

TITLE 9

Offenses and Nuisances

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CHAPTER 1

State Statutes Adopted

§ 9-1-1 Offenses Against State Laws Subject to Forfeiture.

SEC. 9-1-1 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 provided 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.

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CHAPTER 2

Offenses Against Public Safety and Peace

§ 9-2-1	Regulation of Firearms and Explosives
§ 9-2-2	Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited
§ 9-2-3	Throwing or Shooting of Arrows, Stones, and Other Missiles Prohibited
§ 9-2-4	Harassing or Obscene Telephone Calls
§ 9-2-5	Sale and Discharge of Fireworks Restricted
§ 9-2-6	Obstructing Streets and Sidewalks Prohibited
§ 9-2-7	Loitering Prohibited
§ 9-2-8	Loud and Unnecessary Noise Prohibited
§ 9-2-9	Disorderly Conduct
§ 9-2-10	Possession of Controlled Substances
§ 9-2-11	Failure to Obey Lawful Order

SEC. 9-2-1 REGULATION OF FIREARMS AND EXPLOSIVES.

- (a) DISCHARGE AND POSSESSION OF FIREARMS REGULATED. No person, except a sheriff, police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, within the Village or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun in his possession or under his control unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to State Law.
- (b) 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.
- (c) 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 Marshal and Village Board, after an advisory recommendation from the Village Marshal, where proper safety precautions are taken.
- (d) 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 Marshal.
- (e) HUNTING PROHIBITED. Hunting is prohibited within the corporate limits of the Village of Bear Creek.
- (f) DEFINITIONS. For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet, or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring, or other similar mechanical device, or gun powder.

SEC. 9-2-2 CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED.

- (a) CONCEALED WEAPONS PROHIBITED.
 - (1) No person shall within the Village wear or in any manner carry under his/her

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- clothes or conceal upon or about his/her person, any deadly or dangerous weapon; provided this subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.
- (2) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, 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.
- (b) CONCEALED WEAPONS IN PUBLIC ESTABLISHMENTS. No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.
- (c) SPECIFIC CONCEALED WEAPONS PROHIBITED. No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other metal, bowie knife, switchblade, dirk, or dagger or any other dangerous or deadly weapon within the Village.
- (d) POSSESSION, SALE AND MANUFACTURE OF CERTAIN WEAPONS PROHIBITED.
- (1) No person shall sell, manufacture, purchase, possess, or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Sucbai" or similar weapon, within the Village of Bear Creek.
- (2) For the purpose of this Section the following definitions shall apply:
- a. "Numchuk" or "Nunchaku." An instrument consisting of two or more sticks, clubs or rods connected by a rope, cord, wire or chain.
- b. "Churkin." A round throwing knife consisting of several sharp points protruding from a rounded disc.
- c. "Sucbai." A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
- (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

SEC. 9-2-3 THROWING OR SHOOTING OF STONES AND OTHER MISSILES PROHIBITED.

It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, stone, snowball or other missile within the Village of Bear Creek, provided, however upon written application to the Village Marshal and Village Board, a person may be granted permission by the Village Board to construct and maintain supervised archery ranges if in the opinion of the Village Board the construction or maintenance of such ranges will not endanger the public health and safety.

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SEC. 9-2-4 HARASSING OR OBSCENE TELEPHONE CALLS.

Whoever does any of the following acts shall be subject to the general penalty as provided in this Municipal Code:

- (a) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- (b) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
- (c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- (d) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- (e) Knowingly permits any telephone under his control to be used for any purpose prohibited by this section;
- (f) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

SEC. 9-2-5 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village unless he shall be authorized by a fireworks permit as provided in Title 7, Chapter 8, of the Code of Ordinances. The term "fireworks" as used in this section shall be defined as provided in Section 167.10(1), Wisconsin Statutes, and shall be deemed to include all rockets or similar missiles containing explosive fuel.

SEC. 9-2-6 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

- (a) **OBSTRUCTING STREETS.** No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.
- (b) **BLOCKING SIDEWALK PROHIBITED.** No person shall block any sidewalk by obstruction 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) **FREE SPEECH.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.
- (d) **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) **Block:** 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 walk.

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- (2) 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. 9-2-7 LOITERING 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 police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall prior to any arrest for an offense under this Section afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true, and, if believed by the police or peace officer at the time, would have dispelled the alarm.

SEC. 9-2-8 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.
- (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 for longer than three (3) seconds in any period of one 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 and live musical performances. 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 or live musical performances. The operation of any set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
 - (3) Loudspeaker, 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

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- 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 by causing 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 engine, stationary internal combustion engine or motor boat except through a muffler 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 Village Marshal 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) Exceptions. The provisions of this section shall not apply to:
 - a. Any vehicle of the Village while engaged in necessary public business.
 - b. Excavations or repairs of streets or other public construction by or on behalf of the Village, County, State at night when public welfare and convenience renders it impossible to perform such work during the day.
 - c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
- (c) **STATIONARY NOISE LIMITS.**
- (1) Maximum Permissible Sound Levels.
 - a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.

<u>Zone</u>	<u>Noise Rating-Daytime</u>	<u>Noise Rating-Nighttime</u>
Residential	60 db	50 db
Commercial	70 db	70 db
All other Zones	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 5 db in any octave band to be designated excessive.
- c. Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection "a" above, if the subject noise consists primarily of a pure tone or if it is impulsive in character.

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- (2) Construction Noise. Construction equipment in any zone may be operated between the hours of 7:00 a.m. to 7:00 p.m. provided that said equipment does not exceed a maximum sound pressure 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. Lawnmowers, 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.
 - (5) Exemption. Operation of emergency equipment shall be exempt from this Chapter. Snowblowers not operated on a commercial basis shall be exempt from this Chapter when used to gain access to a Village street. 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.
 - (6) Methods of Measuring Noise.
 - a. Equipment. Noise measurement shall be made with a sound level meter.
 - b. 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.
 - (7) Appeals. The Village Board may grant a variance 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 Chapter for existing industries. The Village Board, in making its determination, shall also consider the proximity of the noise to residential sleeping facilities; the nature and zoning of the area in which the noise emanates; the time of day or night the noise occurs; the duration of the noise; whether the noise is recurrent, intermittent, or constant; and whether the noise is produced by commercial or noncommercial activity.
- (d) PERMITS FOR AMPLIFYING DEVICES.
- (1) Permit Required. The use of loudspeakers or amplifying devices on the streets or parks of the Village of Bear Creek is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Village Marshal.
 - (2) Grounds or Reasons for Denial or Allowance. The Village Marshal shall have the authority to revoke such permit when he 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. Without the permission of the Village Board, the Village Marshal 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 Village Marshal, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

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SEC. 9-2-9 DISORDERLY CONDUCT.

- (a) DISORDERLY CONDUCT PROHIBITED. No person, within the Village of Bear Creek, 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 other than a bona fide athletic contest.
- (b) DISORDERLY CONDUCT WITH MOTOR VEHICLE. No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noise.
- (c) DEFECATING OR URINATING IN PUBLIC PLACES. It shall be unlawful for any person to defecate or urinate, outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings, or to indecently expose his person.

SEC. 9-2-10 POSSESSION OF CONTROLLED SUBSTANCES.

It shall be unlawful for any person to possess a controlled substance contrary to the Uniformed Controlled Substances Act, Chapter 161 of the Wisconsin Statutes.

SEC. 9-2-11 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.

CHAPTER 3

Offenses Against Property

§ 9-3-1	Destruction of Property Prohibited
§ 9-3-2	Littering Prohibited
§ 9-3-3	Open Cisterns, Wells Basements or Other Dangerous Excavation Prohibited
§ 9-3-4	Abandoned Refrigerators Prohibited
§ 9-3-5	Retail Theft
§ 9-3-6	Storage of Junk, Etc., Regulated
§ 9-3-7	Issuance of Worthless Checks
§ 9-3-8	Theft of Library Material
§ 9-3-9	Damaging or Tampering With Coin Machines
§ 9-3-10	Damage to Public Property
§ 9-3-11	Disturbing Cemetery Property
§ 9-3-12	Penalties

SEC. 9-3-1 DESTRUCTION OF PROPERTY PROHIBITED.

- (a) **DESTRUCTION OF PROPERTY.** No person shall wilfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Village and belonging to the Village or its department, 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 One Thousand (\$1,000.00) Dollars.
- (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. 9-3-2 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, or upon property within the Village owned by 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. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter.

The entire expense of picking up such litter, together with an additional charge of twenty (20%) percent for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken with the advice of the Village Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of the Section.

(c) **DUMPING OF REFUSE AND GRASS IN GUTTERS.** No person shall deposit any refuse, leaves or grass clippings in any gutter along any public street, road, alley or highway.

(d) **HANDBILLS.**

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

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

SEC. 9-3-3 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

SEC. 9-3-4 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, and 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. 9-3-5 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

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- 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 the Section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his 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 shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
 - (d) PENALTY. If the value of the merchandise does not exceed One Hundred (\$100.00) Dollars, any person violating this Section shall forfeit not more than Two Hundred (\$200.00) Dollars. If the value of the merchandise exceeds One Hundred (\$100.00) Dollars, 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. 9-3-6 STORAGE OF JUNK, ETC., REGULATED.

No person shall store junked or discarded property including automobiles, automobile parts, truck, 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 or upon permit issued by the Village Board. The Village Marshal or 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: Title 8, Chapter 4.

SEC. 9-3-7 ISSUANCE OF WORTHLESS CHECKS.

- (a) Whoever issues any check or other order for the payment of money less than Five Hundred (\$500.00) Dollars 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

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- (2) Proof that at the time of issuance, 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) Any person violating any provisions of this Section shall forfeit not less than Fifty (\$50.00) Dollars if the worthless check is for an amount equal to or less than One Hundred Fifty (\$150.00) Dollars and shall forfeit not less than One Hundred (\$100.00) Dollars if the worthless check is an amount greater than One Hundred Fifty (\$150.00) Dollars and less than Five Hundred (\$500.00) Dollars, 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. 9-3-8 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 any public libraries located within the Village.
 - (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 documentary, written or printed materials, regardless of physical form or 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 the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

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- (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 peace 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 peace officer who may conduct a lawful interrogation of the accused person. Compliance with this Section articles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace 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. 9-3-9 DAMAGING OR TAMPERING WITH COIN MACHINES.

- (a) No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the Village.
- (b) In this Section, coin machine means any device or receptacle designed to receive money or anything of value. The term includes a depository box, parking meter, vending machine, pay telephone, money-changing machine, coin-operated phonograph and amusement machine if they are designed to receive money or other thing of value.

SEC. 9-3-10 DAMAGE TO PUBLIC PROPERTY.

- (a) **DAMAGING PUBLIC PROPERTY.** No person shall climb any tree, or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure, or other property within any park or parkway, or in any way injuring, damaging or defacing 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. 9-3-11 DISTURBING CEMETERY PROPERTY.

No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants or vines from any cemetery lot or property; nor shall any person deface, injure or mark upon any cemetery markers, headstones, monuments, fences, or structures; nor shall any person other than the owner injure, carry away or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot.

SEC. 9-3-12 PENALTIES.

In addition to the general penalty of this Code or any other penalty imposed for violation of any section of this Chapter, 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 minor child who violates Section 9-3-1 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 Village Marshal from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.