

## CHAPTER 10 ORDERLY CONDUCT

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**10.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE**

(1) STATUTORY PROVISIONS ADOPTED BY REFERENCE. The statutory provisions describing and defining regulations with respect to crimes against public health and safety, property, sexual morality, government and administration, and peace and order in the sections of the Wisconsin Statutes, as revised, and as enumerated in sub. (2) of this section are adopted and by reference made a part of this section as if fully set forth herein.

(2) STATUTORY PROVISIONS ENUMERATED. The following statutory sections are adopted by reference and conduct which is the same or similar to that prohibited by such statutory provisions is prohibited in the Village:

101.123	Smoking Prohibited
939.05	Party to Crime.
940.19(1)	Battery, Simple.
940.225(3m), (4)--(7)	Fourth Degree Sexual Assault.
940.34	Duty to Aid Victim or Report Crime.
940.42	Intimidation of Witnesses.
940.44	Intimidation of Victims.
941.10	Negligent Handling of Burning Materials.

941.12	Interfering with Fire Fighting.
941.13	False Alarms.
941.20	Reckless Use of a Weapon (Excluding Felony Provisions).
941.23	Carrying Concealed Weapon.
941.235	Carrying firearm in public building
941.237	Carrying handgun where alcohol beverages may be sold and consumed
941.24	Possession of Switch Blade Knife.
941.297	Facsimile Firearms.
941.36	Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes.
941.37	Obstructing Emergency or Rescue Personnel.
942.05	Opening Letters.
943.01	Criminal Damage to Property.
943.11	Entry into Locked Vehicle.
943.125	Entry into Locked Coin boxes.
943.13	Trespass to Land.
943.14	Criminal Trespass to Dwelling.
943.15	Entry onto Construction Site or into a Locked Building, Dwelling or Room.
943.20	Petty Theft (Under \$500.00).
943.21	Fraud on Hotel or Restaurant Keeper (Under \$500.00).
943.22	Use of Cheating Tokens.
943.23	Operating Vehicle Without Owner's Consent.
943.24	Issue of Worthless Check.
943.34	Receiving Stolen Property-Less than \$500.00.
943.37	Alteration of Property Indemnification Marks.

943.45	Obtaining Telecommunications Service by Fraud (Excluding Felony Provisions).
943.46	Theft of Cable Television Service.
943.50	Retail Theft.
943.61	Theft of Library Material.
944.20	Lewd and Lascivious Behavior.
944.21	Obscene Material or Performance.
944.23	Making Lewd, Obscene or Indecent Drawings.
944.30	Prostitution.
944.31	Patronizing Prostitutes.
944.33	Pandering (Excluding Felony Provisions).
946.40	Refusing to Aid an Officer.
946.41	Resisting or Obstructing Officer.
946.42	Escape (Excluding Felony Provisions).
946.44	Assisting Escape (Excluding Felony Provisions).
946.67	Compounding or Concealing Crime.
947.01	Disorderly Conduct.
947.012	Unlawful Use of Telephone.
947.013	Harassment.
947.02	Vagrancy.
947.06	Unlawful Assemblies.
948.01	Definitions.
948.09	Sexual Intercourse with a Child Age 16 or Older.
948.10	Exposing Genitals or Pubic Area.
948.12	Possession of Pornography.
948.21	Neglecting a Child (Excluding Felony Provisions).

948.40	Contributing to the Delinquency of a Child (Excluding Felony Provisions).
948.45	Contributing to Truancy.
948.55	Leaving or Storing a Loaded Firearm within the Reach or Easy Access of a Child.
948.60	Possession of a Dangerous Weapon by a Child (Excluding Felony Provisions).
948.605	Gun-Free School Zones (Excluding Felony Provisions).
948.61	Dangerous Weapons Other Than Firearms on School Premises (Excluding Felony Provisions).
948.63	Receiving Property From a Child.
948.70	Tattooing of Children.
951.02	Mistreating Animals.
951.03	Dognapping and Catnapping.
951.06	Use of Poisonous and Controlled Substances.
951.13	Providing Proper Food and Drink to Confined Animals.
951.14	Providing Proper Shelter.
951.15	Animals; Neglected or Abandoned.

(3) REFERENCES TO WISCONSIN STATUTES. The statutory provisions adopted by reference herein shall mean the Wisconsin Statutes as from time to time amended, repealed and re-created or modified by the Wisconsin Legislature and shall be deemed to refer to the most recent enactments of such statutory provisions by the Wisconsin Legislature.

(4) PENALTY FOR VIOLATION. The penalties prescribed for violation of any of the provisions of this section shall be limited to a forfeiture. This forfeiture shall be levied upon anyone violating any of the provisions of this section pursuant to §20.05 of the Code of General Ordinances of the Village of Williams Bay as the same may be amended, repealed and recreated from time to time and such reference shall be deemed refer to the most recent enactment of §20.05.

(5) CONFLICTING PROVISIONS REPEALED. Existing provisions of the Williams Bay Municipal Code conflicting with this section are hereby repealed.

**10.015 DISCHARGING AND CARRYING FIREARMS AND GUNS PROHIBITED**

No person, except a Sheriff, Constable, police officer or their deputies or other law enforcement officer shall fire or discharge any firearm, rifle, spring or air gun within the Village. The Chief of Police may further grant a permit for the discharge of a firearm and gun for any lawful purpose such as pest extermination to any adult resident of the Village for a period of not more than thirty (30) days. 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. An exception to this section exists for persons engaging in hunting in full compliance with Section 10.26 of the Code of Ordinances of the Village of Williams Bay. Further, this section does not apply to a person who discharges a firearm in defense of the personal safety of himself or others consistent with the provisions of Wis. Stats. §939.48. (9/09)

#### **10.02 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.

#### **10.03 SALE AND DISCHARGE OF FIREWORKS RESTRICTED**

Section 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby is adopted by reference and made a part of this section as though set forth in full.

#### **10.04 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED**

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the 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.

#### **10.05 LOUD AND UNNECESSARY NOISE PROHIBITED**

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 another in or about any public street, alley or park or any private residence.

#### **10.06 REGULATION OF EMERGENCY ALARMS**

See §8.15 of this Municipal Code.

#### **10.07 GAMBLING, LOTTERIES, FRAUDULENT DEVICES AND PRACTICES PROHIBITED**

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the Village, except as provided by State Statute. Any police officer or policeman of the Village shall seize anything devised solely for gambling or found in actual use for gambling within the Village and dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling.

#### **10.08 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, 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.

(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 places within the Village in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, 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.

### **10.09 CURFEW**

(1) MINORS. No minor person under the age of 18 years of age shall loiter, idle, wander, play, either on foot or in a vehicle of any nature whatsoever, upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots, or other unsupervised places in the Village between the hours of 11:00 p.m. and 6:00 a.m., unless accompanied by a parent or guardian, or other adult person having care and custody of the minor, provided, however, that this section shall not apply to minors while they are returning home from functions authorized by the governing body of any public or parochial school or church in the Village, and while such is being made by the shortest and most direct route and as fast as is reasonably possible under the circumstances. This section shall not apply to minors returning home from work, provided that any such minor shall carry a pass issued by the chief of police, and shall be returning home by the shortest and most direct route and as fast as is reasonably possible under the circumstances. This section shall not apply to minors exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly, or minors that are married or had been married or is an emancipated minor under the Emancipation of Mature Minors Act, as amended.

(2) PARENTAL RESPONSIBILITY. No parent, guardian, or other adult person having care and custody of a minor person under 18 years of age shall knowingly permit such minor to loiter, idle, wander or play, either on foot or in a vehicle of any nature whatsoever, upon the streets, alleys, highways, roads, vacant lots, or other unsupervised places in the Village between the hours specified in sub. (1) unless such minor is returning from an approved school or church function or from work or exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly or is an emancipated minor under the Emancipation of Mature Minors Act, as amended as provided in sub. (1).

(3) ENFORCEMENT. Before taking any enforcement action with in this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section (1) is present.

(4) PENALTIES FOR VIOLATION.

(a) Any minor found violating the provisions of sub. (1) for the first violation shall be warned of the penalties for second and subsequent violations by any police officer of the Village, and where possible, shall be taken and delivered by such officer to the custody of the person having legal custody over the minor. A record of such violation shall be made and filed in the records of the Police Department. Any minor found violating the provisions of sub. (1) a second or subsequent time shall be dealt with in accordance with the provisions of Ch. 48, Wis. Stats.

(b) Anyone violating subs. (1) or (2) shall be subject to a penalty as provided in §20.05 of this Municipal Code.

(c) Any person who shall violate any provision of sub. (2) shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 5 days.

#### **10.10 INDECENT ADVERTISING PROHIBITED**

No person shall within the Village display any indecent advertisement.

#### **10.11 BURNING**

(1) Prohibited. Open air burning of all combustible materials is prohibited in the Village. Under no circumstances will burning be permitted on the asphalt or concrete portion of a roadway or public sidewalk.

(2) Exceptions.

(a) The burning of leaves and small sticks is permissible under the following conditions.

1. All burning must be done under the constant supervision of an adult.
2. All burning must be done during daylight hours and no burning will begin prior to 12:00PM (noon).
3. All fires must be completely extinguished when not in compliance with subs.(1)and(2).

(b) The burning of recreational campfires is permissible under the following conditions.

1. The burning of logs or tree limbs not greater than six inches in diameter and three feet in length is permitted for the purpose of recreational campfires.
2. Burning of recreational campfires is not limited to daylight hours but must be done under the constant supervision of an adult.
3. All fires must be completely extinguished when not in compliance with subs. (1) and (2).

(3) Safe Burning. Any person, firm, or corporation who burns pursuant to the Exceptions stated in subsection (2) above shall do so in a safe manner so as not to cause damage to the property of another.

(4) Special Exceptions. The Building Inspector of the Village of Williams Bay may grant an exception to this Ordinance for special purposes or events that the Building Inspector feels are appropriate with a permit.

(5) Special Charge for Non-Compliance. Any fire that results in a response by the Williams Bay Fire Department to extinguish a fire for non-compliance with this Ordinance shall result in a special charge for services to the person in control of the property or the fire in the amount of \$500.00 which shall be payable within 30 days of the date of billing pursuant to Wis. Stat. §66.0627.

#### **10.12 STORAGE AND USE OF FLAMMABLE LIQUIDS**

- (1) STATE FLAMMABLE LIQUIDS CODE ADOPTED. The State Flammable Liquids Code, Comm 10 Wis. Adm. Code, is adopted by reference and made a part of this chapter.
- (2) COMPLIANCE REQUIRED. No person shall store or use flammable liquids within the Village except in accordance with the State Flammable Liquids Code and this section.
- (3) FIRE CHIEF APPROVAL REQUIRED. Any person handling or storing flammable liquids of any flash point shall submit to the Fire Chief full information and plans on his proposed installations and methods of storing and handling such liquids. No such installations shall be made without the approval of the Fire Chief.
- (4) APPROVAL OF BUILDING INSPECTOR REQUIRED. A duplicate set of the plans and information shall be submitted to the Building Inspector for his consideration, and the Building Inspector shall not grant a permit for such installation or handling without the Fire Chief's written approval.
- (5) BUILDING COMMITTEE TO REPORT TO BOARD. Upon receipt of such information and plans, the same shall be referred to the Building Committee for its consideration and report to the Village Board.
- (6) CONSIDERATIONS FOR PERMITTING INSTALLATIONS. The Village Board, Building Committee and Fire Chief shall not permit any installation for the handling and storing of flammable liquids in situations that will create hazards of fire and explosion and shall take into consideration matters of traffic, seepage, proximity to other buildings, especially heating plants, proximity to building lines and possible future structures and slope of terrain.
- (7) INSPECTION OF STORAGE CONTAINERS. No storage containers after being installed upon obtaining proper permits shall be covered up until the same are inspected and approved by both the Fire Chief and Chairman of the Building Committee.

#### **10.13 LITTERING PROHIBITED**

No person shall throw any glass, rubbish, waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village or upon any private property or upon the surface of any body of water within the Village.

#### **10.14 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.

#### **10.15 ABANDONED OR UNATTENDED ICE BOXES, ETC., PROHIBITED**

No person shall leave or permit to remain outside any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing such door or lid, snap lock or other locking device from such 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.

#### **10.16 USE OF LAKE SHORE PATH RESTRICTED**

No person shall operate a bicycle or motor vehicle or ride, lead or drive a horse or pony on the path around the lakeshore. These restrictions shall not apply to Police Officers acting in their official Capacity.

### **10.17 TRUANCY**

(1) **AUTHORITY.** Section 118. 163(2), Wis. Stats., authorized the Village to adopt a Municipal Truancy Ordinance based on Sections 938.125(2), 938.342 and 118.16(5) Wis. Stats., authorizes the Village to adopt an ordinance requiring certain persons to ensure that a child attends school.

(2) **DEFINITIONS.**

*Acceptable excuse.* The meaning as defined in §§118.15 and 118.16(4), Wis. Stats.

*Habitual truant.* A pupil who is absent from school without an acceptable excuse for either of the following:

1. Part or all of 5 or more days out of 10 consecutive days in which school is held during a school semester.
2. Part or all of 10 or more days on which school is held during a school semester.

(3) **TRUANCY PROHIBITED.**

(a) The Village, by this section and pursuant to §118.163(2), Wis. Stats., does prohibit any student within the Municipal Court jurisdiction from being a habitual truant. The Village Police Department is authorized to issue a municipal ordinance citation to any such student found within its jurisdiction who is determined to be habitually truant.

(b) Prior to the issuance of any citation, the law enforcement personnel shall determine whether the school officials have done the following:

1. Met with or attempted to meet with the child's parent or guardian to discuss the child's truancy.
2. Provided an opportunity for educational counseling to the child and considered curriculum modifications.
3. Evaluated the child to determine whether learning problems are a cause of the truancy and, if so, taken steps to overcome the learning problems.
4. Conducted an evaluation to determine whether social problems are the cause of the child's truancy and, if so, taken appropriate action or made appropriate referrals.

(c) Any citation issued shall be returnable in the Municipal Court in the same manner as all ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation.

(4) **DISPOSITION AND PENALTIES.** Upon finding the child habitually truant, the Municipal Court shall impose one or more of the following dispositions:

(a) Suspend the child's operating privileges as defined in §340.01(40), Wis. Stats., for not less than 30 nor more than 90 days. The Judge shall immediately take possession of the suspended license and forward it to the State Department of Transportation, together with a notice setting forth the reason for and duration of the suspension.

(b) Order the child to participate in counseling, community service or a supervised work program under §118.163(2), Wis. Stats. and as described in Section 938.34(7d), Wis. Stats.

(c) Order the child to remain at home, except for the hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave the home if the child is accompanied by a parent or guardian.

(d) Order the child to attend an educational program as set forth in §48.34(12), Wis. Stats.

(5) **REQUIRED SCHOOL ATTENDANCE.**

(a) Any person who has a child under his control, which child is between the ages of 6 and 18 years old and which child attends school within the jurisdiction of the Village Municipal Court as defined in §938.125(2), Wis. Stats., is required by ordinance to ensure that the child attends school according to the provisions of §118.15, Wis. Stats.

(b) The Police Department is authorized to issue a municipal ordinance citation to any such person upon complaint and affidavit of the school attendance officer.

(6) **EXCEPTIONS.**

(a) A person will not be found in violation of this section if that person proves that he is unable to comply with this section because of the disobedience of the child under that person's control, if the person is unable to comply with this section due to the disobedience of the child, no action will be undertaken pursuant to this section and the child will be referred to the Juvenile Court.

(b) This section does not apply to a person who has a child under his control if the child has been sanctioned under §49.26(1)(h), Wis. Stats.

(7) **PENALTY.** Before a person may be found guilty of violating this section, the school attendance officer must present evidence to the Court that the activities under §118.16(5), Wis. Stats., have been completed by the school system, if that evidence is presented to the Court and, if the Court finds a person guilty of violating this section, a penalty as provided in §20.05 of this Municipal Code, as the same may be amended, repealed and recreated from time to time and such reference shall be deemed refer to the most recent enactment of §20.05, shall be imposed against that person.

**10.18 SLEEPING IN MOTOR VEHICLES PROHIBITED**

No person shall sleep in a motor vehicle on any public street, highway, park or other public place in the Village.

**10.19 INOPERABLE, WRECKED OR DISCARDED VEHICLES**

(1) **STORAGE PROHIBITED.**

(a) No person owning or having custody of any partially dismantled, non-operable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot or ramp longer than 72 hours or upon private property more than 10 days after notification thereof by the Police Department.

Notification shall be accomplished by placing in a conspicuous place on the vehicle a dated notice which shall be red in color and by mailing to by certified mail or by serving upon the

owner or occupant in charge of the premises a dated written notice bearing the same date as the red notice setting forth briefly the applicable provisions of this subsection. The red notice shall read as follows:

**WARNING: This vehicle is declared to be a public nuisance if not removed and it may be removed and disposed of by the Williams Bay Police Department all as provided in §10.28 of the Code of General Ordinances of the Village of Williams Bay. You must remove the vehicle from this location so as to make it in compliance with §10.28 within \_\_\_\_\_ hours/days.**

(b) Any vehicle so tagged which is not removed within 72 hours after notice if upon any public highway, parking lot or ramp, or within 10 days if upon private property, is declared to be a public nuisance and may be removed and disposed of as provided for in this section.

(c) No person, after notification to remove any partially dismantled, non-operable, wrecked, junked or discarded motor vehicle from any public or private property has been given pursuant to this section, shall remove such motor vehicle and thereafter return such motor vehicle to a location within the Village upon private property or onto any public highway or other public property so as to again make the vehicle in violation of this section. Whenever the Chief of Police or his authorized representative determines that any such vehicle has been so removed and thereafter returned so as to again be in violation of this section, the time periods as originally provided for herein as applicable to the first location of the subject vehicle which first required the dated notice shall continue to apply notwithstanding such removal and return. Upon the occurrence of a removal and return of a motor vehicle to the Village after notification is given as provided for herein, such removal and return shall not toll the running of the time limits as stated in the original notification so as to permit the Chief of Police or his authorized representative to immediately proceed with a removal and impoundment for sale of such removed and returned motor vehicle in accordance with the provisions of this section. In addition, such removal and return is a separate offense under this section.

(2) EXEMPTIONS. Sub. (1) shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by this Municipal Code.

(3) DEFINITIONS. As used in this section, "vehicle" or "motor vehicle" means a motor vehicle, motor truck, automobile, motorcycle, motor bus, station wagon, truck tractor or semi-trailer, but does not mean a motor home, trailer or snowmobile, whether or not the vehicle or motor vehicle is registered under Ch. 341, Wis. Stats.

(4) ABANDONMENT OF VEHICLES PROHIBITED. No person shall abandon any vehicle unattended within the Village for such time and under such circumstances as to cause the vehicle to reasonably appear to be abandoned.

(5) PRESUMPTION OF ABANDONMENT.

(a) Any vehicle left unattended for more than 72 hours on any public street or grounds or on private property where parking is prohibited, limited or restricted without the permission of the owner or lessee or for more than 10 days on private property is deemed abandoned and constitutes a public nuisance after notification thereof by the Police Department, provided that the vehicle shall not be deemed abandoned under this subsection if left unattended on private property out of public view by permission of the owner or lessee. Notification shall be accomplished by placing in a conspicuous place on the vehicle a dated notice, which shall be red in color, and by mailing by certified mail or by serving upon the registered owner or occupant in charge of the premises a dated written notice bearing the same date as the red notice setting forth briefly the applicable provisions of this subsection. The red notice shall read as provided in par. (1)(a).

Any vehicle so tagged which is not removed within 72 hours if upon any public highway, parking lot or ramp, or within 10 days if upon private property, is declared to be a public nuisance and may be removed and disposed of as provided in this section.

(b) No person, after notification to remove any abandoned motor vehicle from any public or private property has been given pursuant to this section, shall remove such motor vehicle and thereafter return such motor vehicle to a location within the Village upon private property or onto any public highway or other public property so as to again make the vehicle in violation of this section. Whenever the Chief of Police or his authorized representative determines that any such vehicle has been so removed and thereafter returned so as to again be in violation of this section, the time periods as originally provided for herein as applicable to the first location of the subject vehicle which first required the dated notice shall continue to apply notwithstanding such removal and return.

Upon the occurrence of a removal and return of a motor vehicle to the Village after notification is given as provided for herein, such removal and return shall not toll the running of the time limits as stated in the original notification so as to permit the Chief of Police or his authorized representative to immediately proceed with a removal and impoundment for sale of such removed and returned motor vehicle in accordance with the provisions of this section. In addition, such removal and return is a separate offense under this section.

(c) This subsection shall not apply to a vehicle in an enclosed building, a vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village or a vehicle parked in a metered or paid lot or parking space where the required fee has been paid and meter activated.

(6) **REMOVAL AND IMPOUNDMENT OR SALE.** Any vehicle found in violation of this section shall be impounded by the Police Department until lawfully claimed or disposed of as provided in this section. Notwithstanding sub. (7) hereof, if the Chief of Police or his authorized representative determines that towing costs and storage charges for the 10 days would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the minimum impoundment period upon determination by the Chief of Police that the vehicle is not wanted for evidence or any other reason, provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction, sale or sealed bid in accordance with sub. (9) of this section.

(7) **MINIMUM IMPOUNDMENT PERIOD.** The minimum period of impoundment or storage of a vehicle found in violation of this section shall be 10 days.

(8) **NOTICE TO OWNER.** The Chief of Police shall, upon the removal and impoundment of any vehicle found in violation of this section, notify within 10 days of such removal the owner and lienholders of record by certified mail of the impoundment and of their right to reclaim the vehicle.

The notice shall set forth the information contained in §342.40 (3), Wis. Stats., and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all right, title and interest in the vehicle and a consent to sale of the vehicle.

(9) **SALE.** Each retained vehicle not reclaimed by the owner or lienholder may be disposed of by sealed bid or auction sale as provided in §342.40(3), Wis. Stats.

(10) **SALE TO BAR CLAIMS AGAINST VEHICLE.** The sale of a motor vehicle under the provisions of this section shall forever bar all prior claims thereto and interest therein, except as hereinafter provided.

(11) **PURCHASER TO REMOVE VEHICLE.** The purchaser of any vehicle on sealed bid or auction sale under sub. (9) shall have 10 days to remove the vehicle from the storage area upon payment of a storage fee of \$10 for each day the vehicle has remained in storage after the second

business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be again sold.

(12) REQUEST FOR LIST. Any listing of vehicles to be sold pursuant to this section shall be made available by the Village Clerk to any interested person or organization who makes a written request therefor for a fee of \$10.

(13) NOTICE TO DEPARTMENT. Within 5 days after sale or disposition of a vehicle under this section, the Clerk shall advise the Wisconsin Department of Transportation of such sale or disposition on a form supplied by the Department.

(14) OWNER MAY FILE. At any time within 2 years after the sale of a motor vehicle as provided herein, any person claiming ownership of such motor vehicle or a financial interest therein may present a claim to the Village Board setting forth such facts as are necessary to establish such ownership or interest and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or fault of claimant.

If the Village is satisfied as the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Village treasury as the result of the sale of such motor vehicle nor the amount of interest of the claimant therein.

(15) EXEMPTION.

(a) Any owner or person operating a registered vehicle which shall become disabled or inoperative for any reason and who shall be unable to cause removal of such vehicle from any alley, street, highway or public place not otherwise regulated as a restricted parking, stopping or standing zone shall within 12 hours of such occurrence notify the Police Department of the location of the vehicle and shall transfer and deliver clear title for such vehicle to the Village, together with a fee of \$10 to offset the cost of towing and junking charges, and shall be exempt from the provisions of this section.

(b) When so requested by the owner or person in charge of a vehicle, the Police Department shall be authorized to order such vehicle removed and junked directly from the scene of disablement by the Police Department or contractor engaged by the Village for towing of disabled vehicles. The provisions of sub. (12) shall apply to any vehicle removed under this subsection.

(16) PENALTY. Any person who shall be in violation of this section shall, upon conviction thereof, forfeit not less than \$10 nor more than \$100, together with the costs of prosecution, and in default of payment, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed 10 days.

#### **10.20 ATTEMPTED VANDALISM, THEFT AND BATTERY**

(1) No person shall attempt to commit vandalism, theft or battery as defined or described in §§943.01 and 943.20, Wis. Stats., and §10.35 of this Municipal Code.

(2) DEFINED. An attempt to commit vandalism, theft or battery as enumerated in sub. (1) above requires that the actor have an intent to perform acts, and attain a result which, if accomplished, would constitute a violation of §943.01, §943.20 or §943.19(1) respectively, of Wisconsin Stats.

(3) PENALTY. Any person violating sub. (1) shall, upon conviction thereof, forfeit not less than \$1 nor more than \$200 together with the cost of prosecution and in default of such payment shall be imprisoned in the County Jail until payment is made but not exceeding 6 months.

#### **10.21 CONSPIRACY TO COMMIT UNLAWFUL ACT**

(1) CONSPIRACY DEFINED. A conspiracy is defined as a combination or agreement between 2 or more persons for the purpose of correlation, by their joint or several efforts, some unlawful act or acts.

(2) PROHIBITED. Any person who conspires to violate §943.01, §943.20 or §943.19(1) respectively, of Wisconsin Stats. with intent that such a violation committed may, if one or more of the parties to the conspiracy does an act to effect its object, shall be ordered to pay a forfeiture of not less than \$1 nor more than \$200 together with cost of prosecution, and in default of such payment shall be imprisoned in the County Jail until payment is made but not exceeding 6 months.

#### **10.22 CONTROLLED SUBSTANCES-POSSESSION PROHIBITED**

(1) No person shall knowingly possess, keep or maintain any narcotic drugs, marijuana or stimulant, depressant or hallucinogenic drugs, or any substance defined as a controlled substance in the Uniform Controlled Substance Act, Ch. 961, Wis. Stats., unless the substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.

(2) The following provisions of the Wisconsin Statutes describing and defining regulations with respect to drug paraphernalia within the Village are hereby adopted and by reference made a part of this section as if fully set forth herein: §961.571, 961.572, 961.573, 961.574, 961.575, 961.576.

#### **10.23 ALCOHOL OFFENSES INVOLVING JUVENILES**

(1) MISREPRESENTATION OF AGE. No person shall falsely represent that they are at least 18 years of age for the purpose of receiving alcohol beverages from a licensee of alcohol beverages. Disposition in proceedings against a person under 21 years of age on the date of disposition shall be as provided by §938.344, Wis. Stats. This subsection shall not prevent a person under the age of 21 years in the employ of a licensee or permittee from possessing alcohol beverages for sale or delivery to customers.

(2) RESTRICTIONS ON SALE TO AND POSSESSION BY MINORS OF FERMENTED MALT BEVERAGES.

(a) Except as otherwise provided in this section, whoever sells or furnishes fermented malt beverages to a minor not accompanied by parent, guardian or adult spouse shall, upon conviction thereof, be subject to a forfeiture as provided in §20.05 of this Municipal Code.

(b) No person under the age of 21 years shall knowingly possess or consume in public any intoxicating liquor nor shall any person under the age of 18 years, not accompanied by his parent, guardian or adult spouse, knowingly possess or consume in public any fermented malt beverages. Disposition in proceedings against a person under 21 years of age on the date of disposition shall be as provided by §938.344, Wis. Stats.

(c) This provision does not prevent a minor in the employ of a licensee or permittee from possessing fermented malt beverages for sale or delivery to the customers.

#### **10.24 CIGARETTE AND TOBACCO PRODUCTS**

Section 254.92, Wis. Stats., describing and defining regulations with respect to the use of cigarettes and tobacco products by children in the Village, is hereby adopted by reference and made a part of this section as if fully set forth herein.

#### **10.25 UNAUTHORIZED PRESENCE IN PUBLIC SCHOOL BUILDINGS OR ON GROUNDS**

(1) PROHIBITED. No person shall visit or loiter in any public school building or on public school district property without the permission of the administrator, custodian or other person in charge of such school.

(2) EXCEPTIONS. The provisions of sub. (1) shall not include students regularly enrolled in such school, unless ordered to leave by the administrator or custodian or other person in charge, or parents or legal guardians of students who may be required to register at the office of the school.

(3) DEFINED. As used herein, the term loiter shall mean to stray aimlessly and idly within a public school building or on public school district property without permission or to be in the building or on the property for some illegal purpose.

(4) PENALTY. Any person who violates any provision of this section shall, upon conviction thereof, be subject to a forfeiture of not less than \$50 nor more than \$500, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail for not to exceed 6 months.

#### **10.26 HUNTING**

(1) ENTRY UPON VILLAGE OWNED PROPERTY FOR HUNTING. The Village Board may authorize and permit certain types of special hunting for certain types of game animals or birds on certain specified portions of Village owned property from time to time, provided any person wishing to engage in such specially permitted hunting fully complies with the following requirements:

- (a) All Wisconsin game laws.
- (b) Registration at the Village Police Department prior to engaging in such hunting.
- (c) All conditions, rules and regulations as established by the Village Board for such special hunting.

(2) POSSESSION OF A BOW OR CROSSBOW ON VILLAGE OWNED PROPERTY PROHIBITED. No person may possess or have under his/her control on Village owned property a bow or crossbow unless the person has registered at the Village Police Department as a hunter and received permission to hunt prior to entry upon Village owned property.(9/09)

#### **10.27 FEEDING OF WATERFOWL**

(1) WATERFOWL DEFINED. "Waterfowl" means wild geese, brant, wild ducks, rails, coots, gallinules, jacksnipe, woodcock, plovers, sandpipers and wild swan.

(2) PROHIBITED. No person shall feed or participate in feeding any waterfowl on any property owned by the Village at any time.

(3) PENALTY. The penalty provisions of §20.05 of this Code of Ordinances shall apply, except the minimum forfeiture upon conviction for a violation of this section shall be \$50, together with the costs of prosecution.

#### **10.28 SMOKING REGULATED**

(1) DEFINITION. "Smoke" or "smoking" means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

(2) REGULATION. No person shall smoke in any enclosed, indoor area of the Village Hall. The enclosed, indoor areas in which smoking is prohibited include all interior sections of the Village Hall. No enclosed, indoor areas of the Village Hall are to be designated as smoking areas at any time.

#### **10.29 KISHWAUKETOE NATURE CONSERVANCY**

(1) OFFICIAL RULES ESTABLISHED. The Kishwauketoe Conservancy District Commission has prepared a set of official rules of conduct for persons entering upon the Village owned Kishwauketoe Nature Conservancy, which rules have been adopted by ordinance by the Village Board. Such rules are on file in the office of the Village Clerk and are adopted herein by reference.

(2) CONDUCT PROHIBITED. No person shall engage in conduct which is prohibited by the rules adopted by reference as part of this section in sub. (1) above.

### **10.30 PROHIBITION OF THEFT AND DAMAGE TO PROPERTY BY MINORS; LIABILITY**

(1) STATUTORY PROVISIONS-ADOPTED BY REFERENCE. The statutory provisions describing and defining regulations with respect to crimes against property in the sections of the Wisconsin Statutes, as revised, and as enumerated in sub. (2) of this section are adopted and by reference made a part of this section as if fully set forth herein.

(2) STATUTORY PROVISIONS-ENUMERATED. The following statutory sections, exclusive of the penalty provisions contained therein, are adopted by reference and conduct which is the same or similar to that prohibited by such statutory provisions is prohibited in the Village:

(a) 943.01 Criminal Damage to Property.

(b) 943.20 Theft.

(3) REFERENCES TO WISCONSIN STATUTES. The statutory provisions referred to or adopted by reference by this section shall mean the Wisconsin Statutes as from time to time amended, repealed and re-created or modified by the Wisconsin Legislature and shall be deemed to refer to the most recent enactments of such statutory provisions by the Wisconsin Legislature.

(4) PARENTS' OR GUARDIANS' LIABILITY FOR MINORS VIOLATING THIS SECTION. The following persons shall be additionally liable for the violation of this section if a person under the age of 18 years of age violates this section: Both parents if both parents have custody of the minor, the parent having custody of the minor if only one parent has custody, or if neither parent has custody of the minor, then the person or guardian having such custody of the minor or the minor's foster parent or parents. It shall be no defense to a violation of this section that the parent or guardian was not the person actually committing the violation or that the parent or guardian had no knowledge that the violative behavior of the minor was to occur.

(5) PENALTY FOR VIOLATION. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required to be performed or prohibited by this section. The penalties prescribed for violation of any of the provisions of this section shall be limited to a forfeiture. The forfeiture shall be levied upon anyone violating any of the provisions of this section. The amount of the forfeiture shall be in the amount as set forth in §20.05 of this Municipal Code. The persons liable for each offense of this section shall be jointly and severally liable for the payment of the forfeiture and costs. Forfeitures imposed upon minors shall be subject to the requirements of Ch. 48, Wis. Stats.

(6) RESTITUTION. In addition to the imposition of a forfeiture as a penalty for a violation of this section, the Municipal Court shall order restitution under the authority granted it pursuant to §800.093, Wis. Stats., which is adopted by reference and made a part of this section as if fully set forth herein.

### **10.31 REGULATION OF SKATEBOARDS, BICYCLES, IN-LINE SKATES AND SIMILAR DEVICES**

(1) No person shall operate or ride a skateboard, play vehicle or in-line skates in any of the following areas:

(a) On a street, alley, public parking lot, sidewalk or park in the designated downtown district except as set forth in Subpart (2) below, without the written consent of the owner or lessee of the property.

(b) Any areas held out for public use, such as parking lots (and sidewalks within the parking lot), which are properly posted with signs prohibiting operation of skateboards, in-line skates or play vehicles, without the written consent of the owner or lessee of the property.

(c) Any public tennis court or baseball diamond.

(d) Any private property that has been posted with a sign prohibiting the use of skateboards, in-line skates or play vehicles on that property.

(2) The prohibitions contained in Subpart (1)(a) concerning operation on any street in the designated downtown district shall not apply to in-line skates. Any person using in-line skates on a street shall do so in conformity with the requirements of Section 346.94(17) Wis. Stats.

(3) Any person riding a bicycle upon any street, alley, public parking lot, sidewalk, park or other area held open to the public shall do so in the following manner:

(a) The bicycle operator shall at all times operate in a safe and careful manner.

(b) The operator of a bicycle shall yield the right-of-way to pedestrians.

(c) No operator of a bicycle shall operate same contrary to the provisions of Section 8.05(7) of this Municipal Code. For purposes of this subpart, the operator of the bicycle shall be any person riding upon the bicycle.

(d) The operator of a bicycle shall, at all times, comply with the provisions of Section 346.78 to 346.804 Wis. Stats., which provisions are incorporated herein by reference.

(4) No person shall operate or ride a skateboard, play vehicle, in-line skates or bicycle in a fashion that is likely to cause damage to the property of the Village or any other person. Damage to property caused by the riding or operation of a skateboard, play vehicle, in-line skates or bicycle shall constitute a violation of this subpart.

(5) Definitions

(a) Downtown District. The Downtown District shall include East Geneva Street from Bayview Drive on the East to Williams Street on the West, Elkhorn Road from the North Village limits to Geneva Street, and Walworth Avenue from Stark Street to Elm Street. This area shall further include all of Edgewater Park as well as all sidewalks and other Village owned property and parking lots and private parking lots adjacent to the streets described herein.

(b) Play Vehicle. A vehicle as defined in Section 340.01 (43m) Wis. Stats.

(c) In-Line Skates. Skates as defined in Section 340.01 (24m) Wis. Stats.

(6) References to Wisconsin Statutes. The statutory provisions referred to and adopted by reference by this section shall mean the Wisconsin Statutes as from time to time amended, repeated and recreated or modified by the Wisconsin Legislature and shall be deemed to refer to the most recent enactments of such statutory provisions by the Wisconsin Legislature.

#### **10.315 RULES OF CONDUCT FOR MUNICIPAL BEACH (Adopt. 5-3-10)**

(1) Official rules established. The Village of Williams Bay has prepared a set of rules of conduct for persons entering upon and using the Village-owned municipal beach. These rules have been adopted by resolution by the Village Board. Such rules are on file with the Village Clerk, posted at the beach and are adopted herein by reference. Said rules may change from time to time by Resolution of the Village Board.

(2) Conduct Prohibited. No person shall engage in conduct, which is prohibited by the rules adopted by reference as part of section in sub. (1).

#### **10.32 PENALTIES**

(1) Any person who shall violate any provision of this chapter shall be subject to penalties as follows:

(a) Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §20.05 of this Municipal Code.

(b) In addition to any penalty imposed for violation of §10.31 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 or parents of any un-emancipated minor child who violates §10.31 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with §895.035, Wis. Stats.