

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
9.938.983	Purchase or Possession of Tobacco Products by Minors
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 Firefighting
9.941.13	False Alarms and Interference with Firefighting
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
9.941.26(4) (L)	Possession of Oleoresin of Capsicum (Pepper Spray)
9.941.35	Emergency Telephone Calls
9.941.37	Obstruction of Emergency Vehicles Prohibited
9.943.01(1)	Criminal Damage to Property
9.943.017	Graffiti Prohibited
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
9.945.02	Gambling
9.945.03	Commercial Gambling
9.945.04	Permitting Premises to be used for Commercial Gambling
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.415	Failure to Comply With Officers Attempt to Take Person into Custody

9.946.42	Escape
9.946.44	Assisting or Permitting Escape
9.946.65	Obstructing Justice
9.946.70	Personating 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
9.947.045	Drinking in Motor Vehicle
9.947.047	Littering Shores
9.947.06	Unlawful Assemblies
9.947.15	Contributing to the Neglect of a Minor
9.948.015-.62	Crimes against Children
9.051.01-.16	Crimes against Animals

**9.02 POSSESSION AND USE OF FIREARMS AND OTHER DANGEROUS WEAPONS AND PROHIBITION AGAINST CARRY OF WEAPONS AND FIREARMS IN MUNICIPAL BUILDINGS** (Rep. & Recr. Ord. #4-11, Eff. 11-1-11). (1) DEFINITIONS. For the purpose of this section, the following definitions shall apply:

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

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

(c) *Weapon*. A handgun, an electronic weapon as defined in §941.24, Wis. Stats., or a billy club.

(d) *Other Dangerous Weapon*. Includes bow and arrow, crossbow and other similar weapons.

(e) *Public Building*. Any building owned by the Village, the County or the School District.

(2) CARRYING OF FIREARMS IN MUNICIPAL BUILDINGS. In addition to the provisions of §175.60, Wis. Stats., enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer to enter a public building while carrying a weapon or a firearm.

(3) SIGNAGE. Signs meeting the requirements of §943.13(2)(bm)1., Wis. Stats., shall be posted in prominent places near all entrances of such buildings regarding such restrictions.

(4) USE OF FIREARMS AND OTHER DANGEROUS WEAPONS REGULATED.. No person, except an authorized police officer, shall discharge any firearm within or into the Village. No person shall shoot or discharge any other dangerous weapon anywhere in the Village.

(5) PENALTY. Any person who enters or remains in any aforementioned municipal building contrary to such signage shall be considered a trespasser subject to penalty as proscribed under secs. 9.32 and 25.04 of this Code.

**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. See also sec. 9.02(5) of this chapter.

**9.04 POSSESSION OF MARIJUANA. (1) PROHIBITED.** Subject to sub. (2) below and subject to the exception provided in §161.41(3r), Wis. Stats., no person shall possess marijuana, as defined in §161.01(14), Wis. Stats.

(2) **EXCEPTIONS.** This section shall not apply to a person who possesses more than 25 grams of marijuana or to a person who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in this State.

(3) **PENALTY.** Any person who shall violate sub. (1) above, except as provided in sub. (2) above, shall, upon conviction, be subject to a 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 without a permit.

(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.

**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 unless authorized by the Village Board.

(3) **CONSTRUCTION AND MACHINERY NOISE.** Except for Village employes, between the hours of 10:00 P.M. and 6:00 A.M. no person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature.

**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, 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 explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears, at trial, that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) **OBSTRUCTION OF 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.** (a) *Prohibited.* No person not in official attendance or on official school business shall enter into, congregate, loiter, wander or stand in or on any public or private school property within the Village between 7:00 A.M. and 5:00 P.M. on official school days. Any person who remains on school grounds after being asked to leave by the school principal, the principal's designee or a faculty member shall be presumed to be in violation of this subsection.

(b) *Exceptions.* The prohibition against loitering in this subsection shall not apply to students, school faculty and school staff personnel, or to those persons who are authorized to be on school grounds for legitimate reasons.

(c) *Definitions.* In this subsection, the terms used shall be defined as follows:

1. **School Grounds.** Any school building in the Village and those areas surrounding any school building, including parking lots, which are either owned by the school district or normally used for school related activities.

2. **Legitimate Reasons.** Such reasons as attendance at school related activities open to the public; school business; authorized meetings with school administrators, school faculty, students or school staff personnel; and any other valid reasons which justify the presence of someone on school grounds.

**9.08 POSSESSION AND CONSUMPTION OF ALCOHOL BEVERAGES RESTRICTED.** See sec. 12.02(13) of this Code.

**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 ANIMALS AND POULTRY REGULATED. (1) DEFINITIONS.**

(a) *Livestock.* Includes, but not limited to, horses, cattle, swine, sheep and goats.

(b) *Wild Animals.* Birds, mammals and reptiles which normally inhabit and propagate in a natural environment.

(2) No person shall keep in his possession any livestock within the Village, except in an Agricultural District.

(3) No person shall keep in his possession any wild animal within the Village.

**9.11 REMOVAL OF ANIMAL FECES.** (1) **REMOVAL OF FECAL MATTER.** The owner or person in charge of any dog, cat, horse or other animal shall not permit solid fecal matter of such animal to be deposited on any street, alley or other public or private property unless such matter is immediately removed therefrom by said owner or person in charge. This section shall not apply to a person who is visually or physically handicapped.

(2) **ACCUMULATION OF FECAL MATTER PROHIBITED ON PRIVATE YARDS.** The owner or person in charge of the dog or cat shall also prevent accumulation of animal waste on his own property by regularly patrolling and properly disposing of the fecal matter.

**9.12 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 a 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.

**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 RADIO AND TELEVISION INTERFERENCE PROHIBITED.** No person shall operate any machine or equipment which causes interference with radio or television reception when such interference can be prevented by repairs, adjustments, the installation of corrective appliances or other practical alterations at a reasonable expense.

**9.16 CURFEW.** (1) **REGULATIONS AND EXCEPTIONS.** (a) *Regulations.* It shall be unlawful for any child under the age of 17 years to loiter, idle or remain upon any street or alley or other public place in the Village between 10:00 P.M. and 6:00 A.M. the next day.

(b) *Exceptions.* The following shall constitute valid exceptions to the operation of the curfew:

1. At any time, if the person is accompanied by his parent or legal guardian.

2. At any time, in the event of an emergency which would justify the reasonableness of the person's presence.

3. At any time while the person is pursuing the duties of his employment.

(2) PARENTAL VIOLATION. No parent, guardian or person having legal custody of a child under the age of 18 years shall suffer or permit such child to violate sub. (1) above.

(3) WARNING AND PENALTY. (a) *Warning*. The first time a child is taken into custody by a law enforcement officer, the parent, guardian or person having legal custody of such child may be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by this child or any other child under his care or custody shall result in a penalty being imposed as hereinafter provided.

(b) *Penalty*. Any parent, guardian or person having legal custody of a child described in sub. (1) above, who has been warned in the manner provided in par. (a) above and who thereafter violates this section shall be subject to a penalty as provided in sub. (4) below. Any child under the age of 18 years who violates this section shall also be subject to a penalty as provided in sub. (4) below.

(4) PENALTY. (a) A violation of this section may be punishable by a forfeiture of not less than \$5 or more than \$200.

(b) In addition to the penalty outlined above, any person under the age of 18 years may be punished under §§48.17(2) and §48.343, Wis. Stats.

**9.17 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.

**9.18 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.

**9.19 PARK REGULATIONS.** (1) PURPOSE AND DEFINITION. In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village from injury, damage or desecration, these regulations are enacted. The term "park" as used in this chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, play ground, swimming pool or conservancy area in the Village.

(2) SPECIFIC REGULATIONS. (a) *Littering Prohibited*. No person shall litter, dump or deposit any rubbish, refuse or other material in any park.

(b) *Sound Devices*. No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Board.

(c) *Bill Posting.* 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 park, except park regulations and other signs authorized by the Village Board.

(d) *Throwing Stones and Missiles Prohibited.* No person shall throw stones or other missiles in or into any park.

(e) *Removal of Park Equipment Prohibited.* No person shall remove benches, seats, tables or other park equipment from any park.

(f) *Trapping.* 1. Definition. Includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals. Live traps on a person's property are excluded.

2. Prohibited. The trapping of wild animals is prohibited in Village parks.

(g) *Making of Fires.* No person shall start or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.

(h) *Protection of Park Property.* 1. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.

2. No person shall deface any equipment by throwing stones, pebbles or other debris in any of the toilets, bubblers or other sanitary facilities located in any Village park; or to deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any Village park; or to deface the equipment by means of a sharp instrument.

(i) *Motorized Vehicles.* Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Village Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading. No person shall operate a motor vehicle in a reckless manner in any public park.

(j) *Snowmobiles.* No person shall operate a snowmobile in a Village park except on designated trails.

(k) *Speed Limit.* No person shall operate any vehicle in a Village park in excess of 15 miles per hour unless otherwise posted

(l) *Glass Beverage Bottles in Parks Prohibited.* No individual shall possess or consume any beverage in a glass bottle or glass container in any Village park.

(m) *Parking in Parks.* No person shall park any motor vehicle in any park in the Village except in a designated parking area.

(n) *Horse and Carriages.* No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Village Board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. Horses shall not be left unbridled or unattended.

(o) *Removing Tree Protectors.* No person shall remove any device for the protection of trees or shrubs.

(p) *Golfing and Sporting Activities.* No golfing or practicing golf in Village parks or recreation areas shall be permitted except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.

(q) *Arrows.* No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.

(r) *Pets.* Pets, including animals of any species, shall not be permitted in any Village park, except for Village-approved events and dogs trained to assist disabled persons

(s) *Firearms: Hunting.* Possessing or discharging of any air gun, sling shot, explosive, firearm or weapon of any kind is prohibited in all Village parks.

(t) *Fish Cleaning.* Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.

(u) *Vendors Restricted.* No person shall sell, vend or give away any article of merchandise whatever without a written permit from the Village Board.

(v) *Camping.* No overnight camping shall be permitted in any park, except where written approval of the Village Board or duly authorized agent is first obtained.

(4) PARK HOURS. (a) Hours Established. All Village parks shall be closed to the public between the hours of 11:00 P.M. and 7:00 A.M. of the succeeding day. Any law enforcement officer of the Village may clear all persons from the Village parks during closing hours.

(b) Exceptions. 1. The regular closing hours of Village parks do not apply to persons having permission from the Village Board to be present in the Village parks during closed hours on specific days and for specific purposes.

2. The regular closing hours of the Village parks do not apply to persons in attendance at a regularly scheduled ball game at the ball diamond located in the Village, except that those persons shall vacate the park within 15 minutes after the ending of a regularly scheduled game.

(5) RESERVATION OF PARK SPACE. (a) *Reservation Policy.* The Village-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents

and visitors of the Village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted.

(b) *Reservation of Park Space.* A person or group may reserve the use of a park facility or a park shelter by obtaining permission from the Clerk-Treasurer.

(c) *Care of Facilities.* Persons reserving Village facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of Village officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a Village park shall agree to assume full responsibility for all damage to Village property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the Village may have.

(d) *Community Center Use.* Persons using the Community Center shall fully comply with all use regulations adopted by the Village. Users shall also pay applicable rental fees established by the Village Board.

**9.20 OPERATION OF REMOTE OR RADIO-CONTROLLED AIRBORNE TOYS OR DEVICES PROHIBITED.** It is unlawful for any person to fly or operate any airborne remote or radio-controlled model airplane, helicopter, vehicle or any other such device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

**9.21 ALCOHOL IN MUNICIPAL BUILDINGS.** The possession or consumption of alcohol in municipal buildings is prohibited, with the exception of the Community Center when it is rented out to private parties, Legion events and Fish and Game events, and also to any organization or function that has purchased a picnic beer license for the sale of alcohol in a municipal building.

**9.22 DISTURBING CEMETERY PROPERTY.** No person except the owner of the cemetery lot or a cemetery employe 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.

**9.23 HABITUAL TRUANCY.** (1) PROHIBITED. Pursuant to the authority granted under §118.163, Wis. Stats., no pupil under 18 years of age may be “habitually truant” as defined in §118.16(1)(a), Wis. Stats.

(2) PENALTY. The Court is hereby authorized to impose forfeitures and other penalties enumerated in §118.163(1m), Wis. Stats.

**9.24 OFFENSES UPON SCHOOL PROPERTY.** (1) No person shall refuse to leave school property upon being asked to leave 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.

**9.25 REGULATION OF SMOKING.** (1) STATE STATUTE ADOPTED. The provisions of Ch. 101.123, Wis. Stats., relating to the regulation of smoking and clean indoor air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section.

(2) PROHIBITION ON VILLAGE PROPERTY. In recognition of a need to protect the health and comfort of the public and Village employes from the detrimental effects of smoking, pursuant to the authority granted to the Village by §101.123(2) (c), Wis. Stats., smoking, as defined by §101.123(1) (h), Wis. Stats., is hereby prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village, except in designated areas.

**9.26 OUTDOOR WOOD-FIRED FURNACES PROHIBITED.** (1) DEFINITIONS.  
(a) *Clean Wood.* Natural wood which has not been painted, varnished or coated with a similar material has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

(b) *Fire Inspector.* The Chief of the Wittenberg Fire Department or other person authorized by the Fire Inspector.

(c) *Outdoor Wood-fired Furnace.* A wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(d) *Refuse.* Any waste material except clean wood.

(2) MATERIALS THAT MAY NOT BE BURNED. The Village shall not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.

(a) Rubbish or garbage, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(b) Waste oil or other oily wastes, except used oil burned in a heating device for energy recovery subject to the restrictions in Wis. Adm. Code DNR 590.

(c) Asphalt and products containing asphalt.

(d) Treated or painted wood, including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(e) Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(f) Rubber, including tires and synthetic rubber-like products.

(g) Newspaper, corrugated cardboard, container board, office paper and other materials that shall be recycled in accordance with sec. 11.03 of this Code.

(3) **OUTDOOR WOOD-FIRED FURNACES.** No person shall install, use or maintain an outdoor wood-fired furnace within the Village. Further, no previously existing outdoor wood-fired furnace shall be used during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area. Note: Previously existing outdoor wood-fired furnaces shall be subject to Section 17.05 of this Code.

(4) **RIGHT OF ENTRY AND INSPECTION.** The Fire Inspector or any authorized officer, agent, employe or representative of the Village who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this section. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with §§66.122 and 66.123, Wis. Stats.

(5) **ENFORCEMENT.** The Fire Inspector and Building Inspector are authorized to enforce the provisions of this section.

(6) **LIABILITY.** In addition to any other penalty imposed by this Code, any person violating this section shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

**9.27 to 9.30** (Reserved)

**9.31 UNIFORM CITATION METHOD ADOPTED.** (1) **CREATION.** Pursuant to §66.0113, Wis. Stats., the Village hereby elects to use the citation method of enforcement of ordinances, including those ordinances 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.
- (d) The section of the municipal code violated.
- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court.
- (g) 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 and fees imposed under the Wisconsin Statutes, 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 assessments and fees imposed under the Wisconsin Statutes.

(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 assessments and fees imposed by law.

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

(c) The penalty assessments and fees imposed by the Wisconsin Statutes 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 non-moving traffic violations.

(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 assessments and fees under the Wisconsin Statutes except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.

**9.32 PENALTY.** Any person who shall violate any provisions 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 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.