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## **SECTION 8.2.02 DISCHARGE OF FIREARMS AND WEAPONS**

(1) Restricted Firearms. Except as provided in subsections (a) and (b), no person shall discharge a rifle or handgun of any caliber anywhere in the territorial limits Village of Lake Hallie.

- (a) Law enforcement officers in the performance of their duty are exempt
- (b) The restriction on the discharge of firearms does not apply and may not be enforced if the actor's conduct is justified, or had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stat. § 939.45.

(2) Restricted Areas. No person shall discharge a shotgun, using either slug or shot, muzzle loader, BB gun, pellet gun, paintball gun, dart gun, bow and arrow, crossbow, or any other device for the propelling of missiles or any other similar device within 100 yards, from any dwelling; and must be discharged from an elevated position within the Village of Lake Hallie except as provided for in Sections 3 and 4 herein.

- (a) This restriction does not apply if the person who owns the land on which the dwelling building is located provides permission for discharge within 100 yards of the building.

(3) Discharge Areas. The discharge of those weapons described in Section 1 herein shall be permitted only on singly owned parcels of land that are zoned agricultural and 40 acres, or greater, in size. The parcel of land may include contiguous acres that extend beyond the geographical boundaries of the Village of Lake Hallie, provided the total size of the parcel is 40 acres, or greater, in size. Discharge of a permitted weapon on contiguous acres where the total size of the parcel is 40 acres, or greater, in size is not prohibited by this section. However, this section has no force or effect on the discharge of weapons on lands that are located outside the geographical boundaries of the Village of Lake Hallie, and are subject to regulation by another municipality.

(4) Discharge is permitted only by the owner of the land or by others with written permission from the owner. The written permission shall be carried on the person at all times when such an allowed weapon is carried or discharged. No discharge of any weapon shall be allowed within 100 yards of any dwelling and the possession and discharge of all allowed weapons must be in compliance with state and federal regulations.

(5) Nothing in this section shall prohibit nor hinder the sale, purchase or trade of such firearms or weapons as listed above by retail business establishments doing so in the normal course of its regular business, nor hinder a prospective

customer in his or her attempt to buy, sell or trade such firearms or weapons to or from said retailer.

(6) Discharge Area Exception. The Village Board, by exception, may allow the discharge of permitted weapons, including bow and arrow, in other areas for the purpose of managing the deer herd. Permission will be granted to five hunters or as determined by the Village Board, per hunting site and distributed to first requesters. Permission to hunt will be granted for 30 days.

(7) Archery Practice Exception. Special exception to the restrictions of this section shall apply for archery practice provided:

(a) The archery is practiced by an individual sixteen years of age, or older, with express permission of the property owner.

(b) The archer maintains public liability insurance against all claims and demands arising from the archery practice, and

(c) The archer has sufficient lands, not less than one-third (1/3) acre in size and a safe backstop practice area.

(8) Penalty. Any person who violates any provision of this section shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code. This ordinance shall take effect the day after passage and publication.

## **SECTION 2: SEVERABILITY**

If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

## **SECTION 3: CONFLICTING ORDINANCES**

All other ordinances or parts of ordinances of the Village of Lake Hallie inconsistent or in conflict herewith are hereby repealed.

## **SECTION 4: EFFECTIVE DATE**

Upon passage and publication, this ordinance shall take effect and be in force as provided by law.

*(Formerly Hallie Ordinance No. 103 "Firearms and Weapons Control Ordinance" adopted April 2, 1979 amended on April 1985 and July 15, 1985)*

## **SECTION 8.3.02. LITTERING**

(1) No person shall throw or deposit any type of debris, water, trash, filth or waste material:

- (a)** On or along any roadway, including rights of way.
  - (b)** On or in any public parks, waysides, recreation areas, waterways or other public property.
  - (c)** On or in any private property without the express consent of the owner thereof.
  - (d)** Exceptions: Proper disposal of litter in receptacles designated and provided for the collection of debris and waste.
- (2)** No person shall cause snow or ice, yard waste or vegetative material to be deposited:
  - (a)** On or along any roadway, including rights of way.
  - (b)** On or in any public parks, waysides, recreation areas, waterways or public property.
  - (c)** On or in any private property without the express consent of the owner thereof.
- (3)** The operator or owner of any motor vehicle shall:
  - (a)** Not permit any debris, waste or agricultural or mineral products to be thrown, spilled or deposited on or along public property, roadway or right of way.
  - (b)** Not permit any mud, dirt, vehicle parts, fluids or lubricants to be become deposited upon public property, roadways, parks or waterways.
  - (c)** Not permit any mud, dirt, vehicle parts, fluids or lubricants to be become deposited upon private property without the express consent of the owner thereof.
- (4)** Penalty. Any person found violating this section:
  - (a)** Shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code.
  - (b)** Shall be responsible to clean or remove the material deposited, and to pay the entire cost for such removal, including investigative, administrative and monitoring expenses incurred by governmental units.

*(Formerly Hallie Ordinance No. 105.2 "Littering Prohibited" adopted September 18, 1978)*

### **SECTION 8.3.06. DISORDERLY CONDUCT**

- (1)** Disorderly Conduct: It shall be unlawful for any person to: In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct which such conduct tends to cause or provoke a disturbance or tends to annoy or disturb any other person.
- (2)** Physical Disorderly Conduct: It shall be unlawful for any person to: Intentionally cause, provoke, or engage in any fight, brawl, riot, or noisy altercation other than a bona fide athletic contest.
- (3)** Unsanitary Disorderly Conduct: It shall be unlawful for any person to: Defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery, or other public area within the Village of Lake Hallie, upon any private property or in open view of the public, or in the halls, stairways or elevators of public or commercial buildings.
- (4)** Phone Disorderly Conduct: It shall be unlawful for any person to: With the intent to annoy another, frighten, intimidate, threaten, abuse or harass another person, calls by telephone or sends a message to the person on a electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and that message threatens, intimidates or uses any obscene, lewd or profane language or suggests any lewd or lascivious act.
- (5)** Harassment: It shall be unlawful for any person to: With the intent to harass or intimidate another person, does any of the following: strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same or engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

  - (a)** In this section "Course of Conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.
- (6)** Penalty. Any person violating this ordinance shall be subject to a forfeiture as specified in Section 1.4.02 of the Village of Lake Hallie Code of Ordinances.

## **SECTION 8.3.07 RESISTING OR OBSTRUCTING A POLICE OFFICER**

- (1) It is a violation of this ordinance for any person to knowingly resist or obstruct or aid such person engaging in activity against an officer while such officer is doing an act in an official capacity and with lawful authority adopting 946.41 and 946.415 of the Wisconsin State Statutes.
  - (a) "Officer" means a peace officer or other public officer or public employee having the authority by virtue of the officer's or employee's office or employment to take another into custody.
- (2) Obstructing: It is a violation of this ordinance to obstruct an officer which includes without limitation to knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty including the service of any summons or civil process.
- (3) Resisting: It is a violation of this ordinance to knowingly resist and fail to comply with an officers attempt to take a person into custody which includes the intentional retreat or remaining in a building or place and, through action or threat, attempts to prevent the officer from taking him or her into custody. It is a violation for a person to intentionally assist or aid a person in violation of this section.
- (4) Causing Injury: Whoever violates sub. (3) and causes bruises, abrasions, minor cuts or scrapes or soft tissue injury to an officer or any person assisting the officer is subjected to an increased fine. "Soft Tissue injury" means an injury that may or may not require medical attention to a tissue that connects, supports, or surrounds other structures and organs of the body and includes tendons, ligaments, fascia, skin, fibrous tissues, fat, synovial membranes, muscles, nerves, and blood vessels.
- (5) Refusing to Aid: It is a violation of this ordinance that whomever, without reasonable excuse, refuses or fails, upon command, to aid any person known by the person to be a peace officer as indicated adopting 946.40 of the Wisconsin State Statutes.
  - (a) This section does not apply if under the circumstances the officer was not authorized to command such assistance.
- (6) Penalty. Any person violating this ordinance shall be subject to a forfeiture as specified in Section 1.4.02 of the Village of Lake Hallie Code of Ordinances.

## **SECTION 8.4.02. GAMBLING DEVICES; CRIMINAL STATUTES ADOPTED**

**(1)** Pursuant to Sec. 66.0107 Wis. Stats., the Police Chief, or his designee, has the authority to prohibit all forms of gambling and fraudulent devices and practices. The Police Chief, or his designee, shall seize anything devised solely for gambling or found in actual use for gambling. The Police Chief shall retain custody of any seized item, for a reasonable period not to exceed 60 days, or until the evidentiary value of the item is no longer needed, whichever is longer. The owner of any item seized by the Police Chief, or his designee, under this section may petition the court for a judicial determination of whether the item should be returned to the owner, or destroyed. Failure by the owner to seek a judicial determination, or a court decision that finds the item was used solely for gambling, shall result in the destruction of the item by the Police Chief, or his designee.

**(2)** Pursuant to Sec. 66.0107 Wis. Stats., the Village of Lake Hallie adopts by reference the criminal statutes that are set forth in Chapters 941 to 948, excepting sec. 944.21, Stats., as they presently exist or may hereafter be amended, as follows:

- (a)** Crimes Against Public Health and Safety (ch. 941).
- (b)** Crimes Against Reputation, Privacy and Civil Liberties (ch. 942).
- (c)** Crimes Against Property (ch. 943).
- (d)** Crimes Against Sexual Morality (ch. 944).
- (e)** Gambling (ch. 945).
- (f)** Crimes Against Government and its Administration (ch. 946).
- (g)** Crimes Against Public Peace, Order and Other Interests (ch. 947).
- (h)** Crimes Against Children (ch. 948).

**(3)** The prohibition on conduct which is the same as or similar to that prohibited in Chapters 941 to 948, shall be enforced by the issuance of citations requiring payment of a forfeiture, including penalties, penalty assessments and procedures for prosecution as set forth in this Code. The Police Department will defer to the Chippewa County District Attorney's Office on charging decisions for violations of the criminal statutes set forth in Chapters 941 to 948, and when criminal charges are filed, the Village of Lake Hallie will not issue a citation for the same offense.

**(4)** Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions, or modifications of the statutes incorporated herein are

intended to be made part of this Code.

**(5)** Reference to Statute. For the purposes of construction and enforcement of this title, all references to the Wisconsin statutes shall be as those statutes presently exist or as they may be hereafter amended.

**(6)** Penalties.

**(a)** Any person who is issued a citation under this section shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00. Penalties and penalty assessments shall be added to the forfeiture amount imposed under this section.

**(b)** In addition, any restitution, or costs or expenses incurred by the Village of Lake Hallie in connection with the seizing and destruction of gambling devices, or the issuance of a citation for engaging in the same or similar conduct prohibited by the criminal statutes adopted herein, shall be added to the forfeiture amount.

#### **SECTION 8.5.04. RETAIL THEFT**

**(1)** Definitions. The definitions contained in Wis. Stat. Sec. 943.50 are hereby adopted and incorporated herein by reference.

**(2)** Retail Theft. Whoever does any of the following, without the merchant's consent, and with the intent to deprive a merchant permanently of possession or the full purchase price of property, shall be guilty of retail theft and be penalized as provided herein:

**(a)** Intentionally alter indicia of price or value of merchandise held for resale by merchant or inventory or property of merchant.

**(b)** Intentionally or take and carry away, transfer, conceal or retain possession of merchandise held for resale by merchant or inventory or property of merchant.

**(c)** While anywhere upon merchant's property intentionally remove theft detection device from merchandise held for resale by merchant or inventory or property of merchant.

**(d)** Use, or possess with intent to use, a theft detection shielding device to shield merchandise held for resale by merchant or inventory or property of merchant from being detected by electronic or magnetic theft alarm sensor.

**(e)** Use, or possess with intent to use, a theft detection device remover



to remove a theft detection device from merchandise held for resale by merchant or inventory or property of merchant.

**(3)** Concealment. The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

**(4)** Detention. A merchant, merchant's adult employee or security agent, who has probable cause for believing that a person has violated this section in his or her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he or she shall not be interrogated or searched against his will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Any merchant, merchant's employee or security agent who acts in good faith in any act authorized under this section is immune from civil or criminal liability for such acts. Compliance with this section entitles the merchant or his or her employee or agent detaining the person to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

**(5)** Evidence. Pursuant to Wis. Stats. Sec. 66.0107 and 943.50(3m)(a) in any action or proceeding relating to the violation of this section, duly identified and authenticated photographs of merchandise that was the subject of the violation may be used as evidence in lieu of producing the merchandise.

**(6)** Penalty. Any person violating this section shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code, and restitution, if any.

*(Formerly Hallie Ordinance No. 105.4 "Retail Theft" adopted January 1, 1983)*

#### **SECTION 8.5.06. DAMAGE TO PROPERTY**

**(1)** Whoever intentionally causes damage to physical property of another without that person's consent is guilty of damage to property and shall be penalized as provided herein.

**(2)** Any person violating this section shall be liable for the costs of replacing or repairing damaged or destroyed property. The parents or guardian of any juvenile who violates this section may be liable for the costs of replacing or repairing damaged and destroyed property in accordance with Wis. Stat. Sec. 895.035.

**(3)** Penalty. Any person violating this section shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code, and restitution, if any.

### **SECTION 8.5.08. WORTHLESS CHECKS**

**(1)** Prohibited Act. No person shall issue any check or order for the payment of money which at the time of issuance the issuer intended not be paid.

**(2)** Evidence. For the purposes of this section, any of the following is prima facie evidence that that the person intended that it not be paid:

**(a)** Proof that, at the time of the issuance of the check, the person did not have any account with the drawee.

**(b)** Proof that, at the time of the issuance of the check, the person did not have sufficient funds on account with the drawee, and that the person failed to pay the check or order within five (5) days of receiving notice or nonpayment or dishonor.

**(c)** Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds on account with the drawee, and that the person failed to pay the check or order within five (5) days of receiving notice or nonpayment or dishonor.

**(3)** Penalty. Any person violating this section shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code, and restitution, if any.

### **SECTION 8.5.10 TRESPASS**

**(1)** Prohibited Acts. Whoever does any of the following prohibited acts shall, upon conviction thereof, be guilty of trespass.

**(a)** Enters onto or remains on any enclosed cultivated or undeveloped land of another without the express or implied consent of the owner.

**(b)** Enters on any land of another after receiving notice of the owner or occupant not to enter or remain on the property.

**(2)** Notice. A person has received notice from the owner or occupant within the meaning of this section if that person has been provided notice, either orally or in writing, or if the land is posted. The property shall be properly posted if at

least two signs at least 11" (eleven inches) square, for every forty acres to be protected, signed by the owner or occupant, are placed in conspicuous places. Proof that appropriate signs as referenced herein were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie evidence of notice.

**(3)** Penalty. Any person violating this section shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code.

#### **SECTION 8.6.04. POSSESSION OF MARIJUANA (THC)**

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

**(a)** "Marijuana" means any substance of material containing the chemical compound tetrahydrocannabinol, commonly known as "THC," in any form, including tetrahydrocannabinol contained in marijuana or chemically synthesized.

**(b)** "Practitioner" means:

**1.** A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research.

**2.** A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research.

**(2)** It is unlawful for any person to possess marijuana unless it is obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, except as otherwise authorized by Chapter 961 of the Wisconsin Statutes. The burden of proof to prove such an exception shall be on the person claiming it. As used in this paragraph, "practitioner" shall mean those persons defined by sec. 961.01(19), Stats., and this statute.

**(3)** Penalties:

**(a)** Criminal prosecution. Any person who violates this section may be prosecuted criminally in accordance with sec. 961.41(3g)(e), Stats.

**(b)** Ordinance citation. Any person who violates this section and is not prosecuted criminally shall be subject to the following penalties:

1. Penalty (= or > 17 years of age). Any person who violates this section and is 17 years of age or older shall be assessed a forfeiture not to exceed \$1,000.00 exclusive of statutory costs and fees.

2. Penalty (< 17 years of age). Any person who violates this section and is under 17 years of age may be assessed a forfeiture not to exceed \$1,000.00 exclusive of statutory costs and fees, or any alternative disposition that is ordered by the court.

3. Penalty enhancer. The maximum amount of the forfeiture that may be assessed is doubled for any person who possesses marijuana within one-thousand (1,000) feet of any private or public school, church, park, playground, or on or within a school bus.

**Section 8.6.05** is amended to read as follows:

**SECTION 8.6.05. POSSESSION OF DRUG PARAPHERNALIA**

(1) It is unlawful for any person to use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Chapter 961, Wis. Stats. Drug paraphernalia shall be defined as provided in sec. 961.571, Stats., or any amendments thereto.

(2) Penalties:

(a) Criminal prosecution. Any person who violates this section may be prosecuted criminally in accordance with sec. 961.573, Stats.

(b) Ordinance citation. Any person who violates this section and is not prosecuted criminally shall be subject to the following penalties:

1. Penalty (= or > 17 years of age). Any person who violates this section and is 17 years of age or older shall be assessed a forfeiture not to exceed \$500.00 exclusive of statutory costs and fees.

2. Penalty (< 17 years of age). Any person who violates this section and is under 17 years of age may be assessed a forfeiture not to exceed \$500.00 exclusive of statutory costs and fees, or any alternative disposition that is ordered by the court, including the disposition that is provided for in sec. 938.344(2e), Stats.

3. Penalty enhancer. The maximum amount of the forfeiture that may be assessed is doubled for any person who possesses drug paraphernalia as defined in this ordinance within one-thousand (1,000) feet of

any private or public school, church, park, playground, or on or within a school bus.

#### **SECTION 8.7.04. OPEN CONTAINERS OF INTOXICANTS**

(1) No person shall consume alcoholic beverages, as defined by Wis. Stat. Sec. 125.02 as may from time to time be amended, while in or upon any public street/road, alley sidewalk, public parking lot, other public way or other public property in the Village.

(2) All alcohol beverages purchased by the glass, can, or open containers shall be consumed only on or in the licensed premises where served and shall not be removed to any public street/road, alley, sidewalk, public parking lot, other public way or other public property.

(3) No person shall be in possession of any container containing an alcoholic beverage, if the bottle or container has been opened, the seal broken, or the contents partially removed, on any public street/road, alley or sidewalk, public parking lot, other public way or other public property.

(4) This section shall not apply to certain celebrations or activities as specifically exempted by the Village Board.

(5) This section prohibits all acts referenced herein even though the person who violates them is within or upon a vehicle or other conveyance.

(6) Penalty. Any person violating this section shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code.

*(Formerly Hallie Ordinance No. 135 "Consumption or Possession of Intoxicants on Town Streets/Roads Prohibited" adopted June 17, 1996)*

#### **SECTION 8.7.08. UNDERAGE DRINKING**

(1) Any underage person who does any of the following is guilty of a violation under this section:

(a) Procures or attempts to procure alcohol beverages from a licensee or permittee.

(b) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, knowingly possesses or consumes alcohol beverages on a licensed premises.

(c) Enter, knowingly attempt to enter, or remain on licensed premises for the purpose of obtaining, possessing or consuming alcohol beverages in violation of Wis. Stat. Sec. 125.07(3)(a).

**(d)** Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

**(e)** Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, knowingly possesses or consumes alcohol beverages.

**(2)** This section shall not apply to underage persons who possess alcohol in the course of their employment during their working hours as enumerated in Wis. Stat. Sec. 125.07(4)(bm).

**(3)** Penalty. Any person violating this section shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code.

**(4)** Alternative Programs. The Village of Lake Hallie will not oppose the dismissal of a citation issued under this section, at the discretion of the judge, if the offender successfully completes an alternative program sanctioned by the court which addresses the dangers and risks of underage drinking.

*(Formerly Hallie Ordinance No. 81-1 "Ordinance Amending Juvenile Drinking Ordinance" of 6/81 and Ordinance No. 84-7 "Underage and Intoxicated Persons," Adopted August 6, 1984, repealing and re-enacting Section 105.3 of the Hallie Code of Ordinances; see also Section 5.3.08 herein)*

## **SECTION 8.8.02. TOBACCO USE BY MINORS**

**(1)** The statutory provisions of Wis. Stat. Sec 254.92, as to time to time may be amended, are adopted and incorporated herein by reference made a part of this as if fully set forth herein, and are restated in subsections 2-6 below.

**(2)** Definitions.

**(a)** "Cigarette" has a meaning given in Wis. Stat. Sec. 139.30 (1).

**(b)** "Law Enforcement Officer" has the meaning given in Wis. Stat. Sec. 30.50 (4s).

**(c)** "Tobacco Products" has the meaning given in Wis. Stat. Sec 139.75(12).

**(3)** Prohibited Acts. Except as provided in subsection (4), no person under the age of eighteen (18) shall do any of the following:

**(a)** Purchase or attempt to purchase any cigarette or tobacco product.

**(b)** Falsely represent his or her age for the purpose of receiving any cigarette or tobacco products.

**(c)** Possess any cigarette or tobacco products.

(4) Employment by licensed retailer. Any person under the age of 18 may purchase or possess cigarette or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Wis. Stat. Sec. 134.65 (1).

(5) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess tobacco products in the course of a police investigation.

(6) Law Enforcement Officer duties. A law enforcement officer shall seize any cigarette or tobacco products involved in any violation of subsection (3) committed in his or her presence.

(7) Penalties. Any person who shall violate any provision of subsection (3) of this section shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code.

*(Formerly Hallie Ordinance No. 100138 "Ordinance Prohibiting Use of Tobacco Products by Minors" adopted March 16, 1998 amended by Ordinance No. 99-01 of July 6, 1999)*

#### **SECTION 8.8.06. CURFEW**

(1) No minor under the age of fourteen (14) years shall be or remain in or upon any of the streets, public areas or commercial establishments in the Village of Lake Hallie between 10:00 p.m. and 5:00 a.m. unless accompanied by a parent, guardian or adult person having custody of said minor, or unless such minor is required by his employment to be in or about the places herein mentioned within the hours above stated, as shown by written evidence by his employer, then in the minor's possession, or such minor is then proceeding to or from his home or place of employment.

(2) Penalty. Any minor who violates this section shall be questioned by the police for the minor's name, age, address and name of his/her parents, guardian or custodian and this information shall be recorded in the police department records. The minor shall be instructed to return to his/her place of living immediately. The parents, guardian or legal custodian shall be notified by regular first class mail by the police department of such violation. Such notice shall state the time, place and date where the minor was found. Any parent, guardian or legal custodian of a child violating this section who has been mailed notice of a previous violation within a twelve (12) month period shall, upon conviction thereof, shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code.

*(Formerly Hallie Ordinance No. 119 "Curfew Ordinance" adopted June 19, 1978 amending curfew ordinance of 8/63)*

## **SECTION 8.8.10 JUVENILE JURISDICTION**

**(1)** The Chippewa County Circuit Court, Children's Division, shall have jurisdiction in proceedings against juveniles between the ages of 12 and 16 years old for violations of the Village Code. In such cases the citation procedures described in Wis. Stat. Sec. 938.237 may be used. If a citation is issued to a juvenile, the issuing agency shall within seven days notify the juvenile's parent or guardian. The agency issuing the citation to a juvenile who is 12 to 15 years of age shall send a copy of the citation to the juvenile intake worker for Chippewa County pursuant to Wis. Stat. Sec. 938.17(2)(c) for informational purposes only. If a court finds that a juvenile violated a municipal code or law punishable by forfeiture, the court shall enter a dispositional order under Wis. Stat. Secs. 938.343 or 938.344 as applicable.

## **SECTION 8.9.04. PUBLIC NUISANCES**

**(1)** Public Nuisances Prohibited. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Lake Hallie.

**(2)** Public Nuisance Defined. A public nuisance is a thing, act, occupation, condition or use of property that continues for such a length of time as to:

**(a)** Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

**(b)** In any way render the public insecure in life or in the use of property.

**(c)** Greatly offend the public morals or decency.

**(d)** Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, roadway, alley, navigable body of water or other public way or the use of any public property.

**(3)** Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be constructed to exclude other health nuisances coming within the definition of Section 2.

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

**(b)** Unburied Animal Carcasses. Carcasses of animals, birds, or fowl not intended for human consumption or food that are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.



**(c)** Breeding Places for Vermin. Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed.

**(d)** Stagnant Water. Stagnant water where mosquitoes, flies, or other insects multiply.

**(e)** Privy vaults and garbage cans not fly tight.

**(f)** Noxious Weeds. The provisions of Wis. Stat. Sec. 66.0407 are hereby adopted and incorporated herein by reference. Noxious weeds as defined therein, including Canada thistle, leafy spurge and field bindweed, and as also may be defined by the Village board, must be destroyed by the owner or occupant of land and not allowed to proliferate. The Village Board finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed eight (8) inches in length adversely affect the public health and safety of individuals as that they tend to pollinate, constitute a fire and/or become a safety hazard. Therefore, any lawns, grasses or weeds located within developed areas of the Village is hereby declared to be a public nuisance and shall be the duty of every property owner to mow or cause to be mowed all grasses or weeds exceeding eight (8) inches in height, except for property located in a designated floodplain or wetland area.

**(g)** Air Pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust, or other atmospheric pollutants within the Village limits or proximate thereto in such quantities as to endanger the health of persons of ordinary sensibilities, or to threaten or cause substantial injury to public or private property in the Village.

**(h)** Water Pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, runoff, chemical, mining, agricultural or industrial wastes or other substances.

**(i)** Noxious Odors. Any use of property, substances or things within the Village emitting or causing any foul, offensive noisome, nauseous, noxious or disagreeable odors, gases, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of residents.

**(j)** Street Pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, road, highway, gutter, alley, sidewalk or public place within the Village.

**(k)** Storage of Junk. The unsightly or disorderly open storage of junk, refuse, trash, rotting wood products, metal items, litter, garbage,

recyclables, scrap, waste matter, rags, tires, furniture, household furnishings, paper and paper products, other debris, or accumulations of items of personal property. Recyclables appropriately left curbside for pick-up pursuant to village ordinances or hauler regulations and specifications are an exception from this section.

**(l)** Mink Farms. The operation of a mink farm within the Village within 300 feet of any house or building used for dwelling purposes by any persons other than the owner or operator thereof. All persons operating mink farms within the Village shall keep the same clean and in sanitary condition, and shall control flies and insects and prevent noxious odors.

**(4)** Public Nuisances Offending Morals or Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 2.

**(a)** Disorderly Houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

**(b)** Gambling Devices. All gambling devices and slot machines.

**(c)** Unlicensed Sale of Alcoholic Beverages. All places where alcoholic beverages are consumed, sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by law.

**(d)** Continuous Violations of Village Code. Any place or premises within the Village where Village, County or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly or intentionally violated.

**(e)** Drug or Criminal Gang House. The provisions of Wis. Stat. Sec. 823.113 defining drug and gang houses as public nuisances are hereby adopted and incorporated herein by reference.

**(5)** Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 2.

**(a)** Signs, Billboards, Banners, Flags and Pennants. All signs, billboards, banners, flags, pennants, awnings, and other similar structures over or near streets, highways, roads, sidewalks, public grounds or places

frequented by the public, so situated or constructed as to endanger the public safety, distract motorists or obscure roadways, road signs or signals.

**(b)** Illegal Buildings. All buildings or structures erected, repaired or altered in violation of the provisions of the laws of the Village, County or State relating to permits, materials and manner of construction.

**(c)** Unauthorized Traffic Signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.

**(d)** Obstruction of Intersections. All trees, hedges, billboards, or other obstructions which prevent persons driving vehicle on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

**(e)** Tree Limbs. Limbs of trees projecting over, and less than ten (10) feet above, any public sidewalk, street, highway or other public property.

**(f)** Dangerous Trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

**(g)** Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin.

**(h)** Dilapidated Structures. All buildings or structures dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or habitation.

**(i)** Wires Over Streets. All wires over streets, alleys, highways or public property that are strung less than fifteen (15) feet above the surface thereof.

**(j)** Noisy Animals. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall be the subject of frequent complaints and greatly annoy or disturb two or more persons, residing in separate households, within the Village.

**(k)** Obstructions of Streets, Highways and Excavations. All obstructions of streets, highways, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Village, County, or State laws or which, although made in accordance with such laws, are kept or maintained for an unreasonable or illegal length of time

after the purpose thereof has been accomplished, or do not conform to the permit.

**(l)** Unlawful Assembly. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructs traffic and free use of the streets or sidewalks.

**(m)** Flammable Liquids. Repeated or continuous violations of the law relating to the storage of flammable liquids.

**(n)** Unfenced Pools. All in ground swimming pools with a depth below surface greater than two feet, with or without water, and which the immediate area of the swimming pool is not securely fenced and gated. For the purpose of this section, the fence is required to be of solid wood or masonry material, cyclone type or woven wire, with a height of not less than four feet. The gate must be lockable and, when not attended by an adult, the gate securely locked.

**(o)** Public Address and Sound Systems.

1. Maintaining or operating public address or sound systems at such a high or intense volume to unreasonably annoy, disturb, or interfere with normal residential use of neighboring properties.

2. Maintaining or operating outdoor public address systems between 11:00 pm and 8:00 am.

**(p)** Dirt and Mud Tracked onto the Public Right-of-Ways (ROW). All public ROW shall be kept clean of dirt and mud and soil erosion from soil disturbing activities or from the tracking of dirt or mud from unpaved driveways, parking lots, parking spots or private roads. Any property owner who allows the tracking of dirt or mud onto public ROW by vehicles or equipment leaving the site shall be required to implement measures to cease the tracking of dirt and mud onto those adjacent public ROW by vehicles or equipment leaving the site. Implementation measures shall be approved by the Village Public Works Director and shall be designed to stop the tracking of dirt or mud onto the public ROW.

1. An agricultural use, as defined under Wisconsin State Statute 91.01(2), or agricultural practice may not be found to be a nuisance if the tracking of dirt and mud onto the public road right-of-way does not present a substantial threat to public health or safety.

2. Any individual or entity who causes or violates the above ordinance, shall be subject to the cost of the cleanup by the Village of Lake Hallie. Those costs shall be billed to the individual or entity, and if not paid within 30 days, shall be assessed against the property tax bill in the year of the violation.

**(6)** Abatement of Public Nuisances.

**(a)** Enforcement. The County Sheriff, Village Police Chief, Chief of the Fire District, Village Chairman, Health Officer or other duly appointed Village Official shall enforce those provisions of this section that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does exist.

**(b)** Summary Abatement. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village board by majority vote may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

**(c)** Abatement after Notice. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he or she shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within ten (10) days, the proper officer shall cause the nuisance to be removed as provided in subsection (b).

**(d)** Effect on License or Permit. The failure of any Village permit or license holder to abate a nuisance after notice shall also be cause to revoke or suspend such license or permit or for the Village to deny renewal of such license or permit.

**(7)** Cost of Abatement. In addition to any other penalty imposed herein for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge. In addition, where the owner, occupant or person in charge of the property fail to cut the lawn, grass or weeds as set forth above, the Village may elect to cut said lawn, grasses or weeds and shall charge the expense of so doing at the rate charged for service. If not paid, the charges shall be applied on the tax roll as a special tax against said parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec 66.615 (3) (f), Wisconsin Statutes.

**(8)** Exclusivity. Nothing herein shall be construed as prohibiting the abatement of a public nuisance by the Village, its residents or its officials in accordance with the laws of the State of Wisconsin.

**(9)** Penalties. Any person who shall violate any provision of this section or permit or cause a public nuisance shall be subject to a penalty as follows:

**(a)** The forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code.

**(c)** Continued Violation. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this section shall preclude the Village from maintaining any appropriate action to prevent or remove a violation.

**(10)** Severability. If any section, subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, or operation of law, such decision should not affect the validity of the remaining portion of this section.

*(Formerly Hallie Ordinance No. 113 "Public Nuisances Ordinance" adopted November 17, 1969 amended by Ordinance No. 79-5 "Public Address and Sound Systems" adopted May 21, 1979 and Ordinance No. 9-91 "Unfenced Swimming Pools" adopted October 21, 1991) (updated July 2, 2018)*

## **SECTION 8.9.06. NOISE**

**(1)** No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the noise cannot be prevented and is necessary for the protection of human safety or property.

**(2)** No person or entity having control of any building or premises shall cause, or allow to be caused, excessive or unusual noise in the operation of or use of any mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise shall disturb and disrupt the comfort, quiet or repose of persons in the vicinity thereof.

**(3)** No person or entity having control of any building or premises shall cause, or allow to be caused, excessive or unusual noise to occur therein or thereon which loud, excessive or unusual noise shall disturb and disrupt the comfort, quiet or repose of persons in the vicinity thereof.

**(4)** The use of radio loudspeakers, amplifiers, sound recording or reproducing devices, whether within or without a vehicle, on public or private property, such that the sound produced thereby is so loud or boisterous as shall disturb and disrupt the comfort, quiet or repose of persons in the vicinity thereof, is prohibited.

**(5) Penalty.**

**(a)** Any person violating this section shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code.

**(b)** Each violation and each day a violation continues or occurs shall constitute a separate offense.

**SECTION 8.9.10 LOUD PARTIES AND GATHERINGS**

**(1)** No person or entity having control of any building or premises shall cause, or allow to be caused, loud, excessive or unusual noise while permitting a party, social gathering, meeting or assembly, which loud, excessive or unusual noise shall disturb and disrupt the comfort, quiet or repose of persons in the vicinity thereof.

**(2)** Any party or gathering that violates this section shall cease and disperse immediately upon the order of a police officer and all persons not domiciled at the site of such gathering shall leave the premises immediately.

**(3) Penalty.**

**(a)** Any person violating this section shall be subject to a forfeiture as specified in Section 1.4.02. of the Village of Lake Hallie Code.

**(b)** Each violation and each day a violation continues or occurs shall constitute a separate offense.

**SECTION 8.9.12 SNOW REMOVAL RESTRICTIONS**

**(1)** No person in clearing, dumping or pushing snow from driveways, parking lots, garage entrances, or other public or private areas in the Village of Lake Hallie shall place such snow on the roadway, highway or right of way of any street or highway without consent of the property owner or in such a manner as to block the vision of motorists at intersections or otherwise create a traffic hazard. Such person shall cause the accumulation of snow that blocks the vision of motorists at intersections or otherwise creates a traffic hazard to be hauled away.

**(2)** Any person violating this ordinance shall be subject to the forfeiture specified in Section 1.4.02 of the Village of Lake Hallie Code of Ordinances.