CHAPTER 9

PEACE AND ORDER

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9.29.288 to 9.951.16 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. (Am. MSC '90) The following statutes following the prefix "9" defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Town, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under §25.04 of this General Code:

9.29.288	Throwing Refuse in Waters/ Abandoning Vehicles in Waters
9.50.58	Careless Smoking
9.134.71(1)	Violations by Secondhand Dealers
9.144.42(6)	Pollution by Motor Vehicle/Tampering With Pollution Control System
9.161.41(2m)	Unlawful Manufacture/ Delivery of Controlled Substance
9.161.41(3)	Possession of Marijuana
9.175.25	Illegal Storage of Junked Vehicles
9.939.22	Words and Phrases Defined
9.940.19(1)	Battery
9.941.10	Negligent Handling of Burning Material
9.941.12(2),(3)	Interfering with Fire Fighting
9.941.13	False Alarms
9.941.20(1)	Reckless Use of Weapons
9.941.22	Person Selling, Giving, Etc., Pistol to Minor
9.941.23	Carrying Concealed Weapon
9.941.24	Possession of Switchblade Knife
9.943.01(1)	Criminal Damage to Property (Less Than $1,000)
9.943.07(1), (2), (3)	Criminal Damage to Railroad
9.943.13	Trespass to Land
9.943.14	Criminal Trespass to Dwelling
9.943.20	Theft ($500 or Less)
9.943.50	Retail Theft (Shoplifting)
9.951.01-9.951.18	Crimes Against Animals

9.01 REGULATING HUNTING AND DISCHARGE OF FIREARMS. There shall be no hunting or discharge of firearms on any lands within the corporate limits of the Town without permission of the owner of the land. Any person hunting on

land in the Town not owned by him shall, except when accompanied by the owner of such land or an officer in the discharge of his duty, carry on his person a written permit signed by such owner expressly granting permission to him for such hunting or discharge of firearms.

(2) DEFINITIONS. For the purpose of this chapter, certain words and phrases shall be defined as follows:

FIREARMS. A rifle of any caliber, air rifle, shotgun of any gauge, pistol or revolver of any gauge.

RECORDED SUBDIVISION. Any subdivision of land within the Town laid out and established in accordance with the provisions of Ch. 236, Wis. Stats., and/or in accordance with existing ordinances of the Town relating to land divisions.

(3) PROHIBITED USE OF FIREARMS. No person shall discharge any firearm in any recorded subdivision in the Town or within 100 yards thereof.

(4) EXCEPTIONS. The following exceptions apply as indicated.

(a) Unless otherwise indicated, the prohibitions of this section shall not apply to law officers duly designated and authorized by the Town, County, State and federal authority.

(b) Unless otherwise indicated, the prohibitions of this section shall not apply to persons acting in self-defense of person or property.

(c) The prohibition against discharge of any firearm in any recorded subdivision in the Town, described in subsection (3), above, shall not apply to the discharge of any firearm on a lot that is 40 acres in size or larger.

(5) PARENTAL RESPONSIBILITY. If a minor shall violate this ordinance, then his parent or guardian may be held responsible for such violation in the same manner as if such parent or guardian had violated the same, and ignorance of such violation shall not be a defense; prosecution of such parent or guardian shall not be a bar to prosecution of such minor.

(6) PENALTIES. Any person violating this chapter shall, upon conviction thereof, be subject to a penalty, which shall be as follows:

(a) First Offense. Any person violating any provision of this chapter for the first time shall forfeit not less than $15 nor more than $100, together with the costs of prosecution.

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(6) PENALTIES. Any person violating this chapter shall, upon conviction thereof, be subject to a penalty, which shall be as follows:

(a) First Offense. Any person violating any provision of this chapter for the first time shall forfeit not less than $15 nor more than $100, together with the costs of prosecution.

(b) Second Offense. For second and subsequent violations of this chapter the forfeiture is not to be less than $50 nor more than $200, plus costs of prosecution.

(c) Default of Payment. Failure to pay the forfeiture imposed herein shall subject the person violating the terms of this chapter to be imprisoned in the County jail until such forfeiture and costs are paid, but not to exceed 60 days.

(7) The several sections of this chapter are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the chapter.

9.02 THROWING OR SHOOTING MISSILES AND PROJECTILES. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Town.

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

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

9.05 LOUD AND UNNECESSARY NOISE PROHIBITED. (1) No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

(2) No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, excessive acceleration of engine or by emitting unnecessary and loud muffler noises.

9.06 LOITERING. (1) LOITERING OR PROWLING PROHIBITED, GENERALLY. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) OBSTRUCTION OF TRAFFIC BY LOITERING. No person shall loaf or loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossings or bridges, or in any other public place within the Town in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, alleys, sidewalks, street crossings or bridges, or other public places by persons passing along and over the same.

(3) LOITERING AFTER BEING REQUESTED TO MOVE. (a) In Groups or Crowds. No person shall loaf or loiter in a group or a crowd upon the public streets or sidewalks or in adjacent doorways or entrances, on street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move by any police officer or by any person in authority at such places.

(b) In Places of Public Assembly or Use. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or the area thereof.

(c) Obstructing Highways. No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

9.07 ANIMALS AND FOWL NOT TO RUN AT LARGE. No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the Town.

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

(2) ORDER FOR COMPLIANCE. The Building Inspector or other authority designated by the Town Board may require by written order any premises in violation of this subsection to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

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

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

9.11 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person; and any cover shall be of such design, size and weight that the same cannot be removed by small children.

9.12 ABANDONED OR UNATTENDED REFRIGERATORS, ETC., PROHIBITED. No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside unless such door or lid, snap lock or other locking device has been removed from such ice box, refrigerator or container, or unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.13 LOITERING IN SCHOOL AND PLAYGROUND AREAS PROHIBITED. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in any school building, or in or about any playground area adjacent thereto, within the Town between 8 a.m. and 4 p.m. on official school days.

9.14 CONSUMPTION AND POSSESSION OF INTOXICATING LIQUORS OR FERMENTED MALT BEVERAGES ON PUBLIC WAYS AND PUBLIC PROPERTY. (1) No person shall consume any intoxicating liquor or fermented malt beverage upon the public highways, streets, alleys, sidewalks, street crossings, bridges, public parking lots or premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned, in the Town except for municipally approved community functions or events where authorized by specific resolution of the Town Board of Supervisors.

(2) All purchases of intoxicating liquor or fermented malt beverage by the glass or in open containers shall be consumed on the licensed premises where served, and shall not be removed therefrom to any public highway, street, alley, sidewalk, street crossing, bridge, public parking lot or premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned, within the Town.

(3) No person shall bring upon, use, consume, sell or convey any intoxicating liquor or fermented malt beverage in or upon any property, building or other structure which is owned or under the control of the Town except in such places as may be designated by the Town and in accordance with the rules and regulations as may be from time to time adopted by the Town Board.

9.15 BURNING OF TRASH, RUBBISH AND LITTER WITHIN THE TOWN. (Cr. 4/10/89) (1) BURNING ON PUBLIC PROPERTY. No person shall burn trash, rubbish, litter, leaves or other combustible materials on any street, alley or public ground in the Town.

(2) BURNING ON PRIVATE PROPERTY. (a) Residential and Agricultural Burning. Residential property owners and property owners engaged directly in farming may have fires on their property, subject to the following conditions:

1. Fires must be attended at all times by personnel with sufficient fire fighting implements to maintain control over the fire.

2. Wind velocity at the time of fire may not be more than 15 mph as recorded by the U.S. Weather Bureau in Milwaukee, Wisconsin, and the wind direction at the time of any burning must be away from buildings or other combustible materials and structures.

3. Fires may not be started after dark, unless specifically authorized in writing by the Town Board.

4. Leaves, branches and brush may be burned, provided that the items being burned are located at least 30' away from any building. The leaves, branches and brush being burned must have been accumulated from the property on which the burning is being conducted.

5. Wood and wood products resulting from razing of a building may be burned, provided that all wood material to be burned is piled in one location at least 30' from any building, fence, utility pole, overhead branches or wires. Materials proposed for burning must have been inspected and approved by the appropriate fire department prior to burning.

6. Trash, rubbish and litter may be burned, provided that the material to be burned is in an enclosed container of metal, concrete or brick construction which is provided with a top cover of wire screening or other noncombustible meshed material which has openings not more than 1" square.

7. The burning of any materials not specifically provided for above is hereby prohibited.

(b) Commercial, Business and Other Burning. All burning on any commercial, business or other property within the Town, except for residential and farming property as provided above, is hereby prohibited.

(3) COSTS OF FIRE RUN. Any person who violates the terms of this section or burns in a manner which results in a fire run from any fire department shall, in addition to the penalties provided herein, be liable to the Town for the actual costs incurred by the Town for the fire run.

9.16 DRUG PARAPHERNALIA. (Cr. 2/12/90) (1) 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, 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. 161, Wis. Stats., in violation of this section. It includes, but is not limited to:

(a) 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.

(b) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.

(c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.

(d) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

(e) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances.

(g) 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.

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.

(i) Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

(j) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.

(k) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.

(l) 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:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.

2. Water pipes.

3. Carburetion tubes and devices.

4. Smoking and carburetion masks.

5. 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.

6. Miniature cocaine spoons and cocaine vials.

7. Chamber pipes.

8. Carburetor pipes.

9. Electric pipes.

10. Air-driven pipes.

11. Chillums.

12. Bongs.

13. Ice pipes or chillers.

(2) DETERMINATION OF DRUG PARAPHERNALIA. In determining whether an object is drug paraphernalia, the following shall be considered:

(a) Statements by an owner or by anyone in control of the object concerning its use.

(b) Prior convictions, if any, of an owner or of anyone in control of the object under Town, State or federal law relating to any controlled substance.

(c) The proximity of the object in time and space to a direct violation of this section.

(d) The proximity of the object to controlled substances.

(e) The existence of any residue of controlled substances on the object.

(f) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons who the person knows or should reasonably know, intend to use the object to facilitate a violation of this section. The innocence of any owner or of anyone in control of the 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.

(g) Oral or written instructions provided with the object concerning its use.

(h) Descriptive materials accompanying the object which explain or depict its use.

(i) National and local advertising concerning its use.

(j) The manner in which the object is displayed for sale.

(k) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.

(l) The existence and scope of legitimate uses for the object in the community.

(m) Expert testimony concerning its use.

(3) PROHIBITED ACTIVITIES. (a) Possession of Drug Paraphernalia. No person may use or possess with 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 in violation of this section.

(b) Manufacture, Sale or Delivery of Drug Paraphernalia. No person may sell, deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, knowing that it will be 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 in violation of this section.

(c) Delivery of Drug Paraphernalia to a Minor. Any person 18 years of age or over who violates par. (b) by delivering drug paraphernalia to a person under 18 years of age is guilty of a special offense.

(d) Advertisement of Drug Paraphernalia. No person may place in any newspaper, magazine, handbill or other publication or upon any outdoor billboard or sign any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(e) Exemption. This subsection does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 161, Wis. Stats. This section does not prohibit the possession, manufacture or use of hypodermics in accordance with Ch. 161, Wis. Stats.

(4) PENALTIES. (a) Any drug paraphernalia used in violation of this section shall be seized and forfeited to the Town.

(b) Any person who violates pars. (3)(a), (b) or (d) shall, upon conviction, be subject to a forfeiture of not more than $500, together with the costs of prosecution and, upon default of payment, be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed 20 days.

(c) Any person who violates par. (3)(c) shall, upon conviction, be subject to a forfeiture of $1,000, together with the costs of prosecution and, upon default of payment, be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed 40 days.

9.20 PENALTY. Except as otherwise provided, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §25.04 of this General Code.