

## CHAPTER 9 ORDERLY CONDUCT

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**9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.** The following Statutes following the prefix "9" defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 25.04 of this Code.

9.346.935	Drinking in Motor Vehicles on Highway
9.940.19(1)	Battery
9.940.225(3m)	Sexual Assault or Sexual Contact
9.940.34	Duty to Aid Endangered Crime Victim
9.941.01	Negligent Operation of Vehicle
9.941.03	Highway Obstruction
9.941.10	Negligent Handling of Burning Materials
9.941.12	Interfering With or Failing to Assist in Fire Fighting
9.941.13	False Alarms and Interference With Fire Fighting
9.941.20	Reckless Use of Weapon
9.941.21	Disarming a Police Officer Prohibited
9.941.22	Possession of Pistol by Minor
9.941.23	Carrying Concealed Weapon
9.941.24	Possession of Switch Blade Knife
9.941.35	Emergency Telephone Calls
9.941.37	Obstruction of Emergency Vehicles Prohibited
9.943.01(1)	Criminal Damage to Property
9.943.06	Molotov Cocktails
9.943.11	Entry Into Locked Vehicle
9.943.125	Entry Into Locked Coin Box
9.943.13	Criminal Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.15	Entry Onto a Construction Site
9.943.20	Theft
9.943.22	Use of Cheating Tokens
9.943.24	Issue of Worthless Checks
9.943.34(1)	Receiving Stolen Property
9.943.35	Receiving Property From Children
9.943.37	Alteration of Property Identification Marks
9.943.50	Shoplifting
9.944.20	Lewd and Lascivious Behavior
9.944.23	Making Lewd, Obscene or Indecent Drawings
9.944.30	Prostitution
9.944.31	Patronizing Prostitutes
9.944.33	Pandering
9.944.34	Keeping Place of Prostitution
9.944.36	Solicitation of Drinks
9.945.2	Gambling
9.945.3	Commercial Gambling
9.945.04	Permitting Premises to be used For Commercial Gambling
9.946.40	Refusing to Aid Officer

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9.946.41	Resisting or Obstructing Officer
9.946.42	Escape
9.946.44	Assisting or Permitting Escape
9.946.65	Obstructing Justice
9.946.70	Impersonating Peace Officer
9.946.72	Tampering With Public Records and Notices
9.947.01	Disorderly Conduct
9.947.013	Harassment Prohibited
9.947.015	Bomb Scares
9.947.047	Littering Shores
9.947.06	Unlawful Assemblies
9.947.15	Contributing to the Neglect of a Minor
9.948.01-.16	Crimes Against Animals

**9.02 POSSESSION AND USE OF FIREARMS AND OTHER DANGEROUS WEAPONS.**

(1) DEFINITIONS. For the purpose of this section, the following definitions shall apply:

(a) Firearm. Any weapon from which a shot may be fired by the force of an explosive or propellant, including, but not limited to, rifles, pistols, shotguns, air guns and BB guns.

(b) Other Dangerous Weapon. Includes bow and arrow, crossbow, sling shot, blow gun and other similar weapons.

(c) Public Building. Any building, including the grounds thereof, owned by the Village, the County or the School District.

(d) Public Land. Any land owned by the Village, the County or the School District.

(e) Public Place. Any privately owned building which is open to the public.

(2) POSSESSION OF FIREARMS IN PUBLIC PLACE PROHIBITED. In addition to the provisions of sub. (3) below, no person except duly authorized city, village, county, state or Federal law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while in any public building or on public land within the Village. No person shall possess a firearm while in any public place within the Village unless written consent to so possess a firearm has been given by the owner or lessee of such public place, and such possession is not contrary to 440.26, Wis. Stats.

(3) USE OF FIREARMS. (a) Regulated. No person except an authorized police officer shall discharge any firearm within the Village or have any firearm in his possession within the Village, except in his own domicile, unless it is unloaded and enclosed in a carrying case or other suitable container, except as provided in par. (b) below.

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(b) Exception. Pest control permits issued by the Clerk-Treasurer for a period not to exceed one year.

(4) USE OF OTHER DANGEROUS WEAPONS REGULATED. No person shall shoot or discharge any other dangerous weapon anywhere in the Village.

9.03 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

**9.04 MARIJUANA, POSSESSION AND USE PROHIBITED. (1)**

DEFINITION. "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

(2) POSSESSION, DELIVERY AND USE PROHIBITED. It shall be unlawful for any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.

(3) EXCEPTION. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.

(4) PENALTY. Any person who shall violate any provision of this section shall, upon conviction, be subject to forfeiture as provided in sec. 25.04 of this Code.

**9.05 SALE AND USE OF FIREWORKS REGULATED. (1) DEFINITION.**

The definition of "fireworks" stated in 167.10(1), Wis. Stats., is hereby adopted by reference.

(2) SALE REGULATED. Except as provided in 167.10(2) and (4), Wis. Stats., no person shall sell, or possess with the intent to sell, fireworks.

(3) USE REGULATED. Except as provided in 167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit issued pursuant to sub. (4) below.

(4) USER'S PERMIT. As provided in 167.10(3), Wis. Stats., fireworks user's permits may be issued by the Village President.

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or other Village official designated by the Village President after review and approval of the permit request by the Village Board. The Board prior to issuing the permit shall require a certificate of liability insurance, or similar proof of coverage, in an amount deemed necessary. A copy of the permit and proof of insurance shall be filed with the Clerk-Treasurer and copies of the permit shall be given to the Fire Chief at least 2 days before the authorized use.

(5) USE OF CERTAIN DEVICES REGULATED. No person may use fireworks, or devices listed in 167.10(l)(e) to (g) and (i) to (n), Wis. Stats., including, but not limited to, caps, toy snakes, model rocket engines, sparklers or cone fountains at a fireworks display for which a permit has been issued if the display is open to the general public.

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

(2) PUBLIC ADDRESS SYSTEMS AND AMPLIFIERS. No person shall use or operate any public address system, amplifier or device which increases the volume of voice, music or other sounds so loud as to disturb the public peace or the quiet and peacefulness of the neighborhood.

(3) CONSTRUCTION AND MACHINERY NOISE. Except for Village employees, between the hours of 10:00 P.M. and 7 A.M. no person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature without prior approval of the Village Board.

**9.07 LOITERING PROHIBITED.** (1) LOITERING OR PROWLING. 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, 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 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.

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(2) OBSTRUCTION OF HIGHWAY BY LOITERING. No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

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

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

(5) LOITERING IN PUBLIC PLACES. No person shall loiter, lounge or loaf in or about any dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by the owner or person in charge or any police officer. 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.

(6) LOITERING IN OR ON SCHOOL PROPERTY. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander or stand in or on any school property within the Village between 7:00 A.M. and 5:00 P.M. or official school days.

**9.08 CONSUMPTION OF FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR ON PUBLIC PROPERTY AND PARKING LOTS PROHIBITED. (1)**

DEFINITIONS. (a) Public Property. Any property, including buildings or structures thereon, which is owned, leased or operated by the Village, or public, private or parochial schools; public sidewalks; roadways and streets; playgrounds; parks; and alleys.

(b) Public Parking Lot. Any area held out to the public for the parking of motor vehicles, whether such area is publicly or privately owned.

(c) Licensed Premises. The area within a building or structure which is licensed pursuant to ch. 12 of this Code, but not including parking lots, sidewalks, roadways or land which is adjacent to the building or structure and within the property boundary lines, unless authorized by the Village Board.

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(2) CONDUCT PROHIBITED. No person shall consume any fermented malt beverage or intoxicating liquor in or upon any public property or public parking lot.

(3) CONDUCT PROHIBITED OUTSIDE LICENSED PREMISES. No person who has purchased opened fermented malt beverages or intoxicating liquor from any licensed premises shall consume said beverages or liquor outside of, but within the property boundary lines of, such premises.

(4) EXCEPTIONS. (a) The prohibitions in subs. (2) and (3) above shall not apply to those events or activities which are otherwise permitted or licensed pursuant to ch. 12 of this Code, or to picnics in the Village park, except that no glass beer bottles may be brought into the park; however, during licensed events located in the Village Park, no person shall carry in any alcohol beverage.

(b) The prohibition in sub. (2) above shall not apply to a school-sponsored activity when specifically permitted in writing by the school administrator.

(c) The prohibitions in subs. (2) and (3) above shall not apply to those persons who transport unopened fermented malt beverages or intoxicating liquor from a point of purchase to their destination unless it is in violation of 346.93, Wis. Stats.

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

**9.10 KEEPING OF LIVESTOCK AND POULTRY REGULATED.** No person shall keep or maintain any poultry or fowl, or any livestock such as horses, cattle, sheep or goats in any areas except agricultural areas.

**9.11 LITTERING.** (1) PROHIBITED. No person shall deposit any mud, glass, refuse or waste, filth or other litter upon the streets, highways, alleys, parks or other property of the Village or upon any private property or into or upon any body of water or stream within the Village.

(2) PENALTY. Any person found guilty of violating this section shall be subject to forfeiture, as provided in sec. 25.04 of this Code, plus the cost of cleanup. Each day a violation continues shall constitute a separate violation.

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**9.12 BURNING REGULATIONS. (1) BURNING OF TRASH RESTRICTED**

No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private ground within the Village within 25 feet of any building unless the same is confined within a wire refuse burner, basket or metal enclosure with a cover attached to prevent the escape of sparks and burning material.

(2) **BURNING OF BRUSH AND GRASS.** The burning of brush or grass is permitted, provided that there is continuous adult supervision. However, such burning is prohibited during such periods when a DNR "no burning" order is in effect.

(3) **FIRE ZONE CREATED.** (a) Burning Regulated. The area of the Village east of Maple Street and north of High Street is hereby declared a fire zone. No person shall burn any rubbish or start any outside fire without a burning permit issued by the Fire Chief or the Clerk-Treasurer.

(b) Penalty. Any person who shall start a fire without securing a permit shall be subject to the penalty provided in sec 9.30 of this chapter. In addition, such person shall be subject to the payment of any and all damage done by the fire plus the cost of the Fire Department run to extinguish said fire.

**9.13 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.**

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

**9.14 ABANDONED OR UNATTENDED ICEBOXES, ETC., PROHIBITED.**

NO person shall leave or permit to remain outside of any dwelling building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded icebox, 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 such door or lid snap lock or other locking device from such icebox, 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.

**9.15 ROLLERSKATING AND SKATEBOARDING REGULATED.** No person shall rollerskate or skateboard on any sidewalk in the business district or Government building.



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**9.16 PARK CLOSING HOURS.** The Village Park shall be closed at 10:00 P.M. each night, except that the Park and Sanitation Committee may establish a later hour for special events. No person shall enter or remain in the park after closing hours.

**9.17 CURFEW.** CURFEW of the Village of North Freedom Code of Ordinances is hereby REPEALED and Section 9.17 shall provide as follows:

On February 12, 1996, the Village Board adopted Resolution No. 260, thereby providing that Sauk County Ordinance Section 11.12 relating to curfew hours for minors shall be enforced within the Village to the fullest extent allowed by law.

Sunday-Thursday	10p.m. to 5a.m.
Friday & Saturday	11p.m. to 5a.m.

**9.18 DESTRUCTION OF PROPERTY PROHIBITED.** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Village or its departments or to any private person without the consent of the owner or proper authority.

**9.19 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. This offense shall include, but not be limited to, the operation of a vehicle, whether or not motorized, without the owner's consent.

**9.20 DISORDERLY CONDUCT.** In addition to the provisions set forth in 9.947.01 of this chapter, it shall be unlawful to urinate or defecate on any street or sidewalk or private property in the Village.

**9.21 ACCIDENTAL SPILLS OF HAZARDOUS OR DETRIMENTAL SUBSTANCES.**

(1) HAZARDOUS SUBSTANCE SPILLS, (a) DNR Notification Required. Any person who possesses or controls a "hazardous substance," as defined in 144.01(4m), Wis. Stats., which has been discharged or spilled, or who causes the discharge or spilling of such hazardous substance, shall immediately notify the Wisconsin Department of Natural Resources of any such spill or discharge as required in 144.76, Wis. Stats.

(b) Village Notification. In addition to the notification required in par.(a) above, the owner or the person causing the discharge of a hazardous substance shall immediately notify the Fire Chief of such spill or discharge.

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(2) **DETRIMENTAL SUBSTANCE SPILLS; NOTIFICATION.** Any person who possesses or controls a discharged or spilled material, or cause; a discharge or spill, which, although not a "hazardous substance, may be detrimental to the general safety and welfare of Village residents shall immediately notify the Fire Chief. Such detrimental substances may include, without limitations, food products and nitrates.

(3) **CLEANUP REQUIRED.** Any person responsible for the discharge or spill of any hazardous or detrimental substance shall be responsible for cleanup within a time reasonable under the circumstances. In the event such cleanup is not completed within a reasonable time, the Village shall clean up and bill the person responsible.

(4) **PENALTY.** Any person responsible for a spill or discharge who does not provide the notification required un subs. (1) (b) and (2) above shall be subject to a forfeiture as provided in sec 25.04 of this code.

**9.22 OFFENSES BY MINORS.** (1) No person under the age of 18 shall be truant from school as defined in 118.16(1), Wis. Stats. This section does not apply to a child aged 16 or older whose parent or guardian or person having legal custody has given written notice to the school board for withdrawal of that child from school. This section also does not apply in instances enumerated in 118.25(3), Wis. Stats.

(2) No person under the age of 21 shall possess intoxicating liquor, or shall possess fermented malt beverages except and unless accompanied by a parent or guardian, or spouse of legal drinking age.

**9.23 OFFENSES UPON SCHOOL PROPERTY.** No person shall refuse to leave school property upon order by the school principal or a person acting under his direction. A violation of this section shall be considered a trespass.

(2) No person shall bring, or cause to be brought, upon school property any intoxicating liquor, fermented malt beverage or controlled substance, as defined in Ch. 161, Wis. Stats., except and unless with written consent of the school principal.

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**9.24 UNIFORM CITATION METHOD ADOPTED.** (1) CREATION pursuant to 66.119, Wis. Stats., the Village hereby elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.

(2) CITATION. The citation shall contain the following:

(a) The name and address of the alleged violator.

(b) Factual allegations describing the alleged violation.

(c) The time and place of the offense.

(a) The section of the ordinance or the municipal code violated.

(b) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.

(c) The time at which the alleged violator may appear in court.

(d) A statement which, in essence, informs the alleged violator, as follows:

1. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.

2. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.

3. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by 165.87, Wis. Stats., the jail assessment imposed by 53.46, Wis. Stats., and the automation fee imposed by 814.635, Wis. Stats., not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons shall be issued demanding him to appear in court to answer the complaint.

4. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the penalty assessment imposed by 165.87, Wis. Stats., the jail assessment imposed by 53.46, Wis. Stats., and the automation fee imposed by 814.635, Wis. Stats.

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(h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (g) above has been read. Such statement shall be sent or brought with the cash deposit.

(i) Such other information as the Village Board deems necessary.

(3) DEPOSITS. (a) Each citation issued under this section, except those to which par. (d) below applies, shall specify a cash deposit as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference or, where applicable, the Village Deposit Schedule, which is hereby adopted by reference, which consists of the appropriate forfeiture, the current penalty assessment, the jail assessment, the automation fee and court costs.

(b) Deposits shall be made in cash, money order or check to the County Clerk of Courts, who shall provide a receipt therefore.

(c) The penalty assessment imposed by 165.87, Wis. Stats., the jail assessment imposed by 53.46, Wis. Stats., and the automation fee imposed by 814.635, Wis. Stats., shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which State law controls or for ordinances involving nonmoving traffic violations. Said assessments shall be in an amount determined after deducting the court costs.

(d) The deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed the maximum penalties provided in Ch. 48, Wis. Stats., plus the penalty assessment imposed by 165.87, Wis. Stats., the jail assessment imposed by 53.46, Wis. Stats., and the automation fee imposed by 814.635, Wis. Stats., except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.

(4) DEPOSIT SCHEDULE. Every police officer issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit, as provided in sub. (3) above, that the alleged violator may make in lieu of court appearance.

(5) ISSUANCE OF CITATION. Any peace officer may issue citations authorized under this section. In addition, the Director of Public Works may issue parking citations and the Building Inspector and the Fire Chief may issue citations for violations under their respective jurisdictions.

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(6) PROCEDURE. Section 66.119(3), Wis. Stats., relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(7) NONEXCLUSIVITY. (a) Other Ordinances. Adoption of this section does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(b) Other Remedies. The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order

**9.30 PENALTY.** Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code. In addition to any penalty imposed for violation of sec. 9.943.01(1) of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates sec. 9.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with 895.35. Wis. Stats.