

TITLE 11

Offenses and Nuisances

Chapter 1	State Statutes Adopted
Chapter 2	Offenses Against Public Safety and Peace
Chapter 3	Offenses Against Property
Chapter 4	Offenses Involving Alcoholic Beverages
Chapter 5	Offenses by Juveniles
Chapter 6	Public Nuisances

Chapter 1

State Statutes Adopted

- 11-1-1** Offenses Against State Laws Subject for Forfeiture
- 11-1-2** Penalties; Attempt; Parties to Acts

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 Combined Locks. 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. The penalty for truancy and high school dropouts shall be governed by the provisions of Sec. 938.342, Wis. Stats., as adopted herein.

- 29.288 Throwing Refuse in Waters
- 48.983 Purchase or Possession of Tobacco Products Prohibited
- 50.58 Careless Smoking
- 118.07 Safety Requirements
- 118.08 School Zones; Crossings
- 118.09 Safety Zones
- 118.10 School Safety Patrols
- 118.105 Control of Traffic on School Premises
- 118.11 School Fences
- 118.123 Reports and Records
- 118.163 Truancy and School Dropout Violations
- 134.65 Cigarette and Tobacco Products Retailer License
- 134.66 Restrictions on Sale or Gift of Cigarettes or Tobacco Products
- 167.10 Fireworks Regulated
- 175.25 Illegal Storage of Junked Vehicles
- 938.125 Jurisdiction — Juveniles Alleged to Have Violated Civil Laws or Ordinances
- 938.17 Jurisdiction — Juveniles — Traffic, Boating, Snowmobile and All-Terrain Vehicle Violations and Over Civil Law and Ordinance Violations

- 938.342 Disposition — Truancy and School Dropout Ordinance Violations
- 938.343 Disposition — Juvenile Adjudged to Have Violated a Civil Law or an Ordinance
- 938.344 Disposition — Certain Intoxicating Liquor, Beer and Drug Violations
- 938.345 Disposition — Juvenile Adjudged in Need of Protection or Services
- 939.05(2)(b) Aiding and Abetting
- 939.22 Words and Phrases Defined
- 940.19(1) Battery
- 940.291 Failure of a Police Officer to Render Aid
- 940.42 Misdemeanor Intimidation of Witness's
- 940.44 Intimidation of Victims
- 941.01 Negligent Operation of a Vehicle
- 941.10 Negligent Handling of Burning Materials
- 941.12(2),(3) Interfering With or Failing to Assist in Firefighting
- 941.13 False Alarms and Interference with Firefighting
- 941.20(1) Reckless Use of Weapon
- 941.23 Carrying Concealed Weapon
- 941.235 Carrying a Firearm in a Public Building
- 941.24 Possession of Switchblade Knife
- 941.35 Emergency Telephone Calls
- 941.36 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
- 941.37(1),(2) Obstructing Emergency or Rescue Personnel
- 942.01 Defamation
- 942.03 Giving False Information for Publication
- 942.05 Opening Letters
- 942.20(1),(2) Theft
- 943.01(1) Criminal Damage to Property
- 943.11 Entry Into Locked Vehicle
- 943.125 Entry Into Locked Coin Box
- 943.13 Trespass to Land
- 943.14 Trespass to Dwellings
- 943.145 Criminal Trespass to a Medical Facility
- 943.15 Entry Into Locked Site
- 943.20(3)(a) Theft of Property
- 943.21(3)(a) Fraud on Innkeeper
- 943.22 Cheating Tokens
- 943.23(1)(4)(5) Operating Vehicle Without Owner's Consent
- 943.24 I.O.W.C.

- 943.34(1)(a) Receiving Stolen Property
- 943.37 Alteration of Property Identification Marks
- 943.38(3) Forgery
- 943.41 Credit Card Crimes
- 943.46 Theft of Cable Services
- 943.50(1)-(3),
(4)(a) Retail Theft
- 943.55 Removal of a Shopping Cart
- 943.70 Computer Theft
- 944.15 Fornication
- 944.17 Sexual Gratification
- 944.20 Lewd and Lascivious Behavior
- 944.21 Obscene Material or Performance
- 944.23 Making Lewd, Obscene or Indecent Drawings
- 944.30 Prostitution
- 944.31 Patronizing Prostitutes
- 944.33 Pandering
- 944.36 Solicitation of Drinks Prohibited
- 945.01 Definitions Relating to Gambling
- 945.02 Gambling
- 945.04 Permitting Premises to be Used for Commercial Gambling
- 946.40 Refusing to Aid Officer
- 946.41 Resisting or Obstructing Officer
- 946.42(2) Escape
- 946.46 Encouraging Violation of Probation or Parole
- 946.69 Falsely Assuming to Act as Public Officer or Employee
- 946.70 Impersonating Peace Officer
- 946.72(2) Tampering with Public Records and Notices
- 947.01 Disorderly Conduct
- 947.012 Unlawful Use of Telephone
- 947.013 Harassment
- 947.047 Littering Shores
- 947.06 Unlawful Assemblies
- 948.01 Definitions Relating to Crimes Against Children
- 948.09 Sexual Intercourse With a Child Age 16 or Older
- 948.10 Exposing a Sex Organ
- 948.11(1)(b),
(2)(b) Exposing a Child to Harmful Material
- 948.21 Neglecting a Child
- 948.40 Contributing to the Delinquency of a Child
- 948.50 Strip Search by School Employee

948.51(1),(2), (3)(a)	Hazing
948.60	Possession of a Dangerous Weapon by a Child
948.61(1),(2)	Dangerous Weapons on School Premises
948.63	Receiving Property From a Child
951.01	Definitions Relating to Crimes Against Animals
951.015	Construction and Application
951.02	Mistreating Animals
951.03	Dognapping or Catnapping
951.04	Leading Animal from Motor Vehicle
951.05	Transportation of Animals
951.06	Use of Poisonous and Controlled Substances
951.07	Use of Certain Devices Prohibited
951.08	Instigating Fights Between Animals
951.09	Shooting at Caged or Staked Animals
951.10	Sale of Baby Rabbits, Chicks and Other Fowl
951.11	Artificially Colored Animals; Sale
951.13	Providing Proper Food and Drink to Confined Animals
951.14	Providing Proper Shelter
951.15	Animals; Neglected or Abandoned; Police Powers
951.16	Investigation of Animal Cruelty Complaints
951.17	Reimbursement for Expenses

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

- (a) **Penalty.** In addition to the general penalty provisions of this Code 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 the Police Department 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 the Code of Ordinances of the Village of Combined Locks 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.

Chapter 2

Offenses Against Public Safety and Peace

- 11-2-1** Discharge of Firearms, Electric Weapons and Other Devices;
Hunting on Village Property
- 11-2-2** Open and Concealed Firearms and Dangerous Weapons
- 11-2-3** Safe Use and Transportation of Firearms and Bows
- 11-2-4** Sale and Discharge of Fireworks Restricted
- 11-2-5** Obstructing Streets and Sidewalks Prohibited
- 11-2-6** Loitering Prohibited
- 11-2-7** Loud and Unnecessary Noise Prohibited
- 11-2-8** Disorderly Conduct
- 11-2-9** Unauthorized Presence on School Property
- 11-2-10** Failure to Obey Lawful Order
- 11-2-11** Possession of Controlled Substances; Drug Paraphernalia
- 11-2-12** Synthetic Cannabinoid Prohibited
- 11-2-13** Throwing or Shooting of Arrows, Stones, and Other Missiles;
Bow Hunting
- 11-2-14** Trapping on Municipal Property
- 11-2-15** Unlocked Buildings Prohibited
- 11-2-16** Sexual Offender Residency

Sec. 11-2-1 Discharge of Firearms, Electric Weapons and Other Devices.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **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.]
 - (2) **Firearm.** A weapon that acts by force of gunpowder.
 - (3) **Law Enforcement Officer.** Any person employed by the State of Wisconsin, or any political subdivision of the State of Wisconsin, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violation of the laws or ordinances he or she is employed to enforce.

(b) **Regulated Acts.**

- (1) **Discharge of Firearms Regulated.** No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm within the Village of Combined Locks.
- (2) **Discharge of Electric Weapons Regulated.** No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any electric weapon within the Village of Combined Locks.
- (3) **Discharge of Spring Gun, Air Gun, Pneumatic Pellet Gun or Paintball Gun Prohibited.** No person shall fire or discharge any spring gun, air gun, paintball gun, or pneumatic pellet gun of any description within the Village of Combined Locks.
- (4) **Shooting Into Village Limits.** No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village of Combined Locks.
- (5) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village without first obtaining a permit to do so from the Village Board.

(c) **Exceptions.**

- (1) **Shooting Ranges.** This Section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Village Board, upon the recommendation of the Chief of Police, where proper safety precautions are taken.
- (2) **Honor Guards.** Subsection (b)(1) above shall not apply to any Armed Forces Honor Guards taking part in a Village Board-approved ceremony, provided they are using blanks.

(d) **Hunting Within Village Parks or Authorized Village-Owned Property.**

- (1) **Hunting Permits.**
 - a. The Village Administrator or his/her designee is authorized to issue hunting permits.
 - b. Only residents of the Village of Combined Locks shall be eligible to receive a permit to hunt within Village parks or Village-owned property.
 - c. Permits under this Subsection shall only apply to the hunting of deer.
 - d. Permits shall only be issued for hunting with a bow and arrow.
 - e. A copy of a State of Wisconsin archery license, valid deer tag, a certificate of archery proficiency and a Five Dollar (\$5.00) application fee shall accompany the application for a permit.
 - f. Hunting shall only be by the person listed on the permit.
 - g. Permits are not transferable.
 - h. No permits shall be issued to any person under the age of eighteen (18).
 - i. Permits shall be issued for the time period established by the Village Administrator and/or Parks Director at their discretion.

- j. The Village Administrator or designee may immediately revoke a permit if a hunter violates any part of this Section. Upon revocation of the permit, the permittee may appeal the decision to the Village Board.
- (2) **Requirements.**
- a. When hunting, persons shall at all times carry valid photo identification, a copy of the Village hunting permit, and the state archery license.
 - b. No arrow or other object used to hunt deer pursuant to the Village hunting permit may be discharged or projected at such an angle or distance as to land on public or private property not described in the permit.
 - c. No arrow or other object may be discharged from or projected onto or over any bicycle trail or hiking trail within the designated hunting area.
 - d. The permittee shall follow all state statute and Wisconsin Department of Natural Resources regulations pertaining to bow hunting.
 - e. The permittee shall comply with any miscellaneous rules for the hunt as required by the Village Administrator, Chief of Police, Parks Director or their designee. Such rules shall be provided in writing to the hunter at the time that they are issued a permit.

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

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Churkin.** A round throwing knife consisting of several sharp points protruding from a rounded disk.
 - (2) **Dangerous Weapon.** Any firearm or handgun, whether loaded or unloaded; any device designed as a weapon capable of producing death or great bodily harm; an electric weapon as defined in Sec. 941.295(1c)(a), Wis. Stats.; a billy club; 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.]
 - (3) **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.]
 - (4) **Facsimile Firearm.** Any replica, toy, starter pistol or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm. The term "facsimile firearm" does not include any actual firearm.
 - (5) **Firearm.** A weapon that acts by force of gunpowder.
 - (6) **Former Officer.** A person who served as a law enforcement officer with a law enforcement agency before separating from law enforcement service.
 - (7) **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.]

- (8) **Law Enforcement Officer.** Any person employed by the State of Wisconsin, or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violation(s) of the laws or ordinances he or she is employed to enforce.
 - (9) **Numchuk or Nunchaku.** An instrument consisting of two (2) or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.
 - (10) **Sucbal.** 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.
 - (11) **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 or other dangerous weapon unless a valid license/permit as designated under Sec. 175.60, Wis. Stats., have been duly issued. The weapons that are eligible to be carried while concealed are:
 - a. Handguns;
 - b. Electric weapons;
 - c. Knives, except switchblades; and
 - d. Billy clubs.
 - (2) **Carrying Prohibited in Designated Municipal Buildings.** In addition to the provisions of Sec. 175.60, Wis. Stats., enumerating places where the carrying of a weapon or firearm is prohibited, including exceptions thereto, it shall be unlawful for any person to enter and/or remain in the following municipal buildings while carrying a dangerous weapon or a firearm:
 - a. Village Civic Center/Hall.
 - b. Fire Station.
 - c. Department of Public Works Building.
 - d. All municipal water utility buildings, pumping stations and water towers.
 - e. All municipal sewer utility treatment plants and utility buildings.
 - f. Any other duly posted Village building or structure.
 - (3) **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 qualified out-of-state law enforcement officer as defined in Sec. 941.23(1)(g), Wis. Stats., who meets the qualifications as stated in Sec. 941.23(2)(b), Wis. Stats.
 - c. A former officer as defined in Sec. 941.23(1)(c), Wis. Stats., who meets the qualifications as stated in Sec. 941.23(2)(c), Wis. Stats.
 - d. Armed forces personnel acting in the line of duty.
- (c) **Signs.** Signs meeting the requirements of Sec. 943.13(2)(bm)1, Wis. Stats., shall be posted in prominent places near all entrances of such building indicating that possession of a dangerous weapon/firearm in that building is prohibited.
- (d) **Possession, Sale and Manufacture of Certain Weapons Prohibited.**
- (1) **Certain Weapons Prohibited.** No person shall sell, manufacture, purchase, possess, or carry a numchuk (also called a nunchaku), a churkin, a suchai, or similar weapon within the Village of Combined Locks.
 - (2) **Seizure of Prohibited Devices.** Any such device described in Subsection (d)(1) shall be seized by a law enforcement officer and destroyed or turned over to the State Crime Laboratory for destruction.
- (e) **Restrictions on Use of Facsimile Firearms.**
- (1) **Prohibited Use or Display.** No person may carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person. Whoever violates this Subsection shall be subject to a forfeiture of not less than Two Hundred Dollars (\$200.00) and not more than Five Hundred Dollars (\$500.00).
 - (2) **Subsection Inapplicability.** Subsection (e)(1) above does not apply to any of the following:
 - a. Any law enforcement officer acting in the discharge of his/her official duties.
 - b. Any person engaged in military activities, sponsored by the state or federal government, acting in the discharge of his/her official duties.
 - c. Any person who is on his/her own real property, in his/her own home, or at his/her fixed place of business.
 - d. Any person who is on real property and acting with the consent of the owner of the property.

Sec. 11-2-3 Safe Use and Transportation of Firearms and Bows.

- (a) **Definitions.** In this Section:
- (1) **Aircraft** has the meaning given under Sec. 114.002(3), Wis. Stats.
 - (2) **Encased** means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.

- (3) **Firearm** means a weapon that acts by force of gunpowder.
 - (4) **Highway** has the meaning given under Sec. 340.01(22), Wis. Stats.
 - (5) **Motorboat** has the meaning given under Sec. 30.50(6), Wis. Stats.
 - (6) **Roadway** has the meaning given under Sec. 340.01(54), Wis. Stats.
 - (7) **Unloaded** means any of the following:
 - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
 - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
 - c. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
 - (8) **Vehicle** has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.
- (b) **Prohibitions; Motorboats and Vehicles; Highways and Roadways.**
- (1) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
 - (2) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
 - (3) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
 - (4) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet from the center of a road.
 - (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture pursuant to Section 1-1-6.
- (c) **Exceptions.**
- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:
 - a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
 - b. A member of the U.S. armed forces.
 - c. A member of the National Guard.
 - (2) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
 - (3) Subsections (b)(2) and (3) do not apply to the holder of a permit under Sec. 29.09, Wis. Stats., who is hunting from a standing automobile in accordance with that Subsection.

Sec. 11-2-4 Sale and Discharge of Fireworks Restricted.

No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village of Combined Locks unless he/she shall be authorized by a fireworks permit as provided in Title 7, Chapter 6, of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Section 167.10(1), Wis. Stats., and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

Sec. 11-2-5 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 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 Sidewalk Prohibited.** No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (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 Combined Locks.
 - (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. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

Sec. 11-2-6 Loitering 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 police 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.

(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.
- (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.

(c) **Loitering or Prowling Prohibited.** 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 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 presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement 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 law enforcement officer at the time, would have dispelled the alarm.

(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 Combined Locks.

Sec. 11-2-7 Loud and Unnecessary Noise Prohibited.

- (a) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise in the Village of Combined Locks.
- (b) **Types of Loud and Unnecessary Noises.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
 - (1) **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village of Combined Locks for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
 - (2) **Radios, phonographs, similar devices.** The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the properly line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
 - (3) **Loudspeakers, amplifiers for advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
 - (4) **Animals, birds.** The keeping of any animal or bird which causes frequent or long continued unnecessary noise.

- (5) **Steam whistles.** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
 - (6) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.
 - (7) **Construction or repair of buildings.** The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Building Inspector shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
 - (8) **Schools, courts, churches, hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
 - (9) **Causing of Vibrations From Excessive Sound Generation.** The creation of sound waves of such frequency and/or decibel levels that the sound causes vibrations to structural components, walls, glass, windows, or doors of a residence and/or vibrations to personal property contents of a residence, which would unreasonably disturb or unduly annoy occupants with normal sensitivities during normal use, detectable by either visual observation or by secondary audible noise emanating from the personal property resulting from the vibration of such objects by sound waves originating from outside of the residence.
 - (10) **Use of Compression Brakes Prohibited.** No person shall use motor vehicle brakes within the village limits of the Village of Combined Locks which are in any way activated or operated by the compression of the engine of such motor vehicle or any unit or part thereof. There shall be an affirmative defense to prosecution under this Section that the compression brakes were applied in an emergency situation requiring their use and there being no other way to stop.
- (c) **Exceptions.** The provisions of this Section shall not apply to:
- (1) **Emergency Vehicles.** Operations of emergency equipment shall be exempt from this Section. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Village of Combined Locks.

- (2) **Snowblowers.** Snowblowers not operated on a commercial basis shall be exempt from this Section when used to gain access to a Village street.
- (3) **Vehicles Engaged in Public Business.** Any vehicle of the Village of Combined Locks while engaged in necessary public business.
- (4) **Vehicles Engaged in Public Construction or Maintenance Activities.** Construction, excavation, repairs, or maintenance of streets or other public improvements by or on behalf of the Village, county or state at night when public welfare and convenience renders it reasonably necessary to perform such work during the day.
- (5) **Reasonable Use of Loudspeakers.** The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
- (6) **Temporary Non-Public Construction Work.** Construction, excavation, or repairs to privately-owned buildings and structures, of a temporary nature, resulting from the operation of machinery and/or equipment reasonably necessary to perform such work during the day.
- (7) **Village-Approved Events.** Any event conducted pursuant to either a permit or other approval granted by the Village of Combined Locks.

(d) **Stationary Noise and Vibration Limits.**

(1) **Maximum Permissible Sound Levels and Vibration Limits.**

- a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line:

Zone	Noise Rating - Daytime	Noise Rating - Nighttime
Residential	70 db	60 db
Commercial	70 db	70 db
Industrial	75 db	75 db

- b. Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor and the subject noise shall exceed the ambient noise by five (5) decibels in any octave band to be designated excessive.
- c. Pure tones and impulsive noises are factors. Five (5) noise rating numbers shall be taken from the table in Subsection (d)(1)a above if the subject noise consists primarily of a pure tone or if it is impulsive in character.
- d. Vibrations to structural components, walls, glass, windows, or doors of a residence and/or vibrations to personal property contents of a residence, which would unreasonably disturb or unduly annoy occupants with normal sensitivities

during normal use, detectable by either visual observation or by secondary audible noise emanating from the personal property resulting from the vibration of such objects by sound waves originating from outside of the residence between the hours of 9:00 p.m. and 7:00 a.m.

- (2) **Construction Noise.** Construction equipment in any zone may be operated between the hours of 7:00 a.m. and 10:00 p.m., provided that said equipment does not exceed a maximum sound level of 80 db(a) measured at the property line of the location at which said equipment is in use.
 - (3) **Noise in Residential Districts.** In residential zones, the person in violation of this Section shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officer.
 - (4) **Operation of Certain Equipment.** Lawn mowers, chainsaws, powered garden equipment, electric insect-killing/repelling devices, and other non-construction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.
- (e) **Methods of Measuring Noise and/or Methods of Detecting Vibrations.**
- (1) **Equipment.** Noise measurements, with the exception of physical vibrations caused by sound, shall be made with a sound level meter.
 - (2) **Location of Noise Meter.** Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three (3) feet above the ground and at least three (3) feet away from walls, barriers, obstructions and all other sound-reflective surfaces.
 - (3) **Vibrations.** Unreasonably disturbing or unduly annoying physical vibrations caused by sound which are in violation of this Section shall be determined by personal physical observation of the occupants of the residence but shall be deemed violations only if verified by personal physical observation of a Village police officer, Building Inspector, or other Village official who has been granted access to the residence, by the occupants, to verify that the vibrations levels prohibited in this Section are occurring.
- (f) **Exemption Appeals.** The Village Board may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this Section for existing industries.
- (g) **Permits for Amplifying Devices.**
- (1) **Permit Required for Amplifying Devices.** The use of loudspeakers or amplifying devices on the streets or in the parks of the Village of Combined Locks is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.
 - (2) **Grounds or Reasons for Denial or Allowance.** The Chief of Police of the Fox Valley Metro Police Department shall have the authority to revoke such permit when he/she believes such loudspeaker or amplifying device is becoming a nuisance because of the

volume, the method in which it is being used or the location in which it is being operated.

- (3) **Time Restrictions.** The Chief of Police of the Fox Valley Metro Police Department shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 9:00 p.m., nor shall a permit be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

Sec. 11-2-8 Disorderly Conduct.

- (a) **Disorderly Conduct Prohibited.** No person within the Village of Combined Locks 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.
- (b) **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, 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.
- (c) **Public Indecency.**
- (1) **Definitions.** As used in this Subsection, the following definitions shall be applicable:
 - a. "Nudity" means 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" means 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 Nonconsensual 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 use of recording devices.
- (4) **Exceptions.**
- a. This Subsection shall not apply to the following:
 - 1. Legitimate, authorized law enforcement activities.
 - 2. A mother's breast-feeding of her child.
 - b. Subsection (c)(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 Subsection were permitted or allowed as part of such art exhibits or performances.
 - 2. Establishments fully complying with the requirements of Title 7, Chapter 9 of the Village of Combined Locks Code of Ordinances.
- (d) **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 any immediate disturbance of public order or tends to disturb or annoy any other person.
- (e) **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.

Sec. 11-2-9 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 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 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 summons 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 Combined Locks 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 Combined Locks.

Sec. 11-2-10 Failure to Obey Lawful Order.

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

Sec. 11-2-11 Possession of Controlled Substances; Drug Paraphernalia.

- (a) **Controlled Substances.** It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Ch. 961, Wis. Stats.
- (b) **Possession of Marijuana.** No person shall possess any amount of marijuana, tetrahydrocannabinol or any derivative thereof, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of, a licensed physician or pharmacist for a valid medical purpose.
- (c) **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 Chapter 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.
- (d) **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.

11-2-11

- (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.
- (e) **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) **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.

Sec. 11-2-12 Synthetic Cannabinoid Prohibited.

- (a) **Possession, Use and Sale Prohibited.** It shall be illegal for any person to use, 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-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) Salviadinorum or Salvinorum A; all parts of the plant 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-2yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, or 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-(1-naphthoyl) indole or some trade or other name(s); JWH-073;
 - (5) 1-[3(trifluoromethylphenyl)] piperazine or some other 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-methyllocantan-2-yl) phenol or some other trade or other name(s); CP-47, 497;
 - (8) 4-methoxynaphthalen-1-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-250;
 - (10) Any similar structural analogs.
- (b) **Medical or Dental Use Allowed.** Acts otherwise prohibited under Subsection (a) above shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal law.

Sec. 11-2-13 Throwing or Shooting of Arrows, Stones and Missiles.

- (a) **Shooting of Stones and Other Missiles Prohibited.** No person shall throw or shoot any object, stone, snowball, or other missile or projectile by hand or by other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village of Combined Locks. This Subsection is not meant to prohibit recognized sport activities.
- (b) **Possession and Discharge of Bows and Arrows and Crossbows Regulated.**
- (1) **Use Limitations.** The use of a bow and arrow or crossbow is prohibited in the Village of Combined Locks except as otherwise provided herein:
 - a. Use of a bow and arrow or crossbow is permitted at the designated archery range at Memorial Park during the hours the park is open for public use and as otherwise authorized by the Village Board of the Village of Combined Locks.

- b. The use of a bow and arrow or crossbow is permitted for hunting as provided in Subsection (d) herein.
- (2) **Possession and/or Discharge by Persons Under Sixteen (16) Years of Age.** No person under the age of sixteen (16) years shall have any uncased bow and arrow or crossbow in his/her possession, nor discharge any bow and arrow or crossbow for any purpose except when hunting as provided in Subsection (d) herein and then only when under the supervision of an adult.
- (c) **Shooting Ranges.** Subsection (b) above shall not prevent the maintenance and use of an enclosed, commercially established, duly supervised bow and arrow shooting gallery, where proper safety precautions include maintaining a structure which does not allow an arrow from leaving the property upon which the range is located.
- (d) **Hunting With A Bow and Arrow or Crossbow.**
- (1) For purposes of this Section, a "building" is defined as a permanent structure used for human occupancy and includes a manufactured home, as defined in Sec. 101.91(2), Wis. Stats.
- (2) Except as provided in this Subsection, it shall be unlawful for a person to hunt with a bow and arrow or crossbow within a distance of one hundred (100) yards from a building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or crossbow within the specified distance of the building.
- (3) A person who hunts with a bow and arrow or crossbow shall discharge the arrow or bolt from the weapon toward the ground.
- (4) No person shall discharge an arrow with any bow or similar device where the arrow may endanger life, limb or property of another or will traverse any part of any street, alley, public grounds or parks.
- (5) The Park and Recreation Department and school districts may conduct supervised archery activities in areas under their jurisdiction when authorized by the Chief of Police.

Sec. 11-2-14 Trapping on Municipal Property.

- (a) **Definition.** "Trap or trapping" includes the taking or attempting to take of any wild animal by means of setting or operating any device, mechanism or contraption that is designed, built or made to close upon, hold fast or otherwise capture a wild animal or animals.
- (b) **Trapping on Municipal Property Prohibited.** There shall be no trapping of any kind on any property owned by the Village of Combined Locks including parks or other areas, except such trapping as may be done by Village employees at the direction of the Village to eliminate vermin or other pests from Village-owned buildings or grounds.
- (c) **Penalty.** Any device, trap or contrivance found on municipal property in violation of this Section together with any bait or hunting or trapping equipment of any kind found on

municipal land in association with a trap or trapping operation may be confiscated by the Village of Combined Locks in addition to other penalties provided. Any person who shall violate any of the provisions of this Section shall upon conviction of such violation be subject to a penalty as set forth in Section 1-1-6.

Sec. 11-2-15 Unlocked Buildings Prohibited.

No person or owner shall permit any commercial or other non-residential building to be unlocked unless there shall be some person lawfully upon the premises. If a police officer finds a violation of this Section, he/she shall contact the owner or person in charge to immediately correct the violation. In addition, the Police Department shall notify the owner or person, in writing, by first class mail, of such violation. In the event any such owner or person in charge shall fail to correct such violation within one (1) hour of receiving notice from the Police Department or in the event of a second or subsequent violation within twelve (12) months, the owner or person in charge may receive a municipal summons.

Sec. 11-2-16 Sexual Offender Residency.

(a) **Findings and Intent.**

- (1) **Findings – Threat to Public Safety.** 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 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 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, while incalculable, clearly exorbitant.
- (2) **Intent – Protection of Public Safety.** It is the intent of this Section not to impose a criminal penalty but rather to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Village of Combined Locks 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.

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

- (1) **Child.** A person under the age of sixteen (16) years of age for purposes of this Section.
- (2) **Designated Offender.** Any person who is required to register under Sec. 301.45, Wis. Stats., for any sexual offense against a child 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. 401.46(2) and (2m), Wis. Stats.

- (3) **Minor.** A person under the age of seventeen (17) years of age.
 - (4) **Permanent Residence.** A place where the person abides, lodges, or resides for a period of fourteen (14) or more days.
 - (5) **Temporary Residence.** 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 nonconsecutive days in any month and which is not the person's permanent address.
- (c) **Designated Offender Residence; Prohibition; Penalties; Exceptions.**
- (1) **Prohibited Location of Residence.** It is unlawful for any designated offender to establish a permanent residence or temporary residence within two thousand (2,000) feet of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village as a place where children are known to congregate. [Example: A designated offender is restricted from living in the Village of Combined Locks if a park in the Village of Kimberly is within two thousand (2,000) feet of the proposed residence.]
 - (2) **Prohibited Activity.** 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 on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the designated offender is the parent or guardian of the children involved, and no nonfamilial children are present, are exempt from this Section. 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, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of a school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village where children are known to congregate.
 - b. The Village Clerk shall maintain an official list of locations where children regularly congregate in concentrated numbers and an official map showing prohibited locations as defined by this Section. The Village Clerk shall update the list and 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.
 - (4) **Penalties.** A designated offender who violates this Section shall be punished by a forfeiture not exceeding Five Hundred Dollars (\$500.00). Each day a designated offender maintains a residence in violation of this Section constitutes a separate violation. The Village may also seek equitable relief.

- (5) **Exceptions.** A designated offender residing within a prohibited area as described in Subsection (c)(1) of this Section does not commit a violation of this Section if any of the following apply:
- a. The designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Sec. 301.45, Wis. Stats., before the effective date of the ordinance from which this Section is derived.
 - b. The designated offender is a minor and is not required to register under Secs. 301.45 or 301.46, Wis. Stats.
 - c. The school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village as a place where children are known to congregate within two thousand (2,000) feet of the designated offender's permanent residence was opened after the designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Sec. 301.45, Wis. Stats.
 - d. The residence is also the primary residence of the designated offender's parents, grandparents, siblings, spouse, or children provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the designated offender established residence at the location.
- (d) **Property Owners Prohibited from Renting Real Property to Designated 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 designated offender 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 a prohibited location zone described in Subsection (c)(1) of this Section.
 - (2) **Failure to Comply; 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) of this Section.
- (e) **Sex Offender Residence Board Established for Appeals.**
- (1) **Board Established; Appointment.** This Subsection establishes a Sex Offender Residence Board which shall consist of five (5) citizens, three (3) of which shall establish a quorum. Members of the Sex Offender Residence Board shall serve five (5) year staggered terms established by appointment at the Village Board's annual organizational meeting in May. At the creation of the Sex Offender Residence Board, the Village President shall appoint one (1) member to a five (5) year term, one (1) member to a four (4) year term, one (1) member to a three (3) year term, one (1) member to a two (2) year term, and one (1) member to a one (1) year term. The Sex

Offender Residence Board shall convene as requested through appeal of a designated offender and shall consider, but is not limited to, consideration of the following: appeal information from the designated offender, nature of the offense, length of time since conviction, location of desired residence, input from residents, and recommendation of the Fox Valley Metropolitan Police Department.

- (2) **Waiver of Requirement(s) by Residence Board.** One (1) or more of the requirements of this Section may be waived upon approval of the Sex Offender Residence Board through appeal by the designated offender, if the Residence Board finds that such waiver will not be detrimental to the health, safety, and welfare of persons this Section is intended to protect, based upon unique circumstances applicable to the designated offender. Such appeal shall be made in writing to the Village Clerk's office, setting forth facts in support of the appeal. The Village Clerk shall forward the request to the Fox Valley Metropolitan Police Department, which shall generate a recommendation for consideration by the Sex Offender Residence Board.
- (3) **Notice; Written Determination.** The Village Clerk shall give at least seven (7) days written notice to the designated offender of the date and time of a hearing before the Sex Offender Residence Board, at which time the designated offender may present evidence supporting the appeal, upon which the Sex Offender Residence Board may deliberate for purposes of a final decision. After deliberation, the Sex Offender Residence Board shall forward its decision, in writing, to the Fox Valley Metropolitan Police Department for their information and action. A written copy of the decision shall be provided to the designated offender.

Chapter 3

Offenses Against Property

11-3-1	Destruction of Property Prohibited
11-3-2	Littering Prohibited
11-3-3	Abandoned Refrigerators Prohibited
11-3-4	Theft of Library Material
11-3-5	Cemetery Regulations
11-3-6	Damage to Public Property
11-3-7	Retail Theft
11-3-8	Issuance of Worthless Checks
11-3-9	Storage of Junk, Etc., Regulated
11-3-10	Regulations Pertaining to Conduct on Municipal Lands
11-3-11	Obtaining Services by Fraud

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

- (a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Village of Combined Locks and belonging to the Village or its departments, the School District or to any private person, without the consent of the owner or proper authority.
- (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) **Unlawful Removal of Property.** It shall be unlawful for any person to take and carry away the property of another without the owner's consent with the intention to do so.

Sec. 11-3-2 Littering Prohibited.

- (a) **Littering Prohibited.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village of Combined Locks, or upon property within the Village owned by the School District or any private person, or upon the surface of any body of water within the Village.

(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 under contract with the Village. 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 pursuant to Sec. 66.60(16), Wis. Stats. 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, 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 or Director of Public Works pursuant 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) **Distribution of Handbills.**

- (1) **Permit Required.** No person, either by himself/herself or his/her agent, shall distribute or peddle either from door to door or by handing to the people in the public streets any handbills, newspapers, magazines, cards or propaganda or literature of any kind without the written permission of the Chief of Police, but this Section shall not prohibit delivery of newspapers to subscribers thereof.
- (2) **Permits Issued.** The Chief of Police, upon being satisfied that the matter intended for distribution shall contain no obscene, indecent, or immoral literature or pictures, and upon being satisfied that the person or persons doing the actual distributing or peddling shall exercise due and proper care that such matter shall not be thrown in the public streets or on private lawns, but shall be securely placed at each door in such manner as will assure against its being blown about and creating a public nuisance, shall issue a written permit. Such permit shall describe generally the matter

to be distributed and shall name the person or persons who shall do the actual distributing. The Chief of Police may, in his/her discretion, grant continuing or indeterminate permits for such matters and to such persons as he/she may deem proper, which said permits may be revoked by the Chief of Police at any time it appears that the distribution is not made in the manner described in this Section.

- (3) **Recourse to the Village Board.** Any person or persons who shall feel aggrieved by the action of the Chief of Police in granting or refusing a permit may appeal to the Village Board.

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 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 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 libraries within the Village of Combined Locks 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.** 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. The failure to return library material after its proper return date, after written

notice from the library and Village Attorney, 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.

- (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 library material.
- (f) **Return Demanded.** No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the library.

State Law Reference: Section 943.61, Wis. Stats.

Sec. 11-3-5 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 Combined Locks.
- (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 manner 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.

- (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. 11-3-6 Damage to Public Property.

- (a) **Damaging Public Property.** No person shall 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.
- (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.

Sec. 11-3-7 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 which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is

evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

- (c) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his/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 peace 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 Two Hundred Dollars (\$200.00). 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: Section 943.50, Wis. Stats.

Sec. 11-3-8 Issuance of Worthless Checks.

- (a) Whoever issues any check or other order for the payment of money less than Five Hundred Dollars (\$500.00) which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
- (b) Any of the following is prima facie evidence that the person at the time he 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) This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.
- (d) Person(s) believed to be responsible for the theft of merchandise shall, at the discretion of the police department, be referred to Municipal Court or to the District Attorney for prosecution.

- (e) Any person violating any provisions of this Section shall forfeit not less than Fifty Dollars (\$50.00) if the worthless check is for an amount equal to or less than One Hundred Fifty Dollars (\$150.00), and shall forfeit not less than One Hundred Dollars (\$100.00) if the worthless check is an amount greater than One Hundred Fifty Dollars (\$150.00) and less than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment, imprisonment in the County Jail until forfeiture and costs are paid but not to exceed sixty (60) days.

Sec. 11-3-9 Storage of Junk, Etc., Regulated.

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 houses such property from public view, or upon permit issued by the Village Board. The Building Inspector may require by written order any premises violating this Section 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.

Cross-Reference: Section 10-5-8.

Sec. 11-3-10 Regulations Pertaining to Conduct on Municipal Lands.

- (a) It shall be unlawful for any person to place any property or debris on Village-owned lands nor to without the prior consent of the Village Board of Combined Locks.
- (b) It shall be unlawful for any person to remove whether alive or dead any trees, bushes, or shrubs from municipally owned property without the prior consent of the Village Board of the Village of Combined Locks.

Sec. 11-3-11 Obtaining Services by Fraud.

Whoever with intent to defraud, obtains or attempts to obtain water service or sewer service, by any of the following means may be penalized as provided in Section 1-1-7:

- (a) Rearranging, tampering with or making connection with any facilities or equipment.
- (b) Using any contrivance, device, or means to avoid payment of the lawful charges in whole or in part, for such service.
- (c) The existence of any of such contrivance, device or means to avoid payment described in this Section, is presumptive evidence that the person to whom water or sewer service is at

the time being furnished by or through the meters, pipes, or attachments has, with intent to defraud, created or caused to be created the conditions. The presumption does not apply to any person furnished with water or sewer for less than thirty-one (31) days or until there has been at least one (1) meter reading.



Chapter 4

Offenses Involving Acoholic 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

Sec. 11-4-1 Outside Consumption.

(a) Alcoholic Beverages in Public Areas.

- (1) **Regulations.** 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, cemetery or drives or other public area within the Village of Combined Locks 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, public alley or public parking lot within the Village except as 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 unless the property is specifically named as being part of a licensed premises. All purchases of intoxicating liquor or fermented malt beverages by glass or in open containers shall be consumed upon the licensed premises where purchased and where served and shall not be removed to the public areas or private areas regulated by this Chapter.
- (3) **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.
- (4) **Exceptions.**
 - a. The provisions of this Section may be waived by the Village Board for duly authorized events.
 - b. Any organization which has been issued a special Class "B" fermented malt beverage picnic license pursuant to this Code of Ordinances, provided that the provisions of this Chapter and Title 7, Chapter 2, are fully complied with.
- (b) **Alcoholic Beverages in Village Parks.**
 - (1) **Consumption Prohibited Without Permit.** No person shall be allowed to have in their possession to drink or consume any alcoholic or fermented malt beverage (including beer and regardless of the type of container) in any park maintained by the Village of Combined Locks without first obtaining a permit issued as hereinafter provided.
 - (2) **Underage Drinking.** No person under the legal age as established from time to time by the State of Wisconsin shall be permitted to drink alcoholic beverages or fermented malt beverages in any park maintained from time to time by the Village of Combined Locks.
 - (3) **Issuance of Permits.** Permits to have possession of and to drink or consume beer and/or intoxicating liquor may be issued by the Village of Combined Locks Police Department upon written application for said permit, all provided that the application for the permit shall be made prior to 9:00 a.m. on the date for which the permit is requested. The applicant shall sign such permit request acknowledging the following rules and procedures and agree to follow said rules and procedures as follows:
 - a. No glass containers of any kind will be used in any Village-maintained park.
 - b. No loud or boisterous conduct will be permitted.
 - c. No use of amplification devices will be permitted.
 - d. No pets will be permitted.
 - e. Applicant accepts full responsibility for any damage, cleaning up of a Village-maintained park area, and further the applicant shall be responsible that no underage person will be served any type of alcoholic beverage contrary to Wisconsin law and contrary to this Section.
 - f. The applicant will, upon request of the Police Department, or upon request of the Village Board, produce the names of all persons and their ages who will be attending any event sponsored by the applicant.
 - g. All of said Village maintained and operated parks shall be vacated by the applicant and his or her guests no later than 10:30 p.m.
- (c) **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 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 license or permittee may sell, vend, deal or traffic in fermented malt 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.

(b) Penalties. A person who commits a violation of Subsection (a) above is subject to a forfeiture of:

- (1) Not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within twelve (12) months of the violation; or
- (2) Not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) if the person has committed a previous violation within twelve (12) months of the violation.
- (3) In addition to the forfeitures provided in Subsections (1) and (2) 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) **Sale of Alcohol Beverages to Intoxicated Persons.**
- (1) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
 - (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
- (d) **Penalties.** Any person who violates Subsection (c) above shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned for not more than sixty (60) days or both.

State Law Reference: Sec. 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 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 paragraph 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 items 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, service stations, vessels, cars operated by any railroad, regularly established athletic fields, stadiums or public facilities as defined in Sec. 125.51(5)(b)1.d, Wis. Stats., which are owned by a county or municipality.
 - (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 Chs. 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
 - (5) Ski chalets, golf courses and golf clubhouses and private tennis clubs.
 - (6) Premises operated under both a "Class B" alcoholic beverage or Class "B" fermented malt beverage 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"

- alcoholic beverage or Class "B" fermented malt beverage 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) An underage person who enters or remains on a "Class B" alcoholic beverage or Class "B" fermented malt beverage premises for the purpose of transacting business at an auction or market, if the person does not enter or remain in a room where alcohol beverages are sold, furnished or possessed.
 - (8) An underage person who enters or remains in a room on "Class B" alcoholic beverage or Class "B" fermented malt beverage licensed premises separate from any room where alcohol beverages are sold or served for the purpose of engaging in marching or drilling with a group of other persons 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. An underage person may enter and remain on "Class B" alcoholic beverage or Class "B" fermented malt beverage premises under this Subsection only if the municipality which issued the "Class B" alcoholic beverage or Class "B" fermented malt beverage license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this Subsection and the law enforcement agency responsible for enforcing the ordinance issues to the "Class B" alcoholic beverage or Class "B" fermented malt beverage licensee a written authorization permitting underage persons to be present under this Subsection on the date specified in the authorization. Before issuing the authorization, the law enforcement agency 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. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.
 - (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 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 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 local law enforcement agency, 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.

- (b) **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) is subject to a forfeiture of not more than Five Hundred Dollars (\$500.00).

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

- (a) 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) Except as provided in Sec. 125.07(4)bm, Wis. Stats., 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) Any person violating Subsections (a) or (b) is subject to the following penalties:
- (1) For a first violation, a forfeiture of not more than Fifty Dollars (\$50.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
 - (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not more than Two Hundred Dollars (\$200.00), suspension of the person's operating privilege as provided under Sec. 125.07(4)cg, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
 - (3) For a violation committed within twelve (12) months of two (2) or more previous violations, either a forfeiture of not less than Three Hundred Dollars (\$300.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program under Subsection (d) 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 any combination of these penalties.
- (d) (1) If the Court orders a person to participate in a supervised work program under Subsection (d), the Court shall set standards for the program within the budgetary

limits established by the Common Council. The 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 and shall be administered by the County Department of Public Welfare or a community agency approved by the court.

- (2) The supervised work program 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 an agency staff member or other qualified person. The program 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.
- (e) When a court revokes or suspends a person's operating privilege under Subsection (c), the 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 paragraph may not disclose the information to any other person or agency.
- (f) A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 48.344, 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. 48.344(3), Wis. Stats.
- (g) Subsections (a) and (b) do not prohibit an underage person employed by a licensee or permittee from possessing fermented malt beverages during the brewing process or for sale or delivery to customers.
- (h) Subsections (a) and (b) do not prohibit an underage person employed by a brewery, a winery or a facility for the rectifying or manufacture of intoxicating liquor or the production of fuel alcohol from possessing alcohol beverages during regular working hours and in the course of employment.

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 maybe considered. 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 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 had attained the legal drinking age.
- (b) **Book Kept by Licensees and Permittees.**
- (1) Every retail alcohol beverage licensee or permittee may keep a book for the purpose 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: Sec. 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)
 - (1) Any person who has attained the legal drinking age, other than one authorized by Sec. 125.08 or 343.50, Wis. Stats., who makes, alters or duplicates an official identification card may be fined not more than Five Hundred Dollars (\$500.00) upon conviction.
 - (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 more than Five Hundred Dollars (\$500.00) upon conviction.
- (b) Any underage person who does any of the following is subject to the penalties specified under Section 11-4-4(c) or (d):
 - (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) In this Subsection:
 - (1) "Motor vehicle" means a motor vehicle owned, rented or consigned to a school.
 - (2) "School" means a public, parochial or private school which provides an educational 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" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
 - (4) "School premises" means premises owned, rented or under the control of a school.
- (b) Alcohol beverages may be consumed on school premises only with the prior written approval of the school administrator, and in conformance with applicable laws and ordinances.
- (c) 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(c) and (d) of this Code of Ordinances provide the penalties applicable to underage persons.

Cross Reference: Section 11-5-5.

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

- (a) 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) No adult may intentionally encourage or contribute to a violation of Section 11-4-4(a) or (b).
- (c) 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 City who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in Section 125.02(1) of the Wisconsin Statutes, 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.

Chapter 5

Offenses by Juveniles

11-5-1	Curfew for Minors; Loitering Prohibited
11-5-2	Possession of Controlled Substances by Juveniles
11-5-3	Petty Theft by Juveniles
11-5-4	Receiving Stolen Goods
11-5-5	Village Jurisdiction Over Juveniles
11-5-6	Purchase or Possession of Tobacco Products
11-5-7	Enforcement and Penalties
11-5-8	Sexting Prohibited

Sec. 11-5-1 Curfew for Minors; Loitering Prohibited.

(a) **Definitions.** As used in this Section:

(1) "Loitering" means remaining idle in essentially one (1) location and shall include the concept of spending time idly; to be dilatory; to linger aimlessly; to stay; to saunter; to delay; to stand around, and shall also include the colloquial expression, "hanging around."

(2) "Minor" means any person less than eighteen (18) years of age.

(b) **Loitering of Minors (Curfew Hours).** It shall be unlawful for any minor to loiter in or upon the public streets, public sidewalk, public right-of-way, highways, roads, alleys, parks, public buildings, private property held open for use by the public, vacant lots, vacant buildings, playgrounds of schools or school grounds of the Village, either on foot or in or upon any conveyance being driven or parked thereon, between the hours of 11:00 p.m. and 5:00 a.m. of the following day, unless accompanied by his or her parent, guardian or other adult person having legal custody or control.

(c) **Exceptions.**

(1) This Section shall not apply to a minor:

- a. Who is performing an errand as directed by his/her parent, 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.

- (2) These exceptions shall not, however, permit a minor to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- (d) **Responsibility of Parents.** It shall be unlawful for the parent, or guardian or other adult person having legal custody or control of any minor to suffer or permit or by inefficient control to allow such minor to violate this Section unless the said minor is accompanied by his or her parent, guardian or other adult person having legal custody or control.
- (e) **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, 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 the Police Department for the purpose of taking the custody of the juvenile and shall sign a release for him or her, or such juvenile may be taking 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 police officer may make such necessary arrangements as may be necessary under the circumstances for the juvenile's welfare.
- (f) **Warning and Penalty.**
- (1) **Warning.** The first time a parent, guardian, or person having legal custody of a minor who is taken into custody by a law enforcement officer as provided in Subsection (d) above, such parent, guardian, or person having such legal custody may be advised as to the provisions of this Section and further advised that any violation of this Section occurring thereafter by this minor or any other child under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
- (2) **Penalty.** Any minor person 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.

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

It shall be unlawful for any person under the age of eighteen (18) to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 961, of the Wisconsin Statutes.

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

It shall be unlawful for any person under the age of eighteen (18), 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 eighteen (18) 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.** Sections 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 Combined Locks 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 Combined Locks 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 Chapter 125, Wis. Stats.
- (f) **Penalty for Violations of Subsection (d).** Any juveniles who shall violate the provisions of Subsection (d) shall be subject to the same penalties as are provided in Section 1-1-6 of these Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Sec. 11-5-6 Purchase or Possession of Tobacco Products.

- (a) **Definition of Tobacco Products.** For the purposes of this Section, "tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

- (b) **Purchase by Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.
- (c) **Possession By Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or legal guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.
- (d) **Statutes Adopted.** The provisions of Sections 48.983, 134.66 and 778.25(1)(a), Wis. Stats., are adopted by reference and incorporated herein.

Sec. 11-5-7 Enforcement and Penalties.

- (a) **Citation Process.** For violations of Sections 11-5-2 through 11-5-8, juveniles may be cited by the citation process on a form approved by the Village Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.
- (b) **Penalties.** Violations of Sections 11-5-2 through 11-5-8 by a person under the age of eighteen (18) shall be punishable according to Sections 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this Section shall prevent the juvenile officer, in his/her discretion, from referring cases directly to the District Attorney's office.

Sec. 11-5-8 Sexting Prohibited.

- (a) **Definitions.**
 - (1) **Nudity.** The showing of the human male or female genitals, pubic area, or buttocks with less than a 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 circumstance constitute "nudity", irrespective of whether or not the nipple is covered during or incidental to feeding.
 - (2) **Harmful to Minors.** Any reproduction, limitation, characterization, description, exhibition, presentation, or representation, or whatever kind or form, depicting nudity, sexual conduct, or 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.

- (3) **Minor.** Means any person under the age of eighteen (18) years.
- (b) **Sexting Offenses.** A minor commits the offense of sexting if he or she knowingly:
- (1) Uses 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, as defined above, and is harmful to minors, as defined above.
 - (2) Possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined above, and is harmful to minors, as defined above, and is harmful to minors, as defined above. A minor does not violate this paragraph if all 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 a video to a third-party other than a law enforcement official.
 - (3) Uses 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; and
 - c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
 - (4) Solicits the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would itself be prohibited under this Section.
- (c) **Violations; Penalties.** Any person who shall violate this Section prohibiting sexting shall pay a forfeiture, plus costs, established in the "Village Fees, Deposits and Charges Schedule" attached and incorporated herein by reference.

Chapter 6

Public Nuisances

11-6-1	Public Nuisances Prohibited
11-6-2	Public Nuisances Defined
11-6-3	Public Nuisances Affecting Health
11-6-4	Chronic Nuisance Premises
11-6-5	Public Nuisances Affecting Peace and Safety
11-6-6	Abatement of Public Nuisances
11-6-7	Cost of Abatement

Sec. 11-6-1 Public Nuisances Prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Combined Locks.

Sec. 11-6-2 Public Nuisance Defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) Substantially annoy, injure or endanger the comfort, health, repose 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.

Sec. 11-6-3 Public Nuisances Affecting Health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 11-6-2:

- (a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

- (b) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) **Breeding Places for Vermin, Etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) **Garbage Cans.** Garbage cans which are not fly-tight.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- (g) **Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (h) **Noxious Odors, Etc.** Any use of property, substances or things within the Village or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village of Combined Locks.
- (i) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- (j) **Animals at Large.** All animals running at large.
- (k) **Accumulations of Refuse.** Accumulations of old cans, lumber and other refuse.
- (l) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
- (m) **Placement of Refuse for Collection.** It is unlawful to place garbage or other refuse for collection at curbside before 12:00 noon on the day preceding scheduled collection.

Sec. 11-6-4 Chronic Nuisance Premises.

- (a) **Definitions.** The following terms and phrases, when used in this Chapter, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:
 - (1) **Chief.** The Chief of Police or his/her designee.
 - (2) **Enforcement Action.** Arrest, the issuance of a citation, or the issuance of a written or verbal warning, prosecution of violations and collections of penalties and fees.
 - (3) **Nuisance Activity.** Any of the following activities, ordinance violations, behaviors, or conduct whenever engaged property owners, operators, tenants, occupants, or persons associated with the premises:

- a. An act of harassment, as defined in Section 947.013, Wis. Stats.
 - b. Disorder conduct, as defined in Section 947.01, Wis. Stats.
 - c. Crimes of violence, as defined in Chapter 940, Wis. Stats.
 - d. Obstructing or resisting an officer, as defined in Section 946.41, Wis. Stats.
 - e. Crimes against sexual morality, as defined in Chapter 944, Wis. Stats.
 - f. Any gambling crimes, as defined in Chapter 945, Wis. Stats.
 - g. Animal violations, as defined in Title 7, Village of Combined Locks Code of Ordinances.
 - h. Theft, as defined in Section 943.20, Wis. Stats.
 - i. Receiving stolen property, as defined in Section 943.34, Wis. Stats.
 - j. Damage to property, as defined in Section 943.01, Wis. Stats.
 - k. Arson, as defined in Section 943.02, Wis. Stats.
 - l. Possession, manufacture, or delivery of a controlled substance or related offense, as defined in Chapter 961, Wis. Stats.
 - m. Trespassing, as defined in Sections 943.13 and 943.14, Wis. Stats.
 - n. Weapons violations, as defined in Title 11, Village of Combined Locks Code of Ordinances.
 - o. Noise violations, as defined in Title 11, Village of Combined Locks Code of Ordinances.
 - p. Alcohol violations, as defined in Title 11, Village of Combined Locks Code of Ordinances.
 - q. Loitering and curfew violations, as defined in Title 11, Village of Combined Locks Code of Ordinances.
 - r. Reckless driving, as defined in Section 346.62, Wis. Stats.
 - s. Any conspiracy to commit, as defined in Section 939.31, Wis. Stats., or attempt to commit, as defined in Section 939.32, Wis. Stats., any of the activities, behaviors, or conduct enumerated in Subsections (a)(3)a. through r. above.
 - t. The execution of arrest or search warrants at a particular location.
 - u. Village of Combined Locks inspection-related calls where the Police Department responds.
 - v. Any other nuisances set forth in Title 11, Village of Combined Locks Code of Ordinances.
 - w. Violations of the Fire Prevention Code set forth in Title 5, Village of Combined Locks Code of Ordinances.
 - x. Violations of the Building Code, as set forth in Title 15, Village of Combined Locks Code of Ordinances.
- (4) **Exception.** Applicable drug, gangs, and prostitution offenses will be abated immediately as allowed in Chapter 823, Wis. Stats.
- (5) **Owner.** The owner and/or tenant or occupant of the premises and his/her/its agents.
- (6) **Persons Associated With.** Any person who, whenever engaged in a nuisance activity, enters, occupies, patronizes, visits or attempts to enter, occupy, patronize or

visit a property. Includes any officer, director, customer, agent employee or independent contractor of a property owner, tenant or occupant.

- (7) **Premises.** An individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas located in the Village of Combined Locks.
- (b) **Notice Requirements.**
 - (1) **Notice Procedures.** Whenever the Chief of Police determines that three (3) or more nuisance activities resulting in enforcement action have occurred at the premises during a twelve (12) month period, the Chief of Police may notify the premises owner in writing. In calculating the requisite nuisance activities, the Chief of Police may count separate qualifying nuisance activities resulting in enforcement action occurring on the same day (as long as they are distinct in time) or different days, but shall never count nuisance activities that were reported by the owner of the premises.
 - (2) **Contents of Notice.** The notice shall contain:
 - a. The street address or legal description sufficient to identify the premises;
 - b. A description of the nuisance activities that have occurred at the premises;
 - c. A statement indicating that the cost of future enforcement may be assessed as a special charge against the premises; and
 - d. A notice as to the appeals rights of the owner.
- (c) **Delivery of Notice.** The notice shall be deemed to be properly delivered if sent either by certified mail to the property owner's last known address, or if delivered in person to the property owner. If the property owner cannot be located, the notice shall be deemed properly delivered if left at the property owner's usual place of residence in the presence of a competent family member 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. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by certified mail to the last known address of the owner as identified by the records of the tax roll.
- (d) **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 Chief of Police 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 Chief of Police 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.
- (e) **Abatement Plan.** Any owner receiving notice pursuant to Subsections (b) and (c) shall meet with the Chief of Police, or his/her designee, within five (5) business days of receipt

of such notice. The parties shall review the problems occurring at the property and agree upon an abatement plan to end the nuisance activity on the property. The plan shall also specify a name, address, and telephone number of a person living within sixty (60) miles of the property who can be contacted in the event of further police, fire or inspection contact.

(f) **Eviction or Retaliation Prohibited.**

(1) 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 the tenant complained or was complained about to the Police Department, Zoning Administrator, or Building Inspector about nuisance activities on the landlord's premises.

(2) 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 the premises.

(3) It shall be presumed that any attempt to increase charges, reduce service, or to otherwise harass or retaliate against the tenant during the twelve (12) month period following receipt of the complaint by the Chief of Police, Zoning Administrator and/or Building Inspector constitutes unlawful retaliation under this Subsection. Such presumption may be rebutted by the preponderance of evidence 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.

(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 one (1) year 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 one (1) year from the date stated on the notice declaring the premise a chronic nuisance premise.

(h) **Appeals.** Appeal of the determination of the Chief of Police pursuant to either the notice, abatement plan, or the levying of special charges may be made solely to the Village Board by requesting a hearing. The Notice of Appeal shall be in writing and submitted to the Village Board in care of the Village Administrator with a copy submitted to the Chief of Police. Chapter 68, Wis. Stats., [Title 4 of this Code of Ordinances] does not apply to this appeals process.

(i) **Penalties.**

(1) **Violations; Penalties.** Any person who shall violate any provision of this Section shall be penalized pursuant to Section 11-6-4 of the Village of Combined Locks Code of Ordinances, in addition to imposition of a fee for services constituting a special charge against the real estate imposed under Subsection (e) if not paid within twenty (20) days from mailing notice of these charges by the Village of Combined Locks. Additionally, the Village may pursue injunctive relief against the owner in the Circuit Court for Outagamie County. All legal costs and attorney fees incurred by the Village for enforcement of this Section, pursuant to any remedy available, shall be payable to the Village of Combined Locks by the owner of the premises. Judgment for such obligations may be obtained by the Village in either Small Claims Court or Circuit Court for Outagamie County.

(2) **Bond Schedule.** Any person who shall violate any provision of this Section shall upon conviction thereof forfeit not less than the amount established by the bond schedule set forth below for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid but not to exceed thirty (30) days. Each violation and each day a violation continues or occurs shall constitute a separate offense:

- a. First Offense: \$150.00 plus costs.
- b. Second Offense (within one year): \$350.00 plus costs.
- c. Third Offense & higher (within one year): \$750.00 plus costs.

(j) **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 twelve (12) 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 twelve (12) consecutive months from the date stated on the notice declaring the premise a chronic nuisance premise.

Sec. 11-6-5 Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 11-6-2:

- (a) **Signs, Billboards, Etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.

- (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 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) **Tree Limbs.** All limbs of trees which project over a public sidewalk less than seven (7) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (f) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (g) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Village.
- (h) **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (i) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (j) **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- (k) **Obstructions of Streets: Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Ordinances of the Village or which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- (l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (m) **Abandoned Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) **Flammable Liquids.** Repeated or continuous violations of the Ordinances of the Village or laws of the State relating to the storage of flammable liquids.
- (o) **Unremoved Snow.** All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

Sec. 11-6-6 Abatement of Public Nuisances.

- (a) **Enforcement.** The Chief of Police, Director of Public Works, Building Inspector, Fire Inspector and the Village Board 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 insure that such provisions are not violated. No action shall be taken under this Section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

- (b) **Summary Abatement.** If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President or Village Board, upon the recommendation of the appropriate department head, may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (c) **Abatement After Notice.** If the inspecting officer shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Subsection (b).
- (d) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

Sec. 11-6-7 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.