

TITLE 9

Offenses and Nuisances

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CHAPTER 1

State Statutes Adopted

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

SEC. 9-1-1 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Town provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

- 29.288 Throwing Refuse in Waters
- 50.58 Careless Smoking
- 167.10 Fireworks Regulated
- 175.25 Illegal Storage of Junked Vehicles
- 939.05 Aiding and Abetting
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948.11	Artificially Colored Animals: Sale
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CHAPTER 2

Offenses Against Public Safety and Peace

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

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

(a) Definitions. “Firearms” are herein defined to mean and include all weapons used for the purpose of propelling bullets, shot or other missiles, whether from cartridge, shell or other container, by explosives or compressed air, and shall include, without limitation because of specific enumeration, all forms of shotguns, rifles, revolvers and other similar types of equipment whereby such bullets, shot or missiles are propelled through the air by reason of discharge therefrom by explosives, caps or compressed air.

(b) Discharge of Firearms Restricted.

- (1) The discharge of firearms shall be so controlled that the bullet, shot or missile propelled therefrom shall not pass upon the premises of another, or upon public highways or other public grounds.
- (2) Firearms shall not be used in such manner as to be in reckless disregard of the lives or property of persons upon the public highways or public grounds of the Town or property of others.
- (3) The discharge of firearms shall not interfere with the peace, quiet and enjoyment of their property by any neighboring resident.

- (4) No person, except a Sheriff, Town Constable or law enforcement officer, shall fire or discharge any firearm, rifle, spring or air gun of any description within the limits of any subdivision within the Town of Marion, or within one hundred fifty (150) yards of any residence dwelling or have any firearm, rifle, spring or air gun in his possession or under his control unless it is unloaded and knocked-down or enclosed in a carrying case or other suitable container within the above-described area.
- (c) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Town without first obtaining a permit to do so from the Town Board.

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

(a) Concealed Weapons Prohibited.

- (1) No person shall within the Town wear or in any manner carry under his/her clothes or conceal upon or about his/her person any deadly or dangerous weapon, provide this Subsection shall not apply to a peace officer or such person as may be authorized to carry such weapons.
- (2) "Dangerous weapons" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

(b) Concealed Weapons in Public Establishments. No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This Subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This Subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.

(c) Specific Concealed Weapons Prohibited. No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the Town.

(d) Possession, Sale and Manufacture of Certain Weapons Prohibited.

- (1) No person shall sell, manufacture, purchase, possess or carry a "Numchuk" (also called a "Numchaku") or a "Churkin" or a "Sucbai" or similar weapon within the Town of Marion.
- (2) For the purpose of this Section, the following definitions shall apply:
 - a. "Numchuk" or "Numchaku." An instrument consisting of two (2) or more sticks, clubs or rods connected by a rope, cord, wire or chain.
 - b. "Churkin." A round throwing knife consisting of several sharp points protruding from a round disc.
 - c. "Sucbai." A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions either end.
- (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

SEC. 9-2-3 SAFE USE AND TRANSPORTATION OF FIREARMS AND BOWS.

(a) Definitions. In this Section:

- (1) Aircraft has the meaning given under Sec. 114.002(3), Wis. Stats.
- (2) Encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
- (3) Firearm means a weapon that acts by force of gunpowder.
- (4) Highway has the meaning given under Sec. 340.01(22), Wis. Stats.
- (5) Motorboat has the meaning given under Sec. 30.50(6), Wis. Stats.
- (6) Roadway has the meaning given under Sec. 340.01(54), Wis. Stats.
- (7) Unloaded means any of the following:
 - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
 - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
 - c. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
- (8) Vehicle has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.

(d) Prohibitions; Motorboats and Vehicles; Highways and Roadways.

- (1) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

- (2) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
- (3) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
- (4) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet in the center of a road.
- (5) A person who violates Subsections (1) through 4 above is subject to a forfeiture of not more than One Hundred Dollars (\$100.00).

(c) Exceptions.

- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm in, on or from a vehicle, motorboat, or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:
 - a. A Peace officer, as defined under Sec. 939.22(22), Wis. Stats.
 - b. A member of the U.S. armed forces.
 - c. A member of the National Guard.
- (2) Subsections (b) (1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
- (3) Subsections (b) (2) and (3) do not apply to the holder of a permit under Sec. 29.09, Wis. Stats., who is hunting from a standing automobile in accordance with that Subsection.
- (4) Subsection (b) (2) does not prohibit a person from leaning an unloaded firearm against a vehicle.
- (5) Subsection (b)(4) does not apply to a person who is legally hunting small game with a muzzle-loading firearm or with a shogun loaded with shotshell or chilled shot number BB or smaller, if the surface or the highway or roadway is anything other than concrete or blacktop.

SEC. 9-2-4 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 other person or at, in or into any building, street,

sidewalk, alley, highway, park, playground or other public place within the limits of any subdivision or subdivided area within the Town of Marion.

SEC. 9-2-5 HARASSING OR OBSCENE TELEPHONE CALLS.

Whoever commits any of the following acts shall be subject to the general penalty as provided in this Code of Ordinances;

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

SEC. 9-2-6 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

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

SEC. 9-2-7 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

- (a) Obstructing Streets.** No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the Town in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.
- (b) Blocking Sidewalk Prohibited.** No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the Street.

(c) Free Speech. This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

(d) Definitions. As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) Block. To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
- (2) Sidewalk. Any sidewalk owned or maintained by the Town. The term shall not include sidewalks or walkways on private property in shopping center, apartment complexes, office building sites or any other private property.

SEC. 9-2-8 LOITERING PROHIBITED.

No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

SEC. 9-2-9 DISORDERLY CONDUCT.

(a) Disorderly Conduct Prohibited. No person within the Town of Marion shall:

- (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.

(2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

(b) Disorderly Conduct With Motor Vehicle. No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine or by emitting unnecessary and loud muffler noise.

(c) Defecating or Urinating in Public Places. It shall be unlawful for any person to defecate or urinate outside of designated sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Town, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings, or to indecently expose his person.

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

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

(b) Possession of Marijuana. No person shall possess any amount of marijuana, tetrahydrocannabinol or any derivative thereof, unless the substance was obtained directly from or pursuant to a valid prescription or order of, a licensed physician or pharmacist for a valid medical purpose.

State Law Reference: Chapter 161, Wis. Stats.

SEC. 9-2-11 FAILURE TO OBEY LAWFUL ORDER.

It shall be unlawful for any person to fail to obey the direction or order of a law enforcement officer while such police officer is acting in an official capacity in carrying out his or her duties.

CHAPTER 3

Offenses Against Property

- 9-3-1 Destruction of Property Prohibited
- 9-3-2 Littering Prohibited
- 9-3-3 Abandoned Refrigerators Prohibited
- 9-3-4 Damaging or Tampering With Coin Machines
- 9-3-5 Damage to Public Property
- 9-3-6 Disturbing Cemetery Property
- 9-3-7 Penalties

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

- (a) Destruction of Property.** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Town and belonging to the Town or its departments or to any private person, without the consent of the owner or proper authority.
- (b) Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of any unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed One Thousand Dollars (\$1,000.00).
- (c) Unlawful Removal of Property.** It shall be unlawful for any person to take and carry away the property of another without the owner's consent with the intention to do so.

SEC. 9-3-2 LITTERING PROHIBITED.

- (a) Littering Prohibited.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Town, or any private person, or upon the surface of any body of water within the Town.
- (b) Litter from Conduct of Commercial Enterprise.**
 - (1) Scope. The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.

- (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
- (3) Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Town shall arrange to have the same picked up by Town crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Town Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.
- (c) **Dumping of Refuse and Grass in Ditches.** No person shall deposit any refuse, sod, cans, machinery, leaves or grass clippings in any gutter or ditch along any public street, road, alley or highway.
- (d) **Handbills.**
- (1) Scattering Prohibited. It shall be unlawful to deliver any handbills or advertising material to any premises in the Town except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- (2) Papers in Public Places Prohibited. It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.
- (e) **Depositing of Debris on Shore or any Body of Water.** It shall be unlawful for any person to throw or deposit any metal cans or glass bottles or any other debris on the shores of any lake or body of water within the Town of Marion.

SEC. 9-3-3 ABANDONED REFRIGERATORS PROHIBITED.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or like, snap lock or other locking device from said

ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

SEC. 9-3-4 DAMAGING OR TAMPERING WITH COIN MACHINES.

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

SEC. 9-3-5 DAMAGE TO PUBLIC PROPERTY.

- (a) **Damaging Public Property.** No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or bread, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or other public property in the Town.
- (b) **Breaking of Street Lamps or Windows.** No person shall break glass in any street lamps or windows of any building owned or occupied by the Town.

SEC. 9-3-6 DISTURBING CEMETERY PROPERTY.

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

SEC. 9-3-7 PENALTIES

In addition to the general penalty of this Code in Section 1-1-6 or any other penalty imposed for violation of any Section of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing damaged or

destroyed property. The parent or parents of any unemancipated minor child who violated Section 9-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent law enforcement officers from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

CHAPTER 4

Obscenity

9-4-1 Exposing Minors to Harmful Materials

SEC. 9-4-1 EXPOSING MINORS TO HARMFUL MATERIALS

(a) Definitions. As used in this Section:

- (1) "Minor" means any person under the age of eighteen (18) years.
- (2) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion there of below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
- (3) "Sexual conduct" is defined to be acts of sexual intercourse between humans, normal or perverted, actual or simulated, acts of masturbation, fellatio, cunnilingus and acts of excretory function, lewd exhibition of the genitals, especially in a stimulated condition and sexual relations between humans and animals.
- (4) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (5) "Sadomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- (6) "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, which taken as a whole appeals to the prurient interest in sex, which taken as a whole portrays sexual conduct in a patently offensive way, and which taken as a whole does not have serious literary, artistic, political or scientific value. Whether a work appeals to the prurient interest and whether it depicts or describes sexual conduct in a patently offensive way, and whether it has serious literary, political or scientific value are to be determined by applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors.
- (7) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:
 - a. The character and content of any material described herein which is reasonably suspect under this Section; and

- b. The age of the minor, provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.
- (8) "Knowledge of the minor's age means:
- a. Knowledge or information that the person is a minor; or
 - b. Reason to know, or a belief or grounds for belief, which warrants further inspection or inquiry of the age of the minor.
- (b) It shall be unlawful for any person knowingly exhibit for a monetary consideration to a minor or knowingly to sell a to a minor an admission ticket or pass or knowing to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation which in whole or in part depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors, unless such minor is accompanied by his parent or legal guardian.
- (c) It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:
- (1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors.
 - (2) Any book, pamphlet, magazine, printed matter however produced, or sound recording which contains any material enumerated in (c)(1) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.
- (d) It shall be unlawful for any person knowingly to admit a minor to any premises whereon there is exhibited nudity, sexual conduct or sadomasochistic abuse which is harmful to minors unless such minor is accompanied by his/her parent or legal guardian.

State Law Reference: Sec. 944.25, Wis. Stats.

CHAPTER 5

Offenses Involving Alcoholic Beverages

- 9-5-1 Outside Consumption
- 9-5-2 Sale to Underage or Intoxication Person Restricted
- 9-5-3 Underage Persons' Presence in Places of Sale; Penalty
- 9-5-4 Underage Persons; Prohibitions; Penalties
- 9-5-5 Defense of Sellers
- 9-5-6 Persons Who Have Attained the Legal Drinking Age; False or Altered Identification Cards
- 9-5-7 Possession of Alcohol Beverages on School Grounds
- 9-5-8 Adult Permitting or Encouraging Underage Violation
- 9-5-9 Solicitation of Drinks Prohibited

SEC. 9-5-1 OUTSIDE CONSUMPTION.

(a) Alcoholic Beverages in Public Areas.

- (1) Regulations. It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives or other public area within the Town or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the Town except as licensed premises.
- (2) Parks. It shall be unlawful for any person to drink or have in their possession any alcohol beverage in any Town park or boat landings between the hours of 10:00 p.m. and 7:00 a.m. except at licensed premises.
- (3) Private Property Held Out For Public Use. It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Town unless the property is specifically named as being part of a licensed premises.
- (4) Leaving Licensed Premises With Open Container.
 - a. It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.
 - b. It shall be unlawful for any patron to leave a licensed premises with an open container containing any alcohol beverage.
- (5) Picnic Beer Permits For Parks.
 - a. It shall be unlawful for any group of persons which exceeds thirty (30) to consume any alcohol beverages in any park areas without first obtaining

a Picnic Beer Permit from the Town. The Picnic Beer Permits shall be issued by the Town Clerk.

- b. Applicants for special Class “B” Permits shall fully comply with the requirements of Section 7-2-16.

(6) Exceptions.

- a. The provisions of this Section may be waived by the Town Board for duly authorized events.
- b. Any organization which has been issued a special Class “B” fermented malt beverage picnic license pursuant to this Code of Ordinances, provided that the provisions of this Chapter and Title 7, Chapter 2, are fully complied with.

(b) **Definitions.**

- (1) As used in this Section, the term “alcoholic beverage” shall include all ardent, spirituous, distilled or vinous liquors, liquids or compound, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (1/2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purposes.
- (2) As used in this Section, the term “public area” shall be construed to mean any location within the Town which is open to access to person not requiring specific permission of the owner to be at such location including all parking lot serving commercial establishments.
- (3) As used in this Chapter “underage person” shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

Cross Reference: Section 7-2-16.

SEC. 9-5-2 SALE TO UNDERAGE OR INTOXICATED PERSONS RESTRICTED.

(a) Sales of Alcohol Beverages to Underage Persons.

- (1) No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, or procure for, sell, dispense or give away any intoxicating liquor to or with any underage person.
- (2) No license or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any underage person not accompanied by his or per parent, guardian or spouse who has attained the legal drinking age or sell vend, deal or traffic in intoxication liquor to or with any underage person.

(b) Penalties. A person who commits a violation of Subsection (a) above is subject to a forfeiture of:

- (1) Not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within twelve (12) months of the violation; or
- (2) Not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) if the person has committed a previous violation within twelve (12) months of the violation.
- (3) In addition to the forfeitures provided in Subsections (1) and (2) above, a court shall suspend any license issued under Title 7 of this Code to a person violating this Section pursuant to Sec. 125.07(1)(b)3, Wis. Stats.

(c) Sale of Alcohol Beverages to Intoxicated Persons.

- (1) No person may procure for, sell dispense or give away alcohol beverages to a person who is intoxicated.
- (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(d) Penalties. Any person who violates Subsection (c) above shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned for not more than sixty (60) days or both.

State Law Reference: Sec. 125.07, Wis. Stats.

SEC. 9-5-3 UNDERAGE PERSONS' PRESENCE IN PLACES OF SALE; PENALTY.

(a) Restrictions. An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the license premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:

- (1) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
- (2) An underage person who enters or is on a "Class A" retail intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.

- (3) Hotels, drug stores, grocery stores, bowling alleys, cars operated by any railroad, regularly established athletic fields, stadiums or public facilities as defined in Sec. 125.51(5)(b)1.5, Wis. Stats., which are owned by a county or municipality.
- (4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chs. 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
- (5) Ski chalets, golf clubhouses and private tennis clubs.
- (6) Premises operated under both a Class "B" or "Class B" License or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class "B" or "Class B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- (7) An underage person who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market as defined in Sec. 125.32(4)(b)1, Wis. Stats., if the person does not enter or remain in a room where alcohol beverages are sold or furnished.
- (8) An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separated from any room where alcohol beverages are sold or served for the purpose of engaging in marching or drilling with a group of other persons if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this Subsection. An underage person may enter and remain on Class "B" or "Class B" premises under this Subsection only if the municipality which issued the Class "B" or "Class B" license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this Subsection and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present under this Subsection on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

(b) Penalties. A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of Subsection (a) is subject to a forfeiture of not more than Five Hundred Dollars (\$500.00).

SEC. 9-5-4 UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.

- (a)** Any underage person who does any of the following is guilty of a violation:
- (1) Procures or attempts to procure alcohol beverage.
 - (2) Knowingly possesses or consumes intoxication liquor.
 - (3) Enters or is on licensed premises in violation of Section 9-5-3(a).
 - (4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.
- (b)** Any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverage is guilty of a violation.
- (c)** Any person violating Subsection (a) or (b) is subject to the following penalties:
- (1) For a first violation, a forfeiture of not more than Fifty Dollars (\$50.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
 - (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not more than One Hundred Dollars (\$100.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)2, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
 - (3) For a violation committed within twelve (12) months or two (2) or more previous violations, either a forfeiture of not more than One Hundred Fifty Dollars (\$150.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.

(d)(1) If the Court orders a person to participate in a supervised work program under Subsection (d), the Court shall set standards for the program within the budgetary limits established by the Town Board. The program may provide the person with reasonable compensation reflecting the market value of the work performed, or it may consist of uncompensated community service work and shall be administered by the County Department of Public Welfare or a community agency approved by the court.

(2) The supervised work program shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from an agency staff member or other qualified person. The program may not conflict with the person's regular attendance at school. The amount of work required shall be reasonable related to the seriousness of the person's offense.

(e) When a court revokes or suspends a person's operating privilege under Subsection (c), the Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

(f) A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 48.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under Sec. 48.344(3), Wis. Stats.

(g) Subsections (a) and (b) do not prohibit an underage person employed by a licensee or permittee from possessing fermented malt beverages during the brewing process or for sale or delivery to customers.

(h) Subsections (a) and (b) do not prohibit an underage person employed by a brewery, a winery or a facility for the rectifying or manufacture of intoxicating liquor or the production of fuel alcohol from possessing alcohol beverages during regular working hours and in the course of employment.

SEC. 9-5-5 DEFENSE OF SELLERS.

(a) **Defenses.** Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this Section:

- (1) That the purchaser falsely represented in writing and supported with other documentary proof that he or she had attained the legal drinking age.
- (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
- (3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

(b) **Book Kept by Licensees and Permittees.** Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purpose of this Subsection. The licensee or permittee or his or her employee shall require any person who has shown documentary proof that he or she has attained the legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of the alcohol beverages, the

identification used in making the purchase, the address of the purchaser and the purchaser's signature.

State Law Reference: Sec. 125.07(6) and (7), Wis. Stats.

SEC. 9-5-6 PERSONS WHO HAVE ATTAINED THE LEGAL DRINKING AGE; FALSE OR ALTERED IDENTIFICATION CARDS.

(a)(1) Any person who has attained the legal drinking age, other than one authorized by Sec. 125.08, Wis. Stats., who makes, alter or duplicates an official identification card may be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned not less that ten (10) days nor more than thirty (30) days or both.

(2) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) or imprisoned no more than ten (10) days or both.

(b)Any underage person who does any of the following is subject to the penalties specified under Section 9-5-4(c) or (d):

(1) Intentionally carries an official identification card not legally issued to him or her, an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this Subsection.

(2) Makes, alters or duplicates an official identification card.

(3) Presents false information to an issuing officer in applying for an official identification card.

State Law Reference: Sec. 125.07(1)(a)3 and 4, Wis. Stats.

SEC. 9-5-7 POSSESSION OF ALCOHOL BEVERAGES ON SCHOOL GROUNDS PROHIBITED.

(a)In this Subsection:

(1)"Motor Vehicle" means a motor vehicle owned, rented or consigned to a school.

(2) "School" means a public, parochial or private school which provides an educational program for one (1) or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

(3) "School administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

(4) "School premises" means premises owned, rented or under the control of a school.

(b) Except as provided by Subsection (c) no person may possess or consume alcohol beverages:

(1) On school premises;

(2) In a motor vehicle, if a pupil attending the school is in the motor vehicle: or

(3) While participating in a school-sponsored activity.

(c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

(d) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00), except that Sec. 48.344, Wis. Stats., and Section 9-5-4(c) and (d) of this Code of Ordinances provide the penalties applicable to underage persons.

SEC. 9-5-8 ADULT PERMITTING OR ENCOURAGING UNDERAGE VIOLATION.

(a) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.

(b) No adult may intentionally encourage or contribute to a violation of Section 9-5-4(a) or (b).

(c) A person who violates this Section is subject to a forfeiture of not more than Three Hundred Dollars (\$300.00).

State Law Reference: Sec. 125.07(1)(a)3 and 4, Wis. Stats.

SEC. 9-5-9 SOLICITATION OF DRINKS PROHIBITED.

Any licensee, permittee or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the Town who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in Section 125.02(1) of the Wisconsin Statutes, or any other drink from a customer on the premises, or any entertainer or employee who solicits such drinks from any customer is deemed in violation of this Section.

CHAPTER 6

Offenses by Juveniles

- 9-6-1 Possession of Controlled Substances by Juveniles
- 9-6-2 Petty Theft by Juveniles
- 9-6-3 Receiving Stolen Goods
- 9-6-4 Town Jurisdiction Over Persons 14 through 17 Years of Age
- 9-6-5 Enforcement and Penalties

SEC. 9-6-1 POSSESSION OF CONTROLLED SUBSTANCES BY JUVENILES.

It shall be unlawful for any person under the age of eighteen (18) to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161, of the Wisconsin Statutes.

SEC. 9-6-2 PETTY THEFT BY JUVENILES.

It shall be unlawful for any person under the age of eighteen (18), with intent to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

SEC. 9-6-3 RECEIVING STOLEN GOODS.

It is unlawful for a person under the age of eighteen (18) to intentionally receive or conceal property he knows to be stolen.

SEC. 9-6-4 TOWN JURISDICTION OVER PERSONS 14 THROUGH 17 YEARS OF AGE.

(a) Adoption of State Statute. Section 48.17(2), Wis. Stats., is hereby adopted and by reference made a part of this Section as if fully set forth herein.

(b) Provisions of Ordinance Applicable to Persons 14 through 17 Years of Age. Subject to the provisions and limitations of Sec. 48.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against persons fourteen (14) through seventeen (17)

years of age may be brought on behalf of the Town of Marion and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.

(c) No Incarceration as Penalty. The court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.

(d) Additional Prohibited Acts. In addition to any other provision of the Town of Marion Code of Ordinances, no person age fourteen (14) through seventeen (17) shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxication liquor or fermented malt beverage in violation of Chapter 125, Wis. Stats.

(e) Penalty for Violations of Subsection (d). Any person fourteen (14) through seventeen (17) years of age who shall violate the provisions of Subsection (d) shall be subject to the same penalties as are provided in Section 1-1-6 of these Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Cross Reference: Section 9-5-7.

SEC. 9-6-5 ENFORCEMENT AND PENALTIES.

(a) Citation Process. For violations of Sections 9-6-1 through 9-6-4, juveniles may be cited by the citation process of a form approved by the Town Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.

(b) Penalties. Violations of Sections 9-6-1 through 9-6-4 by a person under the age of eighteen (18) shall be punishable according to Sections 48.317(2), 48.343, 48.344 and 48.345 of the Wisconsin Statutes. Nothing in this Section shall prevent the juvenile officer, in his discretion, from referring cases directly to the District Attorney's office.

CHAPTER 7

Public Nuisances

- 9-7-1 Public Nuisances Prohibited
- 9-7-2 Public Nuisances Defined
- 9-7-3 Public Nuisances Affecting Health
- 9-7-4 Public Nuisances Offending Morals and Decency
- 9-7-5 Public Nuisances Affecting Peace and Safety
- 9-7-6 Abatement of Public Nuisances
- 9-7-7 Cost of Abatement

SEC. 9-7-1 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Marion.

SEC. 9-7-2 PUBLIC NUISANCES DEFINED.

A public Nuisance is a thing, act, occupation, condition or use of property which shall continue for such 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, alley, highway, navigable body of water or other public way or the use of public property.

SEC. 9-7-3 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 construed to exclude other health nuisances coming within the definition of Section 9-7-2:

- (a) Adulterated Foods.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) Breeding Places for Vermin, Etc.** 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.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) Garbage Cans.** Garbage cans which are not fly-tight.
- (f) Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- (g) Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (h) Noxious Odors, Etc.** Any use of property, substances or things within the Town or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
- (i) Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, side-walk or public place within the Town.
- (j) Animals at Large.** All animals running at large.
- (k) Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood and other refuse.

(l) Air Pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

SEC. 9-7-4 PUBLIC NUISANCES OFFENDING MORALS AND 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 Sec. 9-7-2:

(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 Liquor and Beer. All places where intoxication liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Town.

(d) Continuous Violation of Town Ordinances. Any place or premises within the Town where Town Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(e) Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxication liquor or fermented malt beverages in violation of the law of the State of Wisconsin or ordinances of the Town.

SEC. 9-7-5 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting the 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 9-7-2:

(a) Signs, Billboards, Etc. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

(b) Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.

(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 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 vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(e) Tree Limbs. All tree limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.

(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 and Ordinances of the Town.

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

(i) Blighted Buildings. Buildings or structures either due to faulty design or construction or failure to maintain them in a proper state of repair or to improper management or due to the accumulation thereon of junk, wood, brick, cement block or other unsightly debris, refrigerators, furnaces, appliances, machinery or parts thereof, structurally unsound fences, or where windows, doors, and other openings and appurtenances of such building are deteriorated, damaged, destroyed or removed, and other such items which tend to depreciate property values and offend the aesthetic character of the immediate neighborhood and produce blight and deterioration by reason of such condition, or which are detrimental to the health, safety, morals or welfare of the Town residents.

(j) Wires over Streets. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.

(k) Noisy Animals or Fowl. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.

(l) Obstructions of Streets: Excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Ordinances of the Town or which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.

(m) Open Excavations. All open and unguarded pits, well, excavations or unused basements, accessible from any public street, alley or sidewalk.

(n) Abandoned Refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

(o) Flammable Liquids. Repeated or continuous violations of the Ordinances of the Town or laws of the State relating to the storage of flammable liquids.

(p) Unremoved Snow. All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

SEC. 9-7-6 ABATEMENT OF PUBLIC NUISANCES.

(a) Enforcement. The Town board and Town Constable shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspection 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 has satisfied himself that a nuisance does in fact exist.

(b) Summary Abatement. If the inspecting officer shall determine that public nuisance within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairperson, upon the recommendation of the appropriate department head, 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 inspection officer shall determine that 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 shall service notice on the person causing or maintaining the nuisance to remove the same within ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Subsection (b).

(d) Abatement Pursuant to State Statute 66.05- The Inspecting Officer may order the razing repair of dilapidated buildings pursuant to 66.05 of the Wisconsin Statutes.

(e) Other Methods not Excluded – Nothing in this Section shall be construed as prohibiting the abatement of public nuisances by the Town and its officials in accordance with the laws of the State of Wisconsin.

SEC. 9-7-7 COST OF ABATEMENT.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

