and 118.16(4), Wis. Stats., for part or all of five (5) or more days on which school is held during a school semester.

(4) ***Truant.*** A pupil who is absent from school without an acceptable excuse under Secs. 118.15 and 118.16(4), Wis. Stats, for part or all of any day on which school is held during a school semester.

(b) **Truancy.** No person under eighteen (18) years of age shall be truant. Upon conviction thereof, the following dispositions are available to the court:

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

(2) A forfeiture of not more than Fifty Dollars ($50.00) plus costs for a first violation, or a forfeiture of not more than One Hundred Dollars ($100.00) plus costs for any second subsequent violation committed within twelve (12) months of a previous violation, subject to Sec. 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture of not more than Five Hundred Dollars ($500.00) for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(c) **Habitual Truancy.**

(1) No person under eighteen (18) years of age shall be a habitual truant.

(2) If the court determines that a person is a habitual truant, the court may order one or more of the following dispositions:

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

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

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

d. An order for the person to attend an educational program as described in Sec. 938.34(7d), Wis. Stats.

e. An order for the Wisconsin Department of Work Force Development to revoke, under Sec. 103.72, Wis. Stats, a permit under Sec. 103.70, Wis. Stats., authorizing the employment of the person.
f. An order for the person to be placed in a teen court program as described in Sec. 938.342(1g)(f), Wis. Stats.
g. An order for the person to attend school.
h. A forfeiture of not more than Five Hundred Dollars ($500.00) plus costs, subject to Sec. 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
i. An order placing the person under formal or informal supervision, as described in Sec. 938.34(2), Wis. Stats., for up to one (1) year.
j. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense, or to attend school with the person, or both.
k. Any other reasonable conditions consistent with this Section, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

(d) **Dropouts.**

(1) No person who is at least sixteen (16) years of age but is less than eighteen (18) years of age may be a dropout.
(2) If the court determines that a person is at least sixteen (16) years of age but is less than eighteen (18) years of age and is a dropout, the court may suspend the person's operating privilege until the person reaches the age of eighteen (18). The court shall immediately take possession of any suspended license and forward it to the Wisconsin Department of Transportation, together with a notice stating the reason for and the duration of the suspension.

(e) **Dispositional Orders and Sanctions.** The court is hereby authorized to exercise each and every kind of authority granted to courts under Wisconsin law. Specifically, the court is hereby authorized to exercise the authority granted to it in Sec. 938.355, Wis. Stats., and is hereby authorized to exercise the authority granted it in Sec. 938.355(6m), Wis. Stats.

(f) **Adopted Terms.** As used in this Section, the terms "truant", "habitual truant", "operating privilege", and "dropout" have the meanings provided in Sec. 118.163, Wis. Stats. Those definitions are hereby adopted and incorporated herein as if fully set forth. Any future amendment of any such definition is hereby adopted and is incorporated herein as if fully set forth as the effective date of such future amendment.

(g) **Failure to Cause a Child to Attend School Regularly.**

(1) Unless the child is excepted or excused under Sec. 118.15, Wis. Stats., or has graduated from high school, any person having under his/her control a child who is between the ages of six (6) and eighteen (18) years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the

public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes eighteen (18) years of age.

(2) This Section does not apply:

a. To a person who has under his/her control a child who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats.

b. To a person who proves that he/she is unable to comply with the requirements of this Section because of the disobedience of the child, in which case the action shall be dismissed and the juvenile officer or law enforcement authority shall refer the case to the District Attorney's Office.

c. Unless evidence has been provided by the school attendance office that the activities under Sec. 118.16(5), Wis. Stats., have been completed or were not required to be completed as provided in Sec. 118.16(5m), Wis. Stats.

(h) **Contributing to Truancy.**

(1) Except as provided in Subsection (h)(2) below, any person eighteen (18) years of age or older, who, by an act or omission, knowingly encourages or contributes to the truancy, as defined in Subsection (h)(4), of a juvenile shall be subject to a forfeiture pursuant to Section 1-1-6.

(2) Subsection (1) above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats.

(3) An act or omission contributes to the truancy of a child, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the juvenile to be a truant.

(4) "Truancy" means any absence of part or all of one (1) or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or legal guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of Sec. 118.15, Wis. Stats.

(i) **Parent or Legal Guardian Liability for Truancy.**

(1) Unless the juvenile is excepted or excused under Sec. 118.15, Wis. Stats., or has graduated from high school, any person having under control a juvenile who is between the ages of six (6) and eighteen (18) years shall cause the juvenile to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the juvenile should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes eighteen (18) years of age.

(2) a. A person found to have violated Subsection (i)(1) above, after evidence is provided by a school official that the activities under Sec. 118.16(5), Wis. Stats., have been completed, shall be subject to a forfeiture pursuant to Section 1-1-6.

b. Subsection (i)(2)a above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats.,

nor does it apply if the person proves that he or she is unable to comply with Subsection (i)(1) because of the disobedience of the juvenile.

Sec. 11-5-7 Unlawful Sheltering of Minors.

(a) **Sheltering or Concealment of Minor.** No person shall intentionally shelter or conceal a minor child who:
  (1) Is a "runaway child", meaning a child who has run away from his or her parent, legal guardian or legal or physical custodian; or
  (2) Is a child who may be taken into custody pursuant to Sec. 938.19, Wis. Stats.

(b) **Applicable Factors.** Subsection (a) applies when the following conditions are present:
  (1) The person knows or should have known that the child is a child described in either Subsection (a)(1) or (a)(2); and
  (2) The child has been reported to a law enforcement agency as a missing person or as a child described in Subsection (a)(1) or (a)(2).

(c) **Exceptions.** Subsection (a) does not apply to any of the following:
  (1) A person operating a runaway home in compliance with Sec. 938.227, Wis. Stats.; or
  (2) A person who shelters or conceals a child at the request or with the consent of the child's parent, legal guardian or legal or physical custodian except if the sheltering or concealment violates Sec. 946.71 or 946.715, Wis. Stats.; or
  (3) A person who immediately notifies a law enforcement agency, county department of public welfare or social services, or the intake worker of the court exercising jurisdiction under Ch. 48 or 938, Wis. Stats., that he or she is sheltering or concealing such child and provides the person or agency notified with all information requested.

Sec. 11-5-8 Purchase or Possession of Tobacco, Nicotine Products or Vaping Paraphernalia by Minors.

(a) **Finding of Facts; Statement of Purpose.**
  (1) The purpose of this Section is to protect the public health, safety, and welfare of persons in the Village of Lone Rock by prohibiting persons under eighteen (18) years of age from possessing and/or using tobacco products or vapor products or devices, and prohibiting the sale of tobacco products and vapor products and devices to persons under eighteen (18) years of age.
  (2) Vaping devices and products provide an alternative smoking experience to tobacco products. The decline in cigarette smoking and the use of other tobacco products has resulted in an increase in the popularity of vaping devices and alternative nicotine delivery systems, particularly among minors.

(3) Vaping devices and products often mimic conventional tobacco products in shape, color and size, with the user exhaling a smoke-like vapor similar in appearance to smoke exhaled when using tobacco products.

(4) Persons under age eighteen (18) years of age are prohibited by law from purchasing or possessing cigarettes, cigars, and other tobacco products, and retailers are prohibited from selling them to minors. Tobacco-less vaping devices and products allow a user to simulate smoking; such products currently may be purchased by minors and are marketed, unlike tobacco products, without health warnings, disclosure of nicotine concentrations, content levels of toxic substances, or age restrictions, and often come in flavors that appeal to minors. Consumers have no way of knowing whether vapor devices and products are safe, what potentially harmful chemicals the products contain, and what level of nicotine the products deliver.

(5) The production of e-cigarettes, vapor products and vaping devices is not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration (FDA) has not completed full testing of these products. Preliminary studies, however, have determined that e-cigarettes, vapor products and vapor devices can contain chemicals and substances known to be harmful, which may expose users and bystanders to potential health risks. The contents of cartridges used in vaping devices and products varies but often contain nicotine, traces of nicotine, formaldehyde, carcinogens, antifreeze, and other toxic substances which may pose a health risk to users and bystanders.

(6) Vapor devices and products have been found to emit nicotine, ultrafine particles, lead, acetaldehyde, nickel, chromium, volatile organic compounds and other toxins, which when inhaled can be dangerous to the user and public, especially pregnant women and children. Volatile organic compounds, such as benzene and formaldehyde, found in vaping liquids, as well as in tobacco products when smoked, are known carcinogens. Inhalation of vaporized nicotine in propylene glycol is not FDA-approved. Exposure to ultrafine particles may exacerbate respiratory illnesses, such as asthma. There have been incidents of electronic vapor devices exploding, causing serious harm to the user.

(7) The nicotine and/or chemicals contained in the e-liquid used in vapor devices and products are undetectable unless the liquid is tested in a laboratory facility, making it difficult and impractical for law enforcement officers to ascertain the composition of the liquid used in a vaping device or product. Some cartridges used with vapor devices can be refilled with a liquid nicotine solution, creating the potential for exposure to dangerous nicotine concentrations.

(8) Increased nicotine addiction among minors is a likely outcome from use of vaping devices and products, and may lead to users transitioning to tobacco products. After years of declining levels of tobacco use by minors, recent data indicates that tobacco use by minors is again increasing.

(9) The use of vapor devices and products in smoke-free locations threatens to undermine compliance with state and local smoking regulations and conflicts with the progress

which has been made in public understanding that smoking is not permitted in public places, schools and places of employment.

(10) It is the intent of this Section to protect the public health, safety and welfare by having consistent and uniform enforcement of smoke-free laws and ordinances by:
   a. Reducing the potential for minors to associate the use of vaping products and devices with a normal or healthy lifestyle;
   b. Reducing the potential for re-normalizing smoking of any type in public places and places of employment; and
   c. Prohibiting the sale or distribution of vapor devices and products to minors.

(11) The Village Board of the Village of Lone Rock determines that prohibiting the sale, furnishing, or giving away of vapor devices and products to minors and prohibiting the possession, purchasing and use of such devices and products is in the public interest and will promote the public health, safety, and welfare.

(b) **Definitions.** The following definitions are applicable in this Section:

(1) ***Cigarette.*** Has the meaning given in Sec. 139.30(1), Wis. Stats.

(2) ***Distributor.*** A person specified under Secs. 139.30(3) or 139.75(4), Wis. Stats.

(3) ***E-Liquid.*** A liquid product, whether or not it contains nicotine, that is intended to be vaporized and inhaled using a vapor product or device.

(4) ***Identification Card.*** A license containing a photograph issued under Ch. 343, Wis. Stats., an identification card issued under Sec. 343.50, Wis. Stats., or an identification care issued issued under Sec. 125.08, Wis. Stats.

(5) ***Jobber.*** Has the meaning given in Sec. 139.30(6), Wis. Stats.

(6) ***Law Enforcement Officer.*** Has the meaning given in Sec. 30.50(4s), Wis. Stats.

(7) ***Manufacturer.*** Any person specified under Secs. 139.30(7) or 139.75(5), Wis. Stats.

(8) ***Minor.*** An individual who is less than eighteen (18) years of age.

(9) ***Nicotine Product.*** Has the meaning given in Sec. 134.66(1)(f), Wis. Stats.

(10) ***Person Who Sells Tobacco Products at Retail.*** A person whose ordinary course of business consists, in whole or part, of the retail sale of tobacco products subject to the state sales tax.

(11) ***Person Who Sells Vapor Products or Devices at Retail.*** A person whose ordinary course of business consists, in whole or part, of the retail sale of vapor products or devices.

(12) ***Possession of a Tobacco or Vaping Product or Device.*** Means either actual physical control of the tobacco or vaping product or device without necessarily owning that product/device, or the right to control the tobacco or vaping product/device even though the item is in a different place or room than where the person is physically located.

(13) ***Retailer.*** Any person licensed under Sec. 139.65(1), Wis. Stats., in regard to tobacco products, or, in the case of vaping, any person offering for sale vaping-related products or devices.

(14) ***School.*** Has the meaning given in Sec. 118.257(1)(c), Wis. Stats.

(15) ***Subjobber.*** Has the meaning given in Sec. 139.75(11), Wis. Stats.

(16) ***Tobacco Products.*** Has the meaning given in Sec. 139.75(12), Wis. Stats., and further means, but is not limited to, any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

(17) ***Use a Tobacco or Vapor Product.*** To smoke, chew, suck, inhale, or otherwise consume a tobacco product or vapor product.

(18) ***Vapor or Vaping Product or Device.*** Any product or device containing or delivering nicotine, lobella, or any other substance intended for human consumption that can be used by a person to simulate smoking through the delivery of nicotine or any other substance through inhalation of vapor from the product. Included are any devices, regardless of shape or size, which employs a mechanical heating element, battery, or electronic circuit and that can be used to heat or dispense a liquid solution as a vapor which is intended for human consumption through inhalation. The term includes, but is not limited to, any device marketed as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, vapes, tank systems, electronic nicotine delivery systems, electronic smoking device, or under any similar product name or description. Such devices may be similar in appearance to tobacco cigarettes, cigars or pipes, while others may resemble pens, USB sticks or flash drives, and other everyday items. Also includes any component part of such product or associated paraphernalia whether or not sold separately, such as, but not limited to, any vapor cartridge, solution, or other container, that may or may not contain nicotine, that is intended to be used with a vaping device. Not included is any product that has been approved by the FDA for sale as a tobacco cessation product or is being marketed and sold solely for such approved purposes.

(19) ***Vaping.*** The use of an electronic or other device that creates an aerosol or vapor from a vapor product, in any manner or in any form or the use of any oral vapor or smoking device

(20) ***Vending Machine.*** Has the meaning given in Sec. 139.30(14), Wis. Stats.

(21) ***Vending Machine Operator.*** Has the meaning given in Sec. 139.30(15), Wis. Stats.

(c) **Prohibition Against Sale of or Availability of Cigarettes, Tobacco Products, and Nicotine Products to Minors.** It shall be a violation of this Section for any retailer to sell or give away any cigarettes, tobacco products, or nicotine products to any person under the age of eighteen (18) except as provided in Sec. 254.92(2), Wis. Stats. A vending machine operator is not liable for the purchase of cigarettes, tobacco products, or nicotine products from his/her vending machine by a person under eighteen (18) years of age if the vending machine operator was unaware of the purchase.

(d) **Prohibited Conduct.**

(1) Consistent with Sec. 254.92, Wis. Stats., a minor shall not do any of the following:

a. Purchase or attempt to purchase a tobacco product, nicotine product, or vaping device or product.
b. Possess or attempt to possess a tobacco product, nicotine product, or vaping device or product.
c. Use a tobacco product, nicotine product or vaping device or product in a public place.
d. Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his/her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product, nicotine product, or vaping device or product.

(2) No individual, regardless of age, who is enrolled in a public school may use, possess or attempt to possess a tobacco product, nicotine product, or vaping device or product on school grounds and property.

(e) **Exceptions.** Subsection (d) above does not apply to a minor participating in any of the following:

(1) An undercover operation in which the minor purchases or receives a tobacco product, nicotine product or vapor product under the direction of a law enforcement agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product, nicotine product or vapor product or device by the minor was not under the direction of a law enforcement agency and was not part of the undercover operation.

(2) An undercover operation in which the minor purchases or receives a tobacco product, nicotine product, or vapor product or device under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored enforcement action.

(3) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted with the prior approval of a law enforcement agency.

(4) A minor may possess or handle a tobacco product, nicotine product, or vapor device or product for the sole purpose of resale in the course of employment during his/her normal working hours if employed by a retailer licensed under Sec. 134.65(1), Wis. Stats.

(f) **Defense of Retailers.**

(1) Proof of all the following facts by a retailer who sells tobacco products, nicotine products, or vapor devices or products to a minor is a defense to any prosecution for a violation of Subsection (d) above:

a. That the purchaser falsely represented that he/she had attained the age of eighteen (18) and presented a fraudulent identification card.
b. That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of eighteen (18).

(2) A retailer or vending machine operator shall post a sign(s) in areas within his/her retail premises where tobacco products, nicotine products, or vapor products or devices are sold to consumers stating that the sale of any tobacco product, nicotine product, or vapor product or device to a person under the age of eighteen (18) is unlawful under this Section or comparable state laws.

(g) **Furnishing to Minors.** Consistent with the requirements of Sec. 134.66, Wis. Stats.:

(1) No person shall sell, furnish or give any tobacco product, nicotine product, or vapor product or device to a minor, including, but not limited to, through a vending machine.

(2) Before selling, offering for sale, giving, or furnishing a tobacco product, nicotine product, or vapor product or device to an individual, such person shall verify that the individual is at least eighteen (18) years of age by doing one of the following:

a. Examining a government-issued photographic identification that establishes that the individual is at least eighteen (18) years of age.

b. For sales made through the internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification of the personal information entered by the individual during the ordering process that establishes that the individual is eighteen (18) years of age or older.

(3) No manufacturer, distributor, jobber, sub-jobber, or retailer, or their employees or agents, may provide cigarettes, tobacco products, nicotine products, or vapor devices or products for nominal or no consideration to any person under the age of eighteen (18).

(h) **Seizure of Products.** A law enforcement officer may seize any tobacco product, nicotine product, or vapor device or product involved in any violation of this Section committed in his/her presence.

(i) **Penalties.** Any person who violates provisions of this Section shall be subject to the penalties set forth in Section 1-1-6 of this Code of Ordinances, except that where a minor is adjudged to have violated this Section, the court is also authorized to impose any of the dispositions in Secs. 938.343 and 938.344, Wis. Stats.

Sec. 11-5-9 Criminal Gang Activity Prohibited.

(a) **Authority.** This Section is adopted pursuant to the authority granted by Sec. 66.0501 and Chapter 948, Wis. Stats.

(b) **Definitions.** For purposes of this Section, the following terms are defined:

(1) ***"Criminal Gang"*** means an ongoing organization, association or group of three (3) or more persons, whether formal or informal, that has as one of its primary activities, the

commission of one (1) or more criminal or unlawful acts, or acts that would be criminal or unlawful if the actor were an adult, specified in Sec. 939.22(21)(a) to (s), Wis. Stats., or in any of the Code of Ordinances sections referred to in Subsection (b)(2) below; that has a common name or common identifying sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(2) ***"Pattern of Criminal Gang Activity"*** has the same meaning as the definition in Sec. 939.22(21), Wis. Stats., the list of offenses in Subsections (a) to (s) of that Section to Title 11 of this Code of Ordinances.

(3) ***"Unlawful Act"*** includes a violation of any of the Code of Ordinances sections referred to in Subsection (b)(2) above or any criminal act or act that would be criminal if the actor were an adult.

(c) **Unlawful Activity.**

(1) It is unlawful for any person to engage in criminal gang activity.

(2) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to commit or attempt to commit any violation of the provisions of this Section, or any one (1) or more of those sections of the Code of Ordinances referred to in Subsection (b)(2) above.

(3) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to participate in criminal gang activity.

(4) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to join a criminal gang.

State Law Reference: Sec. 941.38, Wis. Stats.

Sec. 11-5-10 Parental Responsibility for Juvenile Misconduct.

(a) **Purpose.** This Section is intended to reduce the incidents of misconduct by juveniles or underage persons by requiring proper supervision on the part of custodial parents.

(b) **Prohibited Conduct.** Every custodial parent has the duty to properly supervise his/her child. It shall be unlawful for any custodial parent to fail to properly supervise his/her child. Proof of a child's conviction of a Village of Lone Rock ordinance violation, a violation of a state statute that occurred in the Village of Lone Rock, or any combination thereof twice within a six (6) month period or three (3) or more times within a twelve (12) month period shall be prima facia evidence that the custodial parent is guilty of failing to properly supervise the child. A child's traffic offenses shall not be considered under this Section except for alcohol and drug related offenses, reckless driving, and traffic crimes. The six (6) and twelve (12) month periods shall be measured from the date of the first violation.

(c) **Definitions.** For purposes of this Section:

(1) ***Child.*** A person under the age of eighteen (18) years.

(2) ***Custodial Parent.*** A parent of a minor child who has custody of the child, that is, the parent who has responsibility for caring for and supervising the child at the time the child's ordinance violations occurred.

(3) ***Custody.*** Either physical custody of a child under a court order under Secs. 767.23 or 767.24, Wis. Stats., custody of a child under a stipulation under 767.10, Wis. Stats, or actual physical custody of the child. "Custody" does not include legal custody, as defined under Sec. 48.01(12), Wis. Stats., by an agency or a person other than a child's birth or adoptive parent. In determining which parent has custody of a child for purposes of this Section, the court shall consider which parent had responsibility for caring for and supervising the child at the time that the child's ordinance violations occurred.

(d) **Defenses.**

(1) The following shall be defenses to a violation of Subsection (b):

a. Where the parent can provide specific evidence of on-going participation in, or recent completion of, parenting classes, family therapy, group counseling or AODA counseling which includes the parent or child in question;

b. Where the parent reported the act(s) to the appropriate authorities;

c. Where the parent has made all reasonable and available efforts under the circumstances to prevent the juvenile misconduct;

d. Where the parent is not legally resopnsible for the supervision of the juvenile at the time the misconduct occurred; or

e. Where the parent has a physical or mental disablity or incompetency rendering him/her incapable of supervising the juvenile at the time the misconduct occurred.

(2) It is not a defense when the parent assigns his/her parental responsibility to another, except pursuant to legal proceedings which result in a court order effectuating the same. The parent has the burden of proving his/her defense by clear and satisfactory evidence.

Sec. 11-5-11 Use of Laser Pointing Devices; Possession by Juveniles.

(a) **Definitions.** The following definitions shall be applicable in this Section:

(1) ***Laser.*** Any laser pen, laser pointer, laser-style flashlight, or laser units of the following types: A helium neon (HeNe) laser which operates at wavelength of 832.8nMe with a mandated power limit of 5mW. Said lasers are considered a Class 2 laser with the potential for eye injury, or a diode laser which typically operates at a wavelength of 670 nMe (although other model specifications are possible) with a power source providing 5mW. Said lasers are considered Class 3a lasers, with the potential for eye injury.

(2) ***Direct Supervision.*** Means that the parent or legal guardian must be in such a position as to be able to visually monitor and physically control the behavior of the minor in question.

(b) **Prohibited Conduct.**

(1) ***Prohibited Laser Use.*** It shall be unlawful for any person, to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as is intended to harass, intimidate, threaten or annoy said person or animal. Sworn law enforcement officers, while working in their legal capacity, are exempt from the provisions of this Section.

(2) ***Possession by Juveniles.***

a. It shall be unlawful for any person under the age of eighteen (18) years of age to do the following:
   1. Purchase or attempt to purchase any laser.
   2. Possess, except under the direct supervision of said minor's parent or legal guardian, any laser.
   3. Falsely represent his/her age for the purpose of receiving any laser.

b. No person shall sell, give or otherwise transfer a laser unit to any person under the age of eighteen (18) who is not under the direct supervision of their parent or guardian at the time of transfer.

c. A person shall not be in violation of this Subsection if his/her possession of a laser pointing device is necessary for his/her employment, trade or occupation, and it is necessary for the pointer to be carried on his/her person while engaged in such work.

Sec. 11-5-12 Sexting By Minors Prohibited.

(a) **Definitions.** The following terms shall have the meanings indicated:

(1) ***Harmful to Minors.*** Any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

a. Predominantly appeals to a prurient, shameful, or morbid interest;

b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and

c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

(2) ***Minor.*** Any person under the age of eighteen (18) years of age.

(3) ***Nudity.*** The showing of the human male or female genitals, pubic area, or buttocks with less than full opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the

depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not under any circumstances constitute "nudity", irrespective of whether or not the nipple is covered during or indicental to feeding.

(b) **Prohibited Conduct.** A minor commits the offense of sexting by knowingly:

(1) Using a computer, cellphone, or any other device capable of electronic data transmission or distribution to transmit or distribute to another minor any photograph or video of any person which depicts nudity and is harmful to minors;

(2) Possessing a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity and is harmful to minors. A minor does not violate this Subsection if any of the following apply:

a. The minor did not solicit the photograph or video;

b. The minor took reasonable steps to report the photograph or video to a school or law enforcement officials; and

c. The minor did not transmit or distribute the photograph or video to a third party other than a school or law enforcement official.

(3) Using a computer, cellphone, or any other device capable of electronic data transmission or distribution to transmit or distribute to another minor any text, correspondence, or message of a sexual nature when it:

a. Predominantly appeals to a prurient, shameful or morbid interest;

b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors;

c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors; and/or

d. Soliciting the transmission or distribution of any correspondence, text, message, photograph or video from another minor that would itself be prohibited by this Section.

Sec. 11-2-13 Bullying; Harassment.

(a) **Definitions.** As used in this Section, the following terms shall have the following definitions:

(1) ***Bullying.*** 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.*** A pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

(3) ***Harassment.*** Any conduct, whether verbal, physical, written, or by means of any mode of communication, including, but not be limited to, forms of social media, texting, and use of the internet which:

a. Is prohibited by Sections 947.01, 947.012, 947.0125, or 947.013, Wis. Stats.; or
b. Is any intentional course of conduct which is likely to create an intimidating, hostile, or offensive environment, and serves no legitimate purpose, including, but not limited to, the making of any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent.

(b) **Prohibition.**

(1) ***Harassment or Bullying Prohibited.*** It shall be unlawful for any juvenile or adult person to engage in any harassment or bullying of a person or induce another person to engage in such harassment or bullying. No person, with intent to harass, bully and/or intimidate another person, shall do any of the following; each instance shall be considered a separate violation:

a. Strike, kick, shove or otherwise subject the person to physical contact or attempts or threatens to do the same.
b. Engage in a course of conduct or repeatedly commits acts which harass, bully or intimidate the person and which serves no legitimate purpose.
c. Makes a telephone call or electronic media communication, whether or not a conversation ensues, with the intent to abuse, bully, threaten or harass the recepient.
d. Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass or bully any person at the called number.
e. Knowingly permits any telephone or electronic device under his/her control to be used for any purpose prohibited by this Section.

(c) **Retaliation Prohibited.** No person shall retaliate against any person who reports any conduct 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 Regarding A Minor.** It shall be unlawful for any custodial parent, legal guardian or other custodian of any unemancipated person under eighteen (18) years of age to allow or permit such person to violate any provision of this Section. The fact that prior to the present offense a parent, legal guardian or custodian was informed, in writing, by a law enforcement officer of a separate violation of this Section by the same minor occurring within ninety (90) days prior to the present offense shall constitute a rebuttable presumption that such parent, legal guardian or custodian allowed or permitted the present violation.

Cross-Reference: Section 11-5-10

Sec. 11-5-14 Enforcement and Penalties.

(a) **Citation Process.** For violations of Sections 11-5-2 through 11-5-13, juveniles may be cited by the citation process on a form approved by the Chief of Police and Village

Attorney. The parents, legal guardians, or custodian of the juvenile will be notified within seven (7) days pursuant to Sec. 938.17(2)(c), Wis. Stats.

(b) **Penalties.** Violations of Sections 11-5-2 through 11-5-13 by a person under the age of eighteen (18) shall be punishable according to Section 1-1-6 of this Code of Ordinances and Ch. 938, Wis. Stats. Nothing in this Section shall prevent a law enforcement officer, in his/her discretion, from referring cases directly to the proper juvenile authorities.

Title 11 ▸ Chapter 6

Public Nuisances

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Sec. 11-6-1 Title; Authority; Public Nuisances Prohibited.

(a) **Title/Purpose.** The title of this Chapter is the Village of Lone Rock Public Nuisance Ordinance. The purpose of this Chapter is to regulate for public health and safety reasons public nuisances and certain uses and activities in the Village of Lone Rock.

(b) **Authority.** The Village Board has the specific authority under Secs. 29.038, 66.0407, 66.0413, 125.14, 169.01 and 175.25, and Ch. 823, Wis. Stats., to adopt this Chapter.

(c) **Public Nuisances Prohibited.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance as defined herein within the Village of Lone Rock, or allow or permit other persons to cause, create, or maintain any public nuisance on property under his/her control.

State Law Reference: Secs. 29.038, 66.0407, 66.0413, 125.14, 169.01 and 175.25, and Ch. 823, Wis. Stats.

Cross-Reference: Title 15, Chapter 4, Property Maintenance.

Sec. 11-6-2 Definitions.

The following definitions shall be applicable in this Chapter:

(a) **Agricultural Use.** Any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising,

orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least thirty-five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836, participating in the milk production termination program under 7 USC 1446(d), and vegetable raising.

(b) **Appliance.** Any household or office device, instrument, utensil, or apparatus or machine that utilizes power, including, but not limited to, any stove, washer, dryer, refrigerator, dishwasher, freezer, water heater, water pump, furnace, television set, home entertainment device, any computer or peripheral device or other electronic device.

(c) **Building.** Any building or structure or any portion of a building or structure.

(d) **Debris.** Any litter, junk, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of items or materials that may tend to depreciate property values in the adjacent or near area, create a blighted condition, present a substantial threat to public health or safety, create a public nuisance or public safety or health hazard, except when such items are determined by the Village Board, Village committee or other agent of the Village to be stored or housed out of public view and are not treated and maintained so as to be a public nuisance.

(e) **Equipment.** Goods used or bought for use primarily in a business or profession, including farming.

(f) **Hazardous Waste.** Any solid waste identified by the Wisconsin Department of Natural Resources as hazardous under Sec. 291.05(2), Wis. Stats., or its successor provisions.

(g) **Junk.** Scrap metal, metal alloy, wood, concrete, synthetic or organic material, or any junked, inoperative, unlicensed, or unregistered motor vehicle structures, equipment, furniture, appliances, or machinery, or any part thereof. This definition of junk includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, parts of agricultural use equipment, and contaminated recyclable material.

(h) **Junked.** Dismantled for parts or scrapped.

(i) **Junkyard.** Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk, including refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises, and sanitary landfills. The definition does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration.

(j) **Local Zoning and Land Use Regulation.** Any applicable Village zoning, subdivision, land division, platting, official map, building code, building permit, or other ordinance adopted pursuant to general police powers that is applicable in any manner to the use of land.

(k) **Machinery.** A device or assemblage of parts that transmits forces, motion or energy from one part to another in a predetermined way by electrical, mechanical or chemical means. "Machinery" does not include a building.

(l) **Motor Vehicle.** A vehicle, including a combination of two (2) or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail, with or without a current and valid registration issued by the State of Wisconsin or other state to the owner of the vehicles. Includes the vehicles described in Subsection (u) below.

(m) **Not Registered.** In reference to all-terrain vehicles, as defined in Sec. 340.01(2g), Wis. Stats., "snowmobiles" as defined in Sec. 340.01(58a), Wis. Stats., or "boat" as defined in Sec. 29.001(16), Wis. Stats., are those that are required to, but do not have nor bear any current and valid State of Wisconsin registrations.

(n) **Public Nuisance.**

(1) Those acts, omissions, occupations, conditions, or uses of property that continue for such a length of time as to threaten, impair, or affect the health, welfare, comfort, or safety of the public including, but not limited to, causing the following impacts:

a. Substantially annoy, injure or endanger the comfort, health, welfare, or safety of the public;

b. In any way render the public insecure in life or in the use of property;

c. Greatly offend the public morals or decency;

d. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

e. Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

f. Render the soil, water, air or any article of food or drink impure, noxious, unwholesome, or unhealthy.

g. In any way render the public health, welfare, comfort or safety insecure in life or in the use of property.

(2) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

(3) Includes a nuisance property as defined in Section 10-5-8, chronic nuisance premises and nuisance activities defined in Section 11-6-10(b), and other nuisances as identified and/or defined in this Chapter.

(o) **Recyclable Material.** Material that is suitable for recycling.

(p) **Scrap Metal Processor.** A fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.

(q) **Solid Waste.** Any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste, and other organics, boxes, barrels, and other containers, tires,

and other like materials. "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Ch. 283, Wis. Stats., or source material, as defined in Secs. 254.31(1), Wis. Stats., special nuclear material as defined in Sec. 254.31(11), Wis. Stats., or byproduct material, as defined in Sec. 254.31(1), Wis. Stats. "Solid waste" includes paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste, and other organics, boxes, barrels, and other containers, tires and other like materials, debris and junk.

(r) **Solid Waste Facility.** A facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. This term does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junk yard or scrap metal salvage yard.

(s) **Village Committee.** A committee or commission established by the Village Board to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the Village of Lone Rock.

(t) **Unlicensed or Unregistered.** In reference to motor vehicles, mobile homes, manufactured homes, camper trailers, recreational vehicles, truck bodies, semi-trailers, or trailers, are those that are required for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.

(u) **Vehicle.** Every device in, upon, or by which any person or property is or may be transported. "Vehicle includes, but is not limited to, all of the following:

(1) ***Aircraft*** as defined in Sec. 29.001(16), Wis. Stats.
(2) ***All-Terrain vehicles*** as defined in Sec. 340.01(2g), Wis. Stats.
(3) ***Antique vehicles*** as described in Sec. 341.265, Wis. Stats.
(4) ***Automobiles*** as defined in Sec. 340.01(4), Wis. Stats.
(5) ***Boats*** as defined in Sec. 29.001(16), Wis. Stats.
(6) ***Camping trailers*** as defined in Sec. 340.01(6m), Wis. Stats.
(7) ***Farm equipment*** as defined in Sec. 100.47(1), Wis. Stats.
(8) ***Farm tractors*** as defined in Sec. 340.01(16), Wis. Stats.

(9) ***Hobbyist or homemade vehicles*** as defined in Sec. 341.268, Wis. Stats.
(10) ***Junk vehicles*** as defined in Sec. 340.01(25j), Wis. Stats.
(11) ***Implements of husbandry*** as defined in Sec. 340.01(24), Wis. Stats.
(12) ***Manufactured homes*** as defined in Sec. 101.91(2), Wis. Stats.
(13) ***Mobile homes*** as defined in Sec. 340.01(29), Wis. Stats.
(14) ***Mopeds*** as defined in Sec. 340.01(29m), Wis. Stats.
(15) ***Motor bicycles*** as defined in Sec. 340.01(30), Wis. Stats.
(16) ***Motor buses*** as defined in Sec. 340.01(31), Wis. Stats.
(17) ***Motor homes*** as defined in Sec. 340.01(33m), Wis. Stats.
(18) ***Motor trucks*** as defined in Sec. 340.01(34), Wis. Stats.
(19) ***Motorcycles*** as defined in Sec. 340.01(32), Wis. Stats.
(20) ***Railroad trains*** as defined in Sec. 340.01(48), Wis. Stats.
(21) ***Recreational vehicles*** as defined in Sec. 340.01(48r), Wis. Stats.
(22) ***Road machinery*** as defined in Sec. 340.01(52), Wis. Stats.
(23) ***Road tractors*** as defined in Sec. 340.01(53), Wis. Stats.
(24) ***Salvage vehicles*** as defined in Sec. 340.01(55g), Wis. Stats.
(25) ***School buses*** as defined in Sec. 340.01(56), Wis. Stats.
(26) ***Semi trailers*** as defined in Sec. 340.01(57), Wis. Stats.
(27) ***Snowmobiles*** as defined in Sec. 340.01(58), Wis. Stats.
(28) ***Special interest vehicles*** as defined in Sec. 341.266, Wis. Stats.
(29) ***Trailers*** as defined in Sec. 340.01(71), Wis. Stats.
(30) ***Truck tractors*** as defined in Sec. 340.01(73), Wis. Stats.
(31) ***Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and go carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles*** that require no registration or licensure by the State of Wisconsin.

(v) **Wild Animal.** Any animal of a wild nature that is normally found in the wild and that is not a domestic animal.

Sec. 11-6-3 Public Nuisances Affecting Health or Safety.

No person may create, contrive, erect, maintain, cause, continue, install, construct or permit to exist in the Village of Lone Rock a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places or physical conditions, not properly and timely removed, after written notice to remove from the Village Board to any owner or occupant of the land where the act, use, activity, thing, occupation, place, or physical condition exists, is located, or occurred or to any person responsible for the creation, maintenance, or providing of the act, use, activity, thing, occupation, place, or physical condition, are specifically declared to be public health nuisances

but such enumeration shall not be construed to exclude other health nuisances from coming within the definition of Section 11-6-2:

(a) **Noxious Weed Areas.** Pursuant to Sections 8-1-4, 8-1-5 and 8-1-6, any place in the Village of Lone Rock where noxious weeds conditions are over eight (8) inches high, are located on private or public land conditions and are not timely cut or removed within five (5) days after posting or publication of a notice to destroy noxious weeds under Sec. 66.0407, Wis. Stats. and Section 8-1-3 or within the specified days after receipt of written notice to remove such weeds from the Village Board or designee.

(b) **Unburied Animal Carcass Areas.** Any place in the Village of Lone Rock where unburied animal or bird carcasses are located on private or public land and are not timely removed or discarded, including timely burial in a sanitary manner, within forty-eight (48) hours of death. This Subsection does not apply to any animal or pet cemetery approved in writing by the Village of Lone Rock.

(c) **Noxious or Polluted or Waste Areas.** Any place in the Village of Lone Rock where noxious, nauseous, unwholesome, or polluted water and waste are located on private or public land, including on adjacent Village roads, highways, bridges, sidewalks, alleys, or other public lands owned or controlled by the Village and these conditions are not timely removed within the time specified in the written notice from the Village Board or designee.

(d) **Noxious Emission Odor Areas.** Any place in the Village of Lone Rock where noxious odor, stench, or gas escape or is emitted into the open air from sources located on public or private land, and these conditions are not timely removed or discontinued within the time specified in the written notice to remove from the Village Board. "Noxious odor" means an odor that is extremely repulsive to the senses of ordinary persons in the Village that seriously annoys or causes serious discomfort or serious injury to the health or causes serious inconvenience to the health or safety of a significant number of persons within the Village of Lone Rock, as determined by the Village Board.

(e) **Rat or Vermin Areas.** Maintenance through act or omission of breeding places for rats, insects, or other vermin including, but not limited to, accumulations of decayed animal carcasses, vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any material in which flies, mosquitoes, disease carrying insects, rats, and other vermin can breed.

(f) **Unauthorized Human Burial Area.** Any place in the Village of Lone Rock where the body of a deceased person or parts of a deceased person are located and buried on private or public land in the Village without written approval of the Village Board and are not timely removed within the time specified in the written notice to remove from the Village Board. This Subsection does not apply to any established cemetery or burial site grounds approved, owned and operated in accordance with Ch. 157, Wis. Stats.

(g) **Hazardous, Toxic or Solid Waste Facility or Site Areas.** Any place or solid waste facility in the Village of Lone Rock where the discharge, disposal, storage or treatment of hazardous, toxic, or solid waste occurs on private or public lands without approval and licensing or permitting of the discharge, disposal, storage or treatment by all proper federal, state, county and Village governing authorities and full compliance with all applicable laws,

rules, regulations or ordinances of the federal, state, county or Village, and the activity or condition is not timely removed or discontinued within thirty (30) days after receipt of written notice to remove from the Village Board. To constitute a public nuisance under this Subsection, an area, facility or site must be in violation of zoning or regulatory standards and/or threaten or cause serious discomfort or serious injury to the health or cause serious inconvenience to the health or safety of a significant number of persons within the Village of Lone Rock, as determined by the Village Board.

(h) **Dangerous Wild Animal Areas.** Any place in the Village of Lone Rock where live dangerous wild animals are kept, sold, or in any manner controlled or possessed on private or public land without written approval of the Village Board and/or in violation of any applicable animal control ordinance in Title 7, Ch. 1 of this Code of Ordinances, and the animals are not removed or destroyed within the time specified in the written notice from the Village Board unless written approval of the Village Board is obtained within said time. To constitute a dangerous wild animal, under this Subsection, the species of animal must pose a threat to the safety of persons within the Village, including a keeper of such animal, as determined by the Village Board. It is not necessary that the Village Board find that a specific animal is dangerous in order to find a nuisance under this Subsection.

(i) **Improper Sewage Areas.** Any place in the Village of Lone Rock where effluent is not properly contained from a septic system, sewer lateral, holding tank, cesspool, or other human waste container located on private or public land and the problem is not corrected within the time specified in the written notice to remove from the Village Board or designee.

(j) **Dangerous or Dilapidated Buildings.** Any place in the Village of Lone Rock where a building or structure, the contents therein, or any associated electrical, heat, water or sewer system located on public or private lands is so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, in violation of Village ordinances, or otherwise render the building unfit for human habitation are not timely removed or discontinued within the time specified in the written notice to correct from the Village Board or designee.

(k) **Dangerous Tree Areas.** Any place in the Village of Lone Rock where any trees or the tree's limbs located on private or public lands constitute a dangerous or unsafe condition and these dangerous or unsafe conditions per Title 6, Chapter 4 of the Village of Lone Rock Code of Ordinances have not been timely removed within the time specified in the written notice to remove from the Village Board or designee. Specific tree nuisances include, but are not limited to:

(1) Any dead or dying tree, shrub, or other plant, whether located on Village-owned property or on private property.

(2) Any otherwise-healthy tree, shrub, or plant, whether located on Village-owned property or on private property which harbors insects or diseases which reasonably can be expected to injure or harm any tree, shrub or plant.

(3) Any tree, shrub or other plant or portion thereof, whether located on Village-owned property or private property, which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public.

(4) Any tree, shrub, or other plant or portion thereof, whether located on Village-owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street light.

(5) Any tree, shrub, or other plant or portion thereof, whether located on Village-owned property or on private property which dangerously obstructs the view in a "visibility triangle" or "vision clearance triangle."

(l) **Fire Hazard Areas.** Any place in the Village of Lone Rock where combustible materials are improperly located and stored on private or public lands and the materials are not timely removed or safely stored within the time specified in the written notice from the Village Board, Fire Inspector or designee.

(m) **Improper Encroachment or Discharge Areas.** Any unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, recreational equipment, landscaping rocks and features, fences, hedges, driveway standards, manure, weeds, crops, and other materials on any Village roadway or on other Village public lands without written permission from the Village Board, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within the time specified in the written notice to remove from the Village Board or designee.

(n) **Junked or Inoperable Vehicles, Refuse and Appliances.** Junked, unlicensed, disassembled or inoperable vehicles, refuse and appliances stored outside, in violation of this Chapter or Section 10-5-8, are public nuisances under this Section.

(o) **Discharge or Storage of Hazardous or Nauseous Materials.** The discharge, disposal, storage or treatment of noxious, filthy, decaying, hazardous, or nauseous materials repulsive to the senses of ordinary persons and which continue to the substantial annoyance or substantial discomfort of persons or cause injury to persons or property in the Village of Lone Rock.

(p) **Water Pollution.** Water pollution entering the surface waters causing a private or public drinking water well on another property or any river, stream, lake, ditch, canal or other body of water to become contaminated.

(q) **Unhealthy Stagnant Waters.** All stagnant water in which mosquitoes, flies or other insects can multiply.

(r) **Animals at Large.** All animals running at large or otherwise in violation of any provision in Title 7, Chapter 2 of the Village of Lone Rock Code of Ordinances.

(s) **Abandoned Wells.** All abandoned wells not securely covered or secured from public use.

(t) **Improperly Removed Snow/Ice.** All snow and/or ice not removed from public sidewalks within twenty-four (24) hours after it has ceased to fall or accumulate thereon in violation of Section 6-2-8.

Sec. 11-6-4 Public Nuisances Offending Morals and Decency.

No person shall create, continue, erect, maintain, cause, continue, install, construct, or permit to exist in the Village of Lone Rock a public nuisance associated with, causing or likely to cause danger, disturbance, or injury to public morals or decency. The following acts, uses, activities,

things, occupations, places, or physical conditions, not properly and timely removed by the owner or occupant of the land, after written notice to remove from the Village Board or designee to the owner or occupant of the land where the public nuisance occurs or to any person responsible for the creation, maintenance, or permitting of such nuisance in the Village of Lone Rock, are specifically declared to be a public nuisance:

(a) **Improper Establishments.** Pursuant to Sec. 823.09, Wis. Stats., whoever shall erect, establish, continue, maintain, use, occupy, or lease any building or part of building, erection or place to be used for the purpose of lewdness, assignation or prostitution, or permit the same to be used, in the State of Wisconsin, shall be guilty of a nuisance and the building, erection, or place, in or upon which such lewdness, assignation or prostitution is conducted, permitted, carried on, continued or exists, and the furniture, fixtures, musical instrument and contents used therewith for the same purpose are declared a nuisance, and shall be enjoined and abated.

(b) **Illegal Drug Houses.** Pursuant to Sec. 823.113(1), Wis. Stats., any building or structure that is used to facilitate the delivery, distribution or manufacture, as defined in Sec. 961.01(6), (9) and (13), Wis. Stats., respectively of a controlled substance, as defined in Sec. 961.01(4), Wis. Stats., or a controlled substance analog, as defined in Sec. 961.01(4m), Wis. Stats., and any building or structure where those acts take place, is a public nuisance and may be proceeded against under Sec. 823.113, Wis. Stats.

(c) **Criminal Gang Houses.** Pursuant to Sec. 823.113(1), Wis. Stats., any building or structure that is used as a meeting place of a criminal gang, as defined in Sec. 939.22(9), Wis. Stats., or that is used to facilitate the activities of a criminal gang, is a public nuisance and may be proceeded against under Sec. 823.113, Wis. Stats.

(d) **Illegal Alcohol Houses.** Pursuant to Sec. 125.14(5), Wis. Stats., any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured or rectified without a valid permit or license issued under this Chapter or Ch. 139, Wis. Stats., or where persons are permitted to drink alcohol beverages in violation of Ch. 125, Wis. Stats., is a public nuisance and may be closed until the activity in violation of Ch. 125, Wis. Stats., is abated. When the activity is abated, the building or place may be used for any lawful purpose.

(e) **Continuous Violation of Village Ordinances.** Any place or premises within the Village of Lone Rock where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

Sec. 11-6-5 Public Nuisances Affecting Peace and Safety.

No person shall create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the Village of Lone Rock a public nuisance associated with, causing or likely to cause, potential danger, disturbance or injury to the public peace and order. The following acts, uses,

activities, things, occupations, places, or physical conditions, not properly and timely removed, after written notice to remove from the Village Board or designee to the owner or occupant of the land where the public nuisance occurred or is maintained or to any person responsible for the creation, maintenance, or permitting of such nuisance in the Village, are specifically declared to be a public nuisance, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of Section 11-6-2:

(a) **Loud Noise Areas.** Any place in the Village where any unreasonably loud, discordant and unnecessary sound conditions, including sounds from non-farm animals or from any human created or aided sounds, including alleged music, is located on private or public land, without written approval of the Village Board or its designee and is not timely removed or discontinued within the time specified in the notice to remove from the Village Board or designee.

(b) **Disorderly Conduct Area.** Any place in the Village where unpermitted, abusive, indecent, profane, or boisterous sounds, unpermitted fighting, brawling, or rioting or other unpermitted disorderly conduct conditions are located or occur on private or public lands and these disorderly conditions have not been timely removed or discontinued within the time specified in the written notice to remove from the Village Board or designee.

(c) **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such traffic device, sign or signal.

(d) **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(e) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.

(f) **Abandoned Refrigerators.** All abandoned refrigerators or freezers from which the doors gand other covers have not been removed or which are not equipped with a device for opening from the inside.

(g) **Tree Limbs.** All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.

(h) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(i) **Dilapidated Buildings.** All buildings or structures that are in violation of Village ordinances and so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

(j) **Repeated Ordinance Violations.** Repeated or continuous violations of police power ordinances of the Village are declared to be a public nuisance.

Sec. 11-6-6 Public Nuisances Regarding Motor Vehicles, Junk, Recreational Equipment or Firewood.

(a) **Accumulation of Junk Regulated.**

(1) ***Junk Accumulation a Public Nuisance.*** Any junk stored contrary to Subsection (a)(3) below and/or Section 10-5-8 is a public nuisance.

(2) ***Definition.*** The following words, phrases, and terms used in this Section shall be interpreted as follows:

a. ***Junk.*** Worn out or discarded materials including, but not limited to, the following: trash, debris, lumber, inoperable recreational vehicles and boats, household appliances, machinery and equipment, motor vehicles, tools, or parts of any of the above, discarded building materials, rags, newspapers or magazines, iron, copper, zinc, tin or other metallic items, plastic or glass containers or bottles, miscellaneous paper products, bags and other types of packaging materials and, in general, any item that has been discarded or has outlived its usefulness for the purpose for which it was originally intended.

b. ***Salvage.*** Something extracted from solid waste that is valuable or has a use, whether or not the use that it has is the same use as it had before it became solid waste.

(3) ***Storage of Junk Prohibited.*** No person, except a junk or salvage dealer, licensed by the Village Board and properly zoned, shall accumulate, store, or allow any junk or salvage outside of any building on any public or private real estate located within the Village of Lone Rock limits.

(4) ***Issuance of Citation; Action to Abate.*** Whenever the Police Department shall find any such junk as defined above, accumulated, stored, or remaining in the open upon any property within the Village limits contrary to the provisions of Subsection (a)(3) above, the Police Department shall notify the owner of said property on which such junk is located of the violation of this Section. If such junk is not removed within ten (10) days, the Police Department shall cause a citation to be issued to the property owner or occupant of the property upon which such junk is located. In addition, action to abate such nuisance may be commenced as provided by the Chapter or in Section 10-5-8.

(5) ***Inspection Warrant.*** Should permission to enter property for the purpose of determining whether or not a nuisance exists not be provided by the owner or occupant, a special inspection warrant under Sec. 6.0119, Wis. Stats., shall be requred from the Circuit Court for that purpose.

(b) **Storage of Firewood Regulated.** Violation of Section 13-1-201 shall be considered to be a public nuisance.

Sec. 11-6-7 Abatement of Public Nuisances.

(a) **Nuisances Prohibited.**

(1) ***Nuisances Not To Be Maintained.*** No person may maintain or permit a public nuisance within the Village of Lone Rock.

(2) ***Criteria.*** The Village Board determines that a nuisance is unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health, or safety of another or others. Criteria for a public nuisance are, but not limited to, those grounds listed in Sec. 11-6-2 and as follows:

a. The number of people affected;
b. The location of the operation or property;
c. The degree or character of the injury inflicted or the right impinged upon;
d. The reasonableness of the use of the property;
e. The nature of the business maintained;
f. The proximity of dwellings to the business; and
g. The nature of the surrounding or community.

(3) ***Repeated Offenses.*** Repeated violations of a Village ordinance or regulation constitutes a public nuisance as a matter of law.

(b) **Enforcement.** It shall be the duty of the Village President, Village Board, Police Department, Building Inspector, Fire Inspector, and/or Zoning Administrator to enforce the provisions of this Chapter, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be take under this Section to abate a public nuisance unless the officer(s) shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has or have satisfied himself/herself that a nuisance does in fact exist.

(c) **Summary Abatement.**

(1) ***Order; Notice.***

a. If the enforcement official of the Village determines that a public nuisance exists within the Village and that there is imminent danger to public health, safety, peace, morals, comfort or welfare, the enforcement official, or his/her designee, may, without notice or hearing, issue an order reciting the existence of a public nuisance constituting an imminent danger to the public and requiring that prompt action be taken as such official deems necessary to abate the nuisance. Notwithstanding any other provisions of this Chapter, the order shall be effective immediately.

b. Notice of the order shall be personally served, or delivered by certified mail, by the enforcement official or his/her deputy on the owner and/or occupant of the premises where such nuisance is caused, maintained or permitted; a copy of such notice shall also be posted on the premises. Such order shall direct the person causing, maintaining or permitting such nuisance, or the owner and/or occupant

of the premises, to abate or remove such nuisance within a period not less than twenty-four (24) hours or greater than seven (7) days, and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant and/or person causing, maintaining or permitting the nuisance, as the case may be. Any person to whom such order is directed shall comply with the order immediately.

(2) ***Abatement by Village.*** Whenever the owner or occupant shall refuse or neglect to remove or abate the condition described in the order, or if the nuisance is not abated within the time period provided, or if the owner, occupant or person causing or maintaining the nuisance cannot be found, the Village official having the duty of enforcement shall cause the abatement or removal of such public nuisance. The Village shall recover the expenses incurred thereby from the owner and/or occupant of the premises or from the person(s) who has caused or permitted the nuisance.

(d) **Non-summary Abatement.**

(1) ***Order; Notice.*** If the enforcing official determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, comfort, morals or welfare, the enforcing official shall issue an order reciting the existence of a public nuisance and requiring the owner and/or occupant of the premises to remove or abate the condition described in the order within the time period specified therein. The order shall be personally served on the owner of the property, as well as the occupant if different from the owner and applicable to the nuisances cited, or, at the option of the enforcing official, the notice may be mailed to the last known address of the person to be served by certified mail with return receipt. If the owner or the occupant cannot be served, the order may be served by posting it on the main entrance of the premises and by publishing as a Class 3 notice under Ch. 985, Wis. Stats. The time limit specified in the order runs from the date of service or publication.

(2) ***Abatement by Village.*** If the owner or occupant fails or refuses to comply within the time period described, the enforcement official may cause the nuisance to be removed or abated and the Village shall recover the expenses incurred thereby from the owner and/or occupant of the premises or from the person who has caused or permitted the nuisance.

(e) **Appeals.** Any person aggrieved by a notice/order of a Village enforcement official under Subsections (b) or (c) above issued in connection with any alleged violation of the provisions of this Chapter or of any applicable rules and/or regulations pursuant thereto or by any order requiring repair or demolition may file with the Village Clerk a petition setting forth his/her reasons for contesting the notice and/or order Such petition shall be filed within fifteen (15) days of receipt of the enforcement official's notice. The Village Board shall conduct a hearing on the petition within thirty (30) days after the filing date of the appeal and make a determination on the appeal and the enforcement official's notice and/or order.

(f) **Alternative Method — Other Village Ordinances.** As an alternative curative method, public nuisances may be abated under other Village ordinances, including, but not limited to: Section 8-1-2 "Public Safety and Health Hazards/Nuisances Regulated", Section 8-1-8 "Unhealthy, Hazardous or Unsightly Materials on Public or Private Property", Section 8-1-9 "Rodent Control", Section 8-1-14 "Burial of Animal Carcasses", Title 8, Chapter 3 "Recycling", Section 10-5-8 "Junked Vehicles and Appliances on Private Property", Section 11-3-2 "Littering Prohibited", Title 15, Chapter 1 "Building Code", and/or Title 15, Chapter 4 "Property Maintenance Code".

(g) **Alternative Curative Method – by Court Action – Repair or Razing Order.**

(1) ***Court Petition.*** As an alternative curative method, whenever an owner, operator, or agent of a premise or unit thereof fails, neglects, or refuses to make repairs, raze or remove, make safe by repairs or other corrective action called for, the enforcement official may undertake such repairs or action. If the owner, operator or agent fails to repair or remove a building which is dilapidated or blighted to the extent that such building, dwelling, or structure offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such conditions, the enforcement official may apply to circuit court for an order determining that such building, dwelling, or structure constitutes a public nuisance and the defect shall be remedied. Every violation of this Code of Ordinances may constitute a public nuisance and may be enjoined and the maintenance thereof may be abated by legal action by the Village or citizen thereof.

(2) ***Razing Orders.*** Where a judicial review of a decision of the enforcement official is sought when such order originates under Section 66.0413, Wis. Stats., governing the razing of buildings, the statutory procedures shall be adhered to.

(h) **Alternative Curative Method – Ch. 823, Wis. Stats., Nuisances.** The provisions of Chapter 823, Wis. Stats., regarding public nuisances specifically addressed by that Chapter are adopted and incorporated herein by reference. At his/her option, if the enforcement official finds that a public nuisance exists, such official may file a written report of such findings with the Village Board, which shall cause an action to abate such nuisance to be commenced in the name of the Village in Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village of Lone Rock and its officials in accordance with the laws of the State of Wisconsin.

(i) **Enforcement – Agricultural Uses and Practices.** In actions pertaining to agricultural uses and agricultural practices, as defined in Secs. 823.08 and 91.01, Wis. Stats., the Village shall observe the limitations set forth in Sec. 823.08, Wis. Stats.

(j) **Court Order to Access Property.** Except when necessary under Subsection (b), no enforcement official shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for

an order assisting the abatement of the public nuisance, or to permit inspection under Section 66.0119, Wis. Stats.

Sec. 11-6-8 Cost of Abatement.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

Sec. 11-6-9 Enforcement; Penalty.

(a) **Statutory Authority.** The Village Board of the Village of Lone Rock, pursuant to authority granted to local municipalities, hereby incorporates the provisions of Sec. 66.0413 and Ch. 823, Wis. Stats., as the same apply to the abatement of public nuisances.

(b) **Inspection of Premises.** Whenever complaint is made to the Village Clerk that a public nuisance exists within the Village of Lone Rock, the Village Clerk shall promptly notify the appropriate inspection authority who shall forthwith inspect or cause to be inspected the premises and shall make a written report which shall be submitted to the Village Clerk. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk.

(c) **Enforcement.** The Village President, Village Clerk, Village Board, Fire Inspector, Building Inspector, Zoning Administrator and law enforcement authorities shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under Section 11-6-6 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.

(d) **General Penalty.** Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 1-1-6.

Sec. 11-6-10 Chronic Nuisance Premises.

(a) **Findings and Purpose.**

(1) ***Findings.*** The Village Board of the Village of Lone Rock finds that certain premises receive within the Village receive and require more than the general, acceptable level of law enforcement, building inspection, nuisance abatement and public health

nuisance abatement services; this places an undue and inappropriate burden on Village of Lone Rock taxpayers and constitute public nuisances. Chronic nuisance activity contributes to the general decay of an affected neighborhood and negatively impacts law-abiding residents in these neighborhoods.

(2) ***Purpose.***

a. This Section is enacted to encourage owners, occupants and/or tenants of premises to recognize their responsibility to ensure that activities occurring on their premises conform to the law and do not unduly burden Village services. Therefore, the Village Board determines that the Village will charge owners of such premises with the cost associated with abating nuisance activity at premises where nuisance activities chronically occur.

b. This Section does not affect a premises owner's duty to comply with Fair Housing ordinances nor does it affect a premises owner's duty to comply with all other laws governing residential tenancies.

(b) **Definitions.** The following definitions are applicable in this Section:

(1) ***Chronic Nuisance Premises.*** A premises that meets any of the following criteria:

a. Is a premises which has generated three (3) or more calls for police services that have resulted in an enforcement action for nuisance activities on three (3) separate days within a one hundred twenty (120) day period and/or has generated three (3) or more cases involving the Building Inspector, Zoning Administrator, Weed Commissioner or other property maintenance or health officials from at least three (3) or more inspections within a one (1) year period, with such calls resulting in an enforcement action. Three (3) or more calls for police services resulting in an enforcement action for nuisance activities includes enforcement action taken against any person associated with the premises while at or within two hundred (200) feet of the premises for a nuisance activity; or

b. Is a premises for which charges have been filed by the District Attorney for prosecution for the manufacture, distribution or delivery of a controlled substance that has occurred on or in association with the premises; or

c. Is a premises which has had one (1) enforcement action associated with the premises resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961, Wis. Stats.

(2) ***Chronic Nuisance Premises Notice.*** The notice issued by the Police Department, Building Inspector, Weed Commissioner, Zoning Administrator or public health officials.

(3) ***Enforcement Action.*** Means any of the following: The issuance of a citation for a violation and/or the filing of charges by the District Attorney or the Village Attorney for prosecution of nuisance activities, and/or referral of charges by the Building Inspector, Police Department, Weed Commissioner, Zoning Administrator or public

health officials to the Village Attorney or District Attorney for prosecution for nuisance activities.

(4) ***Nuisance Activities.*** Any of the following activities, behaviors or conduct whenever engaged in by the premise's owners, occupants, operators, tenants, or persons associated with a premises:

a. An act of harassment as defined in Section 11-2-13, or Sec. 947.013, Wis. Stats..
b. Disorderly conduct as defined in Section 11-2-8, or Sec. 947.01, Wis. Stats.
c. Battery, substantial battery or aggravated battery as defined in Sec.940.19, Wis. Stats.
d. Crimes of violence as defined in Ch. 940, Wis. Stats.
e. Resisting or obstructing an officer as prohibited by Sections 11-2-10 or 11-2-16, or Sec. 946.41, Wis. Stats.
f. Indecent exposure as prohibited by Section 11-1-1 or Sec. 944.20(1)(b), Wis. Stats.
g. Damage to property as prohibited by Sections 11-3-1 or 11-3-5, or Sec. 943.01, Wis. Stats.
h. The production or creation of noises disturbing the peace, as prohibited by Section 11-2-7.
i. Illegal discharge of a firearm or weapon as prohibited by Section 11-2-1.
j. Crimes involving illegal possession of firearms as defined in Secs. 941.23, 941.26, 941.28, 941.29 and 948.60, Wis. Stats.
k. Unlawful trespass to land or premises as regulated by Section 11-3-8, trespass to land as defined in Sec. 943.13, Wis. Stats., or criminal trespass to a dwelling as defined in Sec. 943.14, Wis. Stats.
l. Obstructing a street or sidewalk as prohibited by Section 11-2-5.
m. Theft as defined in Sec. 943.20, Wis. Stats.
n. Arson as defined in Sec. 943.02, Wis. Stats.
o. Prostitution as prohibited by Sec. 944.33, Wis. Stats.
p. Soliciting prostitutes as prohibited by Sec. 944.32, Wis. Stats.
q. Pandering as prohibited by Sec. 944.33, Wis. Stats.
r. Possessing an open container which contains alcohol beverages or consuming alcohol beverages upon any public street as prohibited by Section 11-4-1.
s. Selling, offering for sale or giving away of any intoxicating liquors or fermented malt beverages without a license as provided by Sec. 125.04(1), Wis. Stats., or Title 7, Chapter 2 "Fermented Malt Beverages and Intoxicating Liquor".
t. Possession, manufacture, distribution or delivery of a controlled substance or related offense as defined in Ch. 961, Wis. Stats.
u. Maintaining a drug dwelling as defined in Sec. 961.42, Wis. Stats.
v. Illegal gambling as defined in Sec. 945.02, Wis. Stats.
w. Improperly keeping, owning or harboring a dangerous animal or an animal disturbing the peace as defined in Title 7, Chapter 1 "Licensing of Dogs; Regulation of Animals".

x. Violations of property maintenance, refuse storage and housing standards contained in Section 8-1-2 "Public Safety and Health Hazards/Nuisances Regulated", Section 8-1-8 "Unhealthy, Hazardous or Unsightly Materials on Public or Private Property", Section 8-1-9 "Rodent Control", Section 8-1-14 "Burial of Animal Carcasses", Title 8, Chapter 3 "Recycling", Section 10-5-8 "Junked Vehicles and Appliances on Private Property", Section 11-3-2 "Littering Prohibited", Title 11, Chapter 6 "Public Nuisances", Title 15, Chapter 1 "Building Code", and/or Title 15, Chapter 4 "Property Maintenance Code".

(5) ***Person.*** Any natural person, agent, association, firm, partnership, corporation, limited liability corporation, or other entity capable of owning, occupying or using property in the Village of Lone Rock.

(6) ***Person Associated With.*** Any person who, whenever engaged in a nuisance activity, has entered, patronized, visited or attempted to enter, patronize or visit, or waited to enter, patronize or visit a premises or person present on a premises, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a premises.

(7) ***Person in Charge.*** Any person, in actual or constructive possession of a premises including, but not limited to, an owner or occupant of premises under his or her ownership or control.

(8) ***Premises.*** A place of abode, a residence, a house or multiple-family dwelling unit for one (1) or more persons, including lodging houses, hotels, motels and tourist rooming houses, and associated common areas, yards and parking lots. In the case of multiple dwelling units, "premises", as used in this Section, may consist of any single unit providing complete, independent living facilities for one (1) or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

(c) **Procedures.**

(1) ***Determination.***

a. Upon a finding that a premises meets the definition of a chronic nuisance premises, the Police Department, Zoning Administrator or Building Inspector may declare a premises a chronic nuisance premises. The Police Department, Zoning Administrator or Building Inspector shall provide written notice of his/her determination to the premises owner identified in the Village Assessor's records for that premises.

b. The Chronic Nuisance Premises Notice shall be deemed delivered if sent by either first class mail to the premises' owner's last known address or delivered in person to the premises owner.

c. If the premises owner cannot be located, the Notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's usual place of abode i the presence of a competent member of the family at least fourteen (14) years of age, or a competent adult currently residing there and who shall be informed of the contents of the Notice.

d. If a current address cannot be located, it shall be deemed sufficient if a copy of the Chronic Nuisance Premises Notice is sent by first class mail to the last known address of the owner as identified by the records of the Village Assessor.

(2) ***Contents of Notice.*** The Chronic Nuisance Premises Notice shall contain the following information:

a. Street address, parcel number or a legal description sufficient to identify the premises.

b. A concise statement, including a description of the relevant activities supporting the determination that the premises is a chronic nuisance premises.

c. A statement that the owner shall immediately notify the Police Department, Zoning Administrator or Building Inspector of any change in address to ensure receipt of future notices.

d. A statement that the cost of future enforcement may be assessed as a special charge against the premises.

e. A statement by the owner, occupant, operator or tenant of the premises shall, within thirty (30) days of receipt of the Chronic Nuisance Premises Notice, respond to the Police Department, Zoning Administrator and/or Building Inspector either with an appeal or to propose a written course of action to abate the nuisance activities. Such statement shall direct the premises owner to schedule a meeting with the Police Department, Zoning Administrator and/or Building Inspector to discuss the nuisance activity and the premises owner's intent regarding abatement.

f. A statement that the premises owner shall, when appropriate, consider and implement alternatives to eviction when formulating an abatement plan.

(3) ***Domestic Abuse Considerations.*** Section 968.075, Wis. Stats., broadly defines "domestic abuse". Therefore, in reaching a determination that a premises is a chronic nuisance premises, activities that are "domestic abuse" incidents pursuant to Sec. 968.075, Wis. Stats., shall not be included as nuisance activities unless the incidents have been reviewed by the Police Department and the Village Attorney and a determination is made that, based upon the specific facts of each incident, the activities should be considered nuisance activities as defined herein. In determining whether to include such activities, the Police Department and the Village Attorney shall consider the strong public policy in favor of domestic victims reporting alleged abuses, and this Section shall not operate to discourage such reports.

(4) ***Owner Response to Chronic Nuisance Premises Notice.***

a. If the owner responds to the chronic nuisance premises notice pursuant to Subsection (c)(2) above with a nuisance abatement proposal, the Police Department, Zoning Administrator and/or Building Inspector may accept, reject or work with the owner to modify the proposal. The proposed plan may be acceptable if it can reasonably be expected to result in abatement of the nuisance activities described in the Notice within sixty (60) days.

b. If the premises owner meets with the Police Department, Zoning Administrator and/or Building Inspector and presents an acceptable abatement plan and initiates action to abate the nuisance activities occurring on the premise, the Police Department, Zoning Administrator and/or Building Inspector may delay further enforcement of this Section, including cost recovery.

c. If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the Police Department, Zoning Administrator and Building Inspector will reinstitute enforcement of this Section, and the premises owner will be sent a Change in Status Letter. This Change in Status Letter will document the Police Department's, Zoning Administrator's and/or Building Inspector's efforts to contact and/or obtain cooperation of the owner.

d. Failure by the premises owner to respond to the Change in Status Letter within ten (10) days as directed in this Subsection shall result in a forfeiture of One Thousand Dollars ($1,000.00), plus court costs and fees.

(5) ***Determination.***

a. Whenever the Police Department, Zoning Administrator and/or Building Inspector determines that any of the following have occurred, the procedures under Subsection (c)(5)b below shall be followed:

1. A premises owner has failed to respond to the Chronic Nuisance Premises Notice; or
2. Enforcement action for an additional nuisance activity has occurred at a premises for which Notice has been issued pursuant to Subsection (c)(2) and this enforcement action has occurred not less than fifteen (15) days after the Chronic Nuisance Premises Notice has been issued; or
3. A course of action submitted pursuant to Subsection (c)(4) has not been completed.

b. Pursuant to Subsection (c)(5)a above, the Police Department, Zoning Administrator and/or Building Inspector may calculate the cost of enforcement to abate this and any subsequent nuisance activities and may refer such cost to the Village Clerk so that the cost may be billed to the premises owner. The Police Department, Zoning Administrator and/or Building Inspector shall notify the premises owner of the decision to refer the cost of enforcement to the Village Clerk. Delivery of this notice, along with a copy of the Police Department's, Zoning Administrator's and/or Building Inspector's referral letter to the Village Clerk, shall be made as set forth in Subsection (c)(2). The Notice shall contain:

1. The street address or legal description sufficient for identification of the premises.
2. A statement that the Police Department and/or Building Inspector has referred the cost of enforcement to the Village Clerk with a concise description of the nuisance activities and the relevant sections of the Village of Lone Rock Code of Ordinances.
3. Notice of the premises owner's right to appeal pursuant to Subsection (c)(7) below.

c. Each subsequent incident of enforcement action for nuisance activity shall be deemed a separate violation and costs will continue to be assessed pursuant to this Section until the nuisance is abated.

(d) **Penalties and Remedies.**

(1) ***Cost Recovery.***

a. The Police Department, Zoning Administrator and/or Building Inspector shall keep an accurate account of the cost of enforcement and shall report it to the Village Clerk. The Village Clerk shall establish a reasonable charge for the costs of enforcement of this Section.

b. Upon receipt of a Notice from the Police Department, Zoning Administrator and/or Building Inspector issued pursuant to Subsection (c)(2) above, the Village Clerk shall charge any premises owner found to be in violation of this Section the costs of enforcement in full or in part. Such costs shall be billed to the premises owner by invoice sent by first class mail and shall be paid within thirty (30) days of the date on the invoice.

c. Any unpaid invoice shall be a lien on such premises and may be assessed and collected as a special charge pursuant to Sec. 66.0627, Wis. Stats. A One Hundred Dollar ($100.00) administrative fee shall be added to the cost of enforcement charged to the benefited premises any time the premises is declared a chronic nuisance premises.

(2) ***Suspension of Cost Recovery.*** If after receipt of a billing notice from the Village Clerk the premises owner develops an acceptable plan and initiates action to abate nuisance activities occurring on the premises, the Police Department, Zoning Administrator and/or Building Inspector will suspend further enforcement of this Section. The premises owner is still responsible for any enforcement costs incurred prior to the premises owner submitting an abatement plan, including the administrative fee. If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the Police Department, Zoning Administrator and/or Building Inspector will reinstitute enforcement of this Section after sending the premises owner a Change in Status letter.

(3) ***Forfeiture.*** A forfeiture action may be commenced by the Village Attorney for each enforcement action for nuisance activity occurring after the premises has been declared a chronic nuisance premises. The forfeiture shall be not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00) for each enforcement action. Upon default of payment, the premises owner may be imprisoned in the county jail for a period of not more than ninety (90) days.

(4) ***Appeal.*** Appeal of a determination of the Police Department, Zoning Administrator and/or Building Inspector pursuant to either Subsection (c)(1), or the action of the Village Clerk imposing special charges pursuant to Subsection (d)(1) against the premises, may be submitted in writing to the Zoning Board of Appeals in accordance with the procedures under Section 13-1-260 through 13-1-264.

(e) **Eviction or Retaliation Prohibited.** It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant or members of the tenant's household because that tenant complained or was complained

about to the Police Department, Zoning Administrator or Building Inspector about nuisance activities on the landlord's premises. It shall be unlawful for a landlord or any person acting as an agent for the landlord to intimidate or actively discourage a tenant and/or persons associated with a tenant, from calling the Police Department or other Village officials to report nuisance activity associated with a premises. It shall be presumed that any attempt to increase charges, reduce services, or to otherwise harass or retaliate against the tenant during the twelve (12) month period following receipt of the complaint by the Police Department, Zoning Administrator and/or Building Inspector constitutes unlawful retaliation under this Subsection. Such presumption may be rebutted by the preponderance of evidence that the actions by the landlord were based upon good cause. Notwithstanding the foregoing, a tenant's lease agreement or periodic tenancy may be terminated for a failure to pay rent; committing nuisance activity; for the commission of waste upon the premises; violating the terms and conditions of the lease agreement or periodic tenancy or as otherwise provided in Chapter 704, Wis. Stats., and AG 134, Wis. Adm. Code. "Good cause" as used in this Subsection means that a landlord must show good cause for his/her actions, other than one related to or caused by the operation of this Section.

(f) **Summary Abatement.** The Building Inspector, Zoning Administrator and/or Police Department are authorized to cause the abatement, including summary abatement, of any nuisance found on any premises, according to the procedure prescribed in Section 11-6-7. This Section may also be enforced by injunction. Nothing in this Section shall be construed as prohibiting the abatement of public nuisances by the Village in accordance with this Code of Ordinances and state law.

(g) **When Chronic Nuisance is Deemed Abated.** The public nuisance created by a chronic nuisance premises shall be deemed abated when no enforcement action to address nuisance activities occurs for a period of six (6) consecutive months from the date stated on the Notice declaring the premise a chronic nuisance premise and/or there are no building inspection cases generated for a period of six (6) consecutive months from the date stated on the notice declaring the premise a chronic nuisance premise.

Title 11 ▸ Chapter 7

Regulation of Lewd and Sexually Explicit Conduct

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Article A: Introduction

Sec. 11-7-1 In General.

(a) It is a lawful purpose of the Village Board to enact rules and regulations as are necessary for the preservation of health and to prevent the spread of AIDS and other communicable or sexually transmitted diseases in the Village of Lone Rock. It has been found by localities through the State of Wisconsin, particularly Milwaukee, Racine, Waukesha, Delafield, Kenosha and West Allis, as well as communities around the country, including Indianapolis, Indiana; Boston, Texas; Chattanooga, Tennessee; Newport News, Virginia; Marion County, Indiana; Detroit, Michigan; and Seattle, Washington; as well as other communities around the country, that sexually oriented adult entertainment establishments are predisposed to the creation of unsafe and unsanitary conditions; that operators and employees of such businesses tend to participate in sex-related offenses on the premises, creating substantial law enforcement problems, and that the operational characteristics of such businesses have a deleterious effect on surrounding areas, resulting in neighborhood blight and reduced property values, especially when such businesses are concentrated in one (1) area. Many of such establishments install movie viewing booths with doors in which patrons view videotapes, movies, films and other forms of entertainment characterized by their emphasis on depicting, describing or relating to specified sexual activities or specified anatomical areas, and that such booths have been and are being used by patrons to engage in sexual acts resulting in unsanitary, unhealthy and unsafe conditions in said booths and establishments. This Chapter is intended to establish standards in order to prevent the spread of AIDS and other communicable or sexually transmitted diseases, and to eliminate the deleterious effects described above in the Village of Lone Rock.

(b) The Village Board finds that there is an increasing likelihood of commercial exploitation of human sexuality by owners of premises holding "Class B" alcohol beverage licenses in the State of Wisconsin. Such exploitation takes place in the form of employing or permitting persons to perform or exhibit their nude or semi-nude bodies to other persons as an inducement to other persons to purchase alcohol beverages. The direct result of such exploitation is criminal activity, moral degradation and disturbance of the peace and good order of the community. In addition, this commercial exploitation of such nude and semi-nude acts is adverse to the public's interest in the quality of life, commercial activity and total community environment in the Village of Lone Rock.

Sec. 11-7-2 Definitions.

The following definitions are applicable in this Chapter:

(a) **Adult Bath House.** An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a

medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this Article.

(b) **Adult Body Painting Studio.** An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this Chapter, an adult body painting studio shall not be deemed to include a tattoo parlor.

(c) **Adult Bookstore.** An establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein. This includes an establishment having as its stock in trade, for sale, rent, trade, lease, inspection or viewing books, films, video cassettes, motion pictures, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas, and in conjunction therewith have facilities for the presentation of adult entertainment, including adult-oriented videotapes, films, motion pictures or other offered entertainment for observation by patrons therein.

(d) **Adult Cabaret.** A cabaret which features male or female impersonators or similar entertainers.

(e) **Adult Entertainment.** Any exhibition of any motion pictures, live performance, display or dance of any type, which has a significant or substantial portion of such performance or is distinguished or characterized by an emphasis on, any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, as defined herein, appearing unclothed, or the removal of articles of clothing to reveal specified anatomical areas.

(f) **Adult Mini-Motion Picture Theater.** An enclosed building with a capacity for less than fifty (50) patrons, including establishments that have coin operated video or motion picture booths, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.

(g) **Adult Modeling Studio.** An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially nude by means of photography, painting, sketching, drawing or otherwise.

(h) **Adult Motel.** A hotel, motel, or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and which may have a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(i) **Adult Motion Picture Theater.** An enclosed building with a capacity of fifty (50) or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.

(j) **Adult Motion Picture Theater (Outdoor).** A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activity or specified anatomical areas, as defined herein, for observation by patrons.

(k) **Adult Novelty Shop.** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activities or specified anatomical areas, as defined herein, or stimulating such activity.

(l) **Adult Oriented Establishment.** An establishment which includes, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion theaters, adult bath houses, adult body painting studios, adult motels, adult novelty shops or adult cabarets, and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult oriented establishment further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(m) **Booth, Room or Cubicle.** Such enclosures as are specifically offered to the public or members of an adult oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, booth, room, or cubicle does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, and are not open to any persons other then employees; nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Chapter 50, Wis. Stats.

(n) **Church.** A building whether situated within the Village or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

(o) **Customer.** Any person who:
  (1) Is allowed to enter an adult oriented establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
  (2) Enters an adult oriented business and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
  (3) Is a member of and on the premises of an adult oriented establishment operating as a private club.

(p) **Community.** The State of Wisconsin.

(q) **Day Care Center.** A facility licensed by the State of Wisconsin pursuant to Sec. 48.65, Wis. Stats., whether situated within the Village of Lone Rock or not.

(r) **Door, Curtain or Portal Partition.** A nontransparent closure device which prevents activity taking place within a booth, room or cubicle from being seen or viewed from outside the booth, room or cubicle.

(s) **Employee.** Any and all persons, including independent contractors, who work in or at or render any services directly or indirectly related to the operation of an adult oriented establishment.

(t) **Entertainer.** Any person who provides entertainment within an adult oriented establishment as defined in this Chapter, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor.

(u) **Harmful to Minors.** That quality of any description or representation, in whatever form, of nudity, specified sexual activities or specified anatomical areas, which taken as a whole appeals to the prurient interest in sex, which taken as a whole portrays sexual conduct in a patently offensive way, and which taken as a whole does not have serious literary, artistic, political or scientific value. Whether a work appeals to the prurient interest and whether it depicts or describes sexual conduct in a patently offensive way, and whether it has serious literary, artistic, political or scientific value are to be determined by applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors.

(v) **Knowingly.** Having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:
  (1) The character and content of any material described herein which is reasonably suspect under this Section; and
  (2) The age of a minor, provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(w) **Knowledge of Minor's Age.** Means:
  (1) Knowledge or information that the person is a minor; and
  (2) Reason to know, or a belief or grounds for belief, which warrants further inspection or inquiry of the age of the minor.

(x) **Manager.** The operator or agent licensed under this Chapter who shall not be licensed as a massage technician.

(y) **Massage.** Any process or procedure consisting of rubbing, stroking, kneading or tapping, by physical or mechanical means, upon the external parts or tissues of the body of another for consideration.

(z) **Massage Establishment.** A place of business wherein private massage is practiced, used or made available as a principal use of the premises.

(aa) **Massage Room.** The area where private massage is performed.

(bb) **Massage Technician.** A person who practices, administers or uses massage for a consideration, and who holds a valid license under this Chapter.

(cc) **Minor.** Any person under the age of eighteen (18) years.

(dd) **Nudity.** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernible turgid state.

(ee) **Operator.** Any person operating, conducting, maintaining or owning any adult-oriented establishment or massage establishment.

(ff) **Patron.** Any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any consideration therefor.

(gg) **Residential.** Pertaining to the use of land, whether situated within the Village or not, for premises such as homes, townhouses, duplexes, condominiums, apartments and mobile homes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking and eating therein. A premises which is designed primarily for living, sleeping, working and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boarding houses, nursing homes and hospitals shall not be considered to be residential.

(hh) **Sadomasochistic Abuse.** Flagellation or torture by a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(ii) **School.** A building, whether situated within the Village or not, where persons regularly assemble for the purpose of instruction or education, together with playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:

(1) Public and private schools used for primary or secondary education in which any regular kindergarten or grades one (1) through twelve (12) classes are taught; and

(2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).

(jj) **Sexual Conduct.** The commission of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus or lewd exhibition of human genitals.

(kk) **Sexual Intercourse.** Physical sexual contact between individuals that involves the genitalia of at least one (1) person including, but not limited to, heterosexual intercourse, sodomy, fellatio, or cunnilingus.

(ll) **Specified Anatomical Areas.** Less than completely and opaquely covered:
- (1) Human genitals, pubic region;
- (2) Buttock; or
- (3) Female breast below a point immediately above the top of the areola.
- (4) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(mm) **Specified Sexual Activities.** Simulated or actual:
- (1) Showing of human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

(nn) **Substantial.** As used in various definitions, shall mean fifty percent (50%) or more of a business' stock in trade, display space, floor space or retail sales in any one (1) month during the license year.

(oo) **Waiting Area.** An area adjacent to the main entrance that is separate from any area where massages are given.

Sec. 11-7-3 Public Indecency Prohibited.

(a) Any person who, within the Village of Lone Rock municipal limits, knowingly or intentionally, in a public place, commits public indecency by doing one of the following:
- (1) Engaging in specified sexual activities;
- (2) Displaying specified anatomical areas; or
- (3) Appearing in a state of nudity.

(b) In addition to any other actions allowed by law or taken by the Village Board and/or committee thereof, including the action of applicable license revocation or non-renewal, anyone who violates any of the provisions of this Section shall forfeit not less than Two Hundred Fifty Dollars ($250.00), and not more than Two Thousand Dollars ($2,000.00), for each offense, together with costs, and if such forfeiture and costs are not paid, such person so convicted shall be subject to such other penalties available by law.

Sec. 11-7-4 Exposing Minors to Harmful Materials.

(a) It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit

a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation which in whole or in part depicts nudity, or specified sexual activities and which is harmful to minors, unless such minor is accompanied by his/her parent or legal guardian.

(b) It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:

(1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts specified anatomical areas or shows specified sexual activities and which is harmful to others.

(2) Any book, pamphlet, magazine, printed matter however produced, or sound recording which contains any material enumerated in Subsection (b)(1) hereof, or explicit and detailed verbal descriptions or narrative accounts of specified sexual activities and which, taken as a whole is harmful to minors.

(c) It shall be unlawful for any person knowingly to admit a minor to any premises whereon there is exhibited nudity or specified sexual activities which is harmful to minors unless such minor is accompanied by his/her parent or legal guardian.

(d) Any person violating this Section shall be subject to the penalty provisions of Section 11-7-53.

Sec. 11-7-5 through Sec. 11-7-19 Reserved for Future Use.

Article B: Entertainment Featuring Live Sexually Explicit Performances

Sec. 11-7-20 Prohibitions Applicable to Premises Holding Alcohol Beverage Licenses.

(a) It shall be unlawful for any owner or operator of premises holding a Class "A," "Class A," Class "B," or "Class B," or "Class C" Alcohol Beverage license to permit any person to expose to public view on the licensed premises any specified anatomical area as defined in this Chapter, or to employ any device which is intended to give the appearance of or simulate such specified anatomical areas or publicly display or perform any specified sexual activities on the licensed premises.

(b) Any licensee who permits a violation of Subsection (a) above shall be subject to revocation of all alcohol beverage licenses issued by the Village of Lone Rock to the licensee.

Sec. 11-7-21 Sexually Explicit Live Adult Entertainment.

(a) This Section applies only to premises offering live performances by persons appearing in a state displaying some portions of specified anatomical areas not covered by fully opaque coverings. Appearance in public in a state of nudity is prohibited by Section 11-7-3.

(b) No person shall open premises to the public offering live performances by persons appearing in a state displaying some portions of specified anatomical areas not covered by fully opaque coverings, whether such persons are paid for such performance or not, unless the person opening the premises has obtained a license from the Village Clerk.

Sec. 11-7-22 Annual Adult Entertainment License.

(a) **Application.** Applications for an annual adult entertainment license shall be made to the Village Clerk. The Village Clerk shall notify the appropriate law enforcement authorities, Building Inspector, and Fire Inspector of the license application, publish a Class I notice of such application and have the license application submitted to the Village Board within thirty (30) days of application. Investigating officials shall submit written reports and recommendations to the Village Board. A public hearing shall be held on the application, preceded by a Class II notice. The Village Board may take any testimony regarding the granting or denial of such license.

(b) **Action.** The Village Board shall either approve, modify or reject the application; the reasons for the action taken shall be specified in the written record of the Village Board.

(c) **Probationary Period.** If license issuance is approved by a majority of the Village Board, an initial applicant shall be granted a probationary license by the Village Clerk. An annual license shall be granted if, upon the expiration of the six (6) month probationary period, no violations under this Article occur and the applicant corrects any deficiencies or problems that the applicant is directed to correct. If, however, for any reason, the application is denied by the Village Board, the Village Board shall specify the findings made that support that denial.

(d) **License Term.** The license granted under this Article shall expire on June 30th of each year and each license shall be subject to revocation as hereinafter provided.

(e) **Form of License.** The Village Clerk shall be responsible for, following Village Board action, issuing all licenses under this Section. All such licenses shall specify the nature of the holder and the license and the date for which it is applicable, as well as any conditions that may be imposed by the Village. All such licenses shall be open to public inspection and posted in public view on the premises for which issued.

(f) **Fee.** All such license applications shall be accompanied by a fee as prescribed in Section 1-3-1. If for any reason the license is denied, one-half (1/2) of the license fee shall be returned to the applicant. If the license is granted, the entire fee will be kept by the Village of Lone Rock.

(g) **Number of Licenses Limited.** No more than three (3) annual adult entertainment licenses, issued under this Article, shall be issued to license holders within the Village of Lone Rock at one (1) time.

Sec. 11-7-23 Renewals.

The holder of an annual license granted under this Article shall submit an application for renewal at least sixty (60) days before the expiration of the license. Such license may be renewed pursuant to the provisions of Section 11-7-22 as that Section applies to notice being given by the Village Clerk and provisions for publication and action by the Village Board.

Sec. 11-7-24 Regulations.

Any license holder governed by this Article shall comply with the following regulations:

(a) No dancing shall be permitted by any performers under the auspices of the management, whether paid or not, within six (6) feet from any location from which patrons are directly served, while so entertaining the patrons.

(b) No dancer, performer, or any individual, who is performing, singing, or dancing, shall have either direct or indirect physical contact with any patron, in violation of Sec. 944.36, Wis. Stats.

(c) While dancing is in progress, the establishment shall be adequately illuminated so as to permit safe ingress and egress from the premises.
(d) Good order shall be maintained at all times. Without limitation due to enumeration, a lack of "good order" for purposes of this Article shall be deemed to include persistent loud noises to the annoyance or detriment of surrounding property owners, patrons urinating in public, profane language and/or fighting.
(e) The premises shall close and all patrons shall vacate the premises between midnight and 10:00 a.m. Sunday through Friday, and midnight to noon on Saturday.
(f) The license holder shall insure that building capacity limits as set by the Fire Department and/or Building Code are complied with at all times.
(g) The license holder shall comply with all applicable State Statutes and regulations and all county and Village ordinances.
(h) The management, license holder and employees shall obey all reasonable orders or directions of any law enforcement officer.
(i) The performance of any dance by performers under the auspices of the management shall be given only on a raised portion of the floor separated by a railing or other device from the patrons so as to deter patrons from participating in the dance.
(j) No license holder, personally or through an agent or employee, shall advertise, allow or produce nude entertainment or performances in violation of this Section or in violation of any Village Ordinance or State Statute.
(k) The license holder shall not permit any person to publicly perform specified sexual activities on the licensed premises.
(l) The licensee shall not permit any person to touch any performer's specified anatomical areas during a public performance.
(m) The use of simulated sexual organs during dances or performances is prohibited.
(n) No license holder shall permit any amateur dancing, entertainment, or performances on the license holder's premises in violation of this Section or any applicable State or Federal laws.

Sec. 11-7-25 Location.

(a) An establishment licensed under this Chapter shall only be located in an area predominantly agricultural. No establishment licensed under this Article shall permit any performance or entertainment governed by this Article to occur within one hundred (100) feet of any area zoned for residential, church, school, nursing home, public park, or day care center uses, or other establishment licensed under this Article. No establishment licensed under this Article shall be located within five hundred (500) feet of any other establishment licensed under this Article, or within five hundred (500) feet of any business holding an alcohol beverage license.
(b) For purposes of this Section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment to the nearest property line of another adult-oriented establishment, school, place of worship, residential district or business holding an alcohol beverage license.

Sec. 11-7-26 Penalty.

In addition to any other actions allowed by law or taken by the Village Board, including the action of license revocation or non-renewal, anyone who violates any of the provisions of this Article shall forfeit not less than Two Hundred Fifty Dollars ($250.00), but not more than One Thousand Dollars ($1,000.00), for each and every offense, together with the costs of prosecution. If such forfeiture and costs are not paid, such person so convicted shall be subject to any civil penalties or other penalties available by law.

Sec. 11-7-27 License Suspension, Revocation or Non–Renewal.

(a) **In General.** Any adult entertainment license granted herein may be revoked, suspended, or not be renewed by the Village Board as follows:
   (1) If the applicant has made or recorded any statement required by this Article knowing it to be false or fraudulent or intentionally deceptive.
   (2) For the violation of any provision of this Article, except for establishment license matters involving a violation of Building Codes, in such case the license shall be revoked after the second (2nd) conviction thereof in any license year.
   (3) After one (1) conviction of any establishment personnel of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron of the property or of an offense involving substance scheduled in Subchapter II of Ch. 961, Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.

(b) **Notice of Hearing.** No license shall be revoked, suspended, or not renewed by the Village Board except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Village Board. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof.

(c) **Hearing.** The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the Village Board if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the Village Board shall prepare findings of fact and conclusions of law as to what, if any, action the Village Board will take with respect to the license. The Village Board shall provide the complainant and licensee with a copy of the report.

Sec. 11-7-28 License Transfer.

Any license granted under the provisions of this Article shall be transferable in accordance with the procedure set forth in Section 11-7-49.

Sec. 11-7-29 through Sec. 11-7-39 Reserved for Future Use.

Article C: Adult Oriented Establishments

Sec. 11-7-40 Intent of Article.

It is the purpose of this Article to regulate adult oriented establishment businesses (hereinafter referred to as adult oriented establishments) to promote the health, safety, morals, and the general welfare of the citizens of the Village of Lone Rock, to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with such establishments, and to establish reasonable and uniform regulations to prevent the serious health hazards associated with unsafe and unsanitary conditions known to exist in those establishments and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those establishments.

Sec. 11-7-41 Adult Oriented Establishment License Required.

(a) Except as provided in Subsection (d) below, no adult oriented establishment shall be operated or maintained within the corporate limits of the Village of Lone Rock without first obtaining a license to operate issued by the Village of Lone Rock.

(b) A license may be issued only for one (1) adult oriented establishment located at a fixed and certain place per filed application. Any person, partnership, or corporation which desires to operate more than one (1) adult oriented establishment must have a license for each.

(c) No license or interest in a license may be transferred to any person, partnership, or corporation except as set forth in Section 11-7-49.

(d) All adult oriented establishments existing at the time of the original passage of this Chapter must submit an application for a license within ninety (90) days of the passage of this Chapter. If an application is not received within said ninety (90) day period, then such existing adult oriented establishment shall cease operations.

Sec. 11-7-42 Application for License.

(a) **License Procedure.** Any person, partnership, or corporation desiring to secure an adult oriented establishment license shall make application to the Village Clerk. The application shall be filed in triplicate with and dated by the Village Clerk. A copy of the application shall be distributed within ten (10) days of receipt thereof to the Fire Inspector, Building Inspector, appropriate law enforcement authorities, and to the applicant. The procedures prescribed in Section 11-7-22(a) through (c) shall be applicable to adult entertainment licenses under this Article.

(b) **Required Information.** The application for a license shall be upon a form provided by the Village Clerk. An applicant for a license, which shall include all partners or limited

partners of a partnership applicant, all officers or directors of a corporate applicant, all members of any limited liability company applicant, and any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:

(1) Name, including all aliases, address and date of birth of applicant;
(2) Written proof that the individual is at least eighteen (18) years of age;
(3) All residential addresses of the applicant for the past ten (10) years;
(4) The business, occupation, or employment of the applicant for ten (10) years immediately preceding the date of application;
(5) The exact nature of the adult entertainment to be conducted;
(6) Whether the applicant previously operated in this or any other state, county or municipality under an adult oriented establishment license or similar business license; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;
(7) All criminal convictions, whether federal or State, or municipal ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except traffic offenses;
(8) Fingerprints and two (2) portrait photographs of at least two (2) inches by two (2) inches of the applicant;
(9) The address of the adult oriented establishment to be operated by the applicant;
(10) Proof of right to occupy under Section 11-7-44(d); and
(11) If the applicant is a corporation, the application shall specify the name of the corporation, the date and State of incorporation, and the name and address of the registered agent of the corporation.

(c) **Failure to Provide Information.** Failure or refusal of the applicant to provide any information for the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application, or refusal to submit to or cooperate with any investigation required by this Section, shall constitute an admission by the applicant of ineligibility for such license and shall be grounds for denial thereof.

Sec. 11-7-43 Standards for Issuance of a License.

(a) **General Requirements.** To receive a license to operate an adult establishment, an applicant must meet the following standards:

(1) If the applicant is an individual:
   a. The applicant shall be at least eighteen (18) years of age;
   b. Subject to Chapter 111, Wis. Stats., the applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude,

prostitution or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application; and

c. The applicant shall not have been found to have previously violated this Article within five (5) years immediately preceding the date of the application.

(2) If the applicant is a corporation:

a. All officers, directors, and others required to be named under Section 11-7-43(b) shall be at least eighteen (18) years of age;

b. Subject to Chapter 111, Wis. Stats., no officer, director, or other person required to be named under Section 11-7-43(b) shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application; and

c. No officer, director or other person required to be named under Section 11-7-43(b) shall have been found to have previously violated this Article within five (5) years immediately preceding the date of the application.

(3) If the applicant is a partnership, joint venture, limited liability company or any other type of organization where two (2) or more persons have a financial interest:

a. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age;

b. Subject to Chapter 111, Wis. Stats., no person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application; and

c. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this Article within five (5) years immediately preceding the date of the application.

(b) **Investigation.** No license shall be issued unless law enforcement authorities have investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the Village Clerk no later than fourteen (14) days after the application.

(c) **Inspection.** The Building Inspector, Fire Inspector, and/or law enforcement authorities shall inspect the premises proposed to be licensed to verify compliance with their respective Codes, and shall report compliance findings to the Village Clerk within fourteen (14) days of the date of application.

(d) **Proof.** No license shall be issued unless the applicant provides proof of one (1) of the following:

(1) Ownership of a properly zoned building or parcel of real property upon which a building can be constructed. Proper zoning includes permissible non-conforming use status.

(2) A lease on a building which is properly zoned to house a venture. Proper zoning includes permissible non-conforming use status.
(3) An option to purchase property which is properly zoned for the venture.
(4) An option to lease property which is properly zoned for the venture. Proper zoning includes permissible non-conforming use status.

Sec. 11-7-44 License Fee.

A non-refundable adult oriented establishment license application fee as prescribed in Section 1-3-1 shall be submitted with the application for a license.

Sec. 11-7-45 Display of License or Permit.

The adult oriented establishment license shall be displayed in a conspicuous public place in the adult oriented establishment.

Sec. 11-7-46 Renewal of License or Permit.

(a) Every license issued pursuant to this Article will terminate on June 30 of the year it is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Village Clerk. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Village Clerk. A copy of the application for renewal shall be distributed by the Village Clerk to the Building Inspector, Fire Inspector, law enforcement authorities, and the applicant. The application for renewal shall be upon a form provided by the Village Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.
(b) A license renewal fee as prescribed in Section 1-3-1 shall be submitted with the application for renewal.
(c) If authorities are aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Village Clerk.

Sec. 11-7-47 Denial of Application.

(a) Whenever an initial application is denied, the Village Clerk shall, within fourteen (14) days of the denial, advise the applicant in writing of the reasons for such action. If the applicant

requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held at the next regularly scheduled meeting of the Village Board.

(b) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this Article shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Village Clerk.

Sec. 11-7-48 Transfer of License.

(a) A license is personal to the owner(s) and operator designated in the application, provided it may be transferred pursuant to this Section. A transfer application must be filed no less than ten (10) days before any change of the owner(s) or operators designated on the application. In the event that a transfer application is not timely filed, then the license shall be invalid for any purpose relating to the operation of the adult oriented business, and any transfer shall require the filing of an original application and be subject to the regulations applicable thereto.

(b) The Village Clerk shall prescribe a form on which license transfer applications shall be made. The form shall include a statement under oath that the original application remains correct as previously submitted in all respects except those that are amended by the transfer application. The transfer application shall contain a statement under oath that the individual signing the transfer application has personal knowledge of the information contained therein and that the information is true and correct and shall not be complete unless accompanied by a nonrefundable transfer fee of One Hundred Dollars ($100.00). Transfer applications shall be filed in the same place and at the same time as original applications, and the fee shall be payable in the same manner as for original applications.

(c) Transfer applications shall be reviewed, issued and subject to appeal in the same manner as original applications, and they shall be issued for the remaining term of the license to be transferred.

(d) Any transfer of an adult oriented establishment, other than as provided in this Section, from the licensed premises to any other premises shall cause such license to lapse and become void. A license which has lapsed and become void shall be subject to revocation under Section 11-7-54.

Sec. 11-7-49 Physical Layouts of Adult Oriented Establishments.

Any adult oriented establishment having available for customers, patrons or members any booth, room, or cubicle for the private viewing of any motion picture, videotape or compact disc in

which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas must comply with the following requirements:

(a) **Access.** Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment and shall be unobstructed by any door, lock or other control-type devices.

(b) **Construction.** Every booth, room or cubicle shall meet the following construction requirements:

(1) Each booth, room or cubicle shall be separated from adjacent booths, rooms, cubicles and any non-public areas by a wall.

(2) Have at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.

(3) All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet, and be light colored, non-absorbent, smooth textured and easily cleanable.

(4) The floor must be light colored, non-absorbent, smooth textured and easily cleanable.

(5) The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten (10) foot candles at all times, as measured from the floor.

(c) **Occupants.** Only one (1) individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of specified sexual activity, cause any bodily discharge or litter while in the booth. No person shall alter, damage or deface any portion of any such booth, room or cubicle in such a manner that it no longer complies with the provisions of this Section.

Sec. 11-7-50 Responsibilities of Operators.

(a) An operator, licensed under this Article, shall maintain a register of all employees, showing the name and aliases used by the employee, home address, birth date, sex, telephone numbers, Social Security Number, and date of employment and termination. The above information on each employee shall be maintained in the register on the premises of a period of three (3) years following termination.

(b) The operator shall make the register of employees available immediately for inspection by law enforcement officers upon demand of a member of a law enforcement agency at all reasonable times.

(c) Every act or omission by an employee constituting a violation of the provisions of this Article shall be deemed the act or omission of the operator is such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(d) Any act or omission of any employee constituting a violation of the provisions of this Article shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.

(e) No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or to allow any minor to view sexually-explicit live adult entertainment or materials containing depictions of specified sexual activities or specified anatomical areas as defined herein.

(f) The operator shall maintain the premises in a clean and sanitary manner at all times.

(g) The operator shall ensure compliance of the establishment and its patrons with the provisions of this Article.

(h) The operator shall ensure there is conspicuously posted inside each booth, room or cubicle an un-mutilated and undefaced sign or poster supplied by the Village which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.

(i) The operator shall ensure there is conspicuously displayed at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the Village pertaining to sexually transmitted diseases.

(j) The operator shall ensure there are posted regulations concerning booth occupancy on signs, with lettering at least one (1) inch high, that are placed in conspicuous areas of the establishment and in each of the booths, rooms or cubicles.

(k) The Village shall charge its reasonable costs for supplying such posters, brochures, pamphlets and other information required under this Article.

Sec. 11-7-51 Registration of Employees.

(a) All operators, employees, and independent contractors working in any adult oriented establishment hereunder shall, prior to beginning employment or contracted duties, register with the Village Clerk. Such registration shall include the following:
   (1) Name, address, birth date, any aliases used, telephone numbers, date of employment and name of employer; and
   (2) Photographs and fingerprinting.

(b) Upon registration, the Village will provide to each registered employee an identification card containing the employee's photograph identifying the employee as such, which shall be kept available for production upon request of all inspecting officers while on duty at such adult oriented establishment.

(c) All registrations hereunder are valid for a period of one (1) year.

(d) The registration fee as prescribed in Section 1-3-1 shall be paid per registration, which shall be paid to the Village to cover costs of the identification card.

Sec. 11-7-52 Exclusions.

All private schools and public schools, as defined in Chapter 115, Wis. Stats., located within the Village Clerk are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

Sec. 11-7-53 Penalty.

In addition to any other actions allowed by law or taken by the Village Board, including the action of license revocation, suspension or non-renewal, anyone who violates any of the provisions of this Article shall forfeit not less than Two Hundred Fifty Dollars ($250.00), but not more than One Thousand Dollars ($1,000.00), for each and every offense, together with the costs of prosecution. If such forfeiture and costs are not paid, such person so convicted shall be subject to any civil penalties or other penalties available by law.

Sec. 11-7-54 License Suspension, Revocation or Non–Renewal of Licenses.

(a) **In General.** Any license granted herein may be revoked, suspended, or not renewed by the Village Board as follows:

(1) If the applicant has made or recorded any statement required by this Section knowing it to be false or fraudulent or intentionally deceptive;

(2) For the violation of any provision of this Article, except for establishment license matters involving a violation of Building Codes, in such case the license shall be revoked after the second (2nd) conviction thereof in any license year;

(3) After one (1) conviction of any establishment personnel of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron of the property or of an offense involving substance in Subsection II of Ch. 961, Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.

(4) If the licensee, operator or employer becomes ineligible to obtain a license.

(5) If an operator employs an employee who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without being registered with the Village Clerk.

(6) If any cost or fee required to be paid by this Section is not paid.

(7) If any intoxicating liquor or fermented malt beverage, narcotic or controlled substance is served or consumed on the premises of the adult oriented establishment.

(8) If any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any material depicting specified sexual activities or specified anatomical areas.

(b) **Notice of Hearing.** No license shall be revoked, suspended, or not renewed by the Village Board except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Village Board. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof.

(c) **Hearing.** The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the Village Board if such is required, on his or her own behalf under subpoena by the Village Board if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the Village Board shall prepare findings of fact and conclusions as to what, if any, action the Village Board will take with respect to the license. The Village Board shall provide the complainant and licensee with a copy of the report.