

# Village of Boyceville Municipal Code – Title 11

## TITLE 11 - OFFENSES AND NUISANCES

### CHAPTER 1: GENERAL

#### Sec. 11-1-1 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. Any future amendments, revisions, or modifications of the statutes are intended to be part of this Code.

Offenses punishable as forfeitures in the following statutes:

Wis. Stats. § 12.035	Posting and Distribution of Election-Related Material
Wis. Stats. § 12.13	Election Fraud
Wis. Stats. § 23.095	Protection of Natural Resources
Wis. Stats. § 23.119	Consent to Use Certain Off-Highway Vehicles
Wis. Stats. § 29.024	Approvals; Forms; Issuing Agents
Wis. Stats. § 29.055	Wild Animals; Possession in Closed Season or in Excess of Bag Limit
Wis. Stats. § 29.057	Wild Animals; Possession in Open Season
Wis. Stats. § 29.083	Interference with Hunting, Fishing or Trapping
Wis. Stats. § 29.088	Use of Poison and Explosives; Pole Traps
Wis. Stats. § 29.164	Wild Turkey Hunting Approvals
Wis. Stats. § 29.171	Resident Archer Hunting License
Wis. Stats. § 29.184	Bear Licenses
Wis. Stats. § 29.185	Wolf Harvesting Licenses
Wis. Stats. § 29.191	Hunting Stamps
Wis. Stats. § 29.219	Resident Fishing Licenses
Wis. Stats. § 29.228	Nonresident Fishing Licenses
Wis. Stats. § 29.2285	Fishing Stamps and Tags
Wis. Stats. § 29.237	Sturgeon Spearing License
Wis. Stats. § 29.301	General Restrictions on Hunting
Wis. Stats. § 29.304	Restrictions on Hunting and Use of Firearms by Persons Under 16 Years of Age
Wis. Stats. § 29.307	Hunting with Aid of Aircraft Prohibited
Wis. Stats. § 29.311	Shotshell Restrictions
Wis. Stats. § 29.314	Shining Animals
Wis. Stats. § 29.324	Group Deer Hunting
Wis. Stats. § 29.331	Trapping Regulations
Wis. Stats. § 29.334	Hunting and Trapping; Treatment of Wild Animals
Wis. Stats. § 29.345	Hunting, Fishing or Trapping Accident; Failure to Report
Wis. Stats. § 29.347	Possession of Deer and Elk; Heads and Skins
Wis. Stats. § 29.349	Animals Killed by Motor Vehicles
Wis. Stats. § 29.351	Skins of Fur-Bearing Animals
Wis. Stats. § 29.354	Possession of Game Birds and Animals
Wis. Stats. § 29.357	Transportation; General Provisions
Wis. Stats. § 29.361	Transportation of Deer or Elk
Wis. Stats. § 29.364	Transportation of Game Birds
Wis. Stats. § 29.401	Possession of Fishing Equipment
Wis. Stats. § 29.403	Fishing Tournaments
Wis. Stats. § 29.404	Fishing Shanties on Ice, Regulation
Wis. Stats. § 29.405	Fishing with Bow and Arrow or Crossbow
Wis. Stats. § 29.407	Transportation of Fish
Wis. Stats. § 29.501	Fur Dealers Regulated
Wis. Stats. § 29.506	Taxidermists
Wis. Stats. § 29.516	Fishing with Nets and Setlines
Wis. Stats. § 29.531	Set or Bank Pole Licenses
Wis. Stats. § 29.533	Setline Licenses; Inland Waters
Wis. Stats. § 29.539	Sale of Wild Animals
Wis. Stats. § 29.592	Hunting Mentorship Program
Wis. Stats. § 29.601	Noxious Substances
Wis. Stats. § 29.604	Endangered and Threatened Species Protected
Wis. Stats. § 29.967	Prohibitions During Periods of Suspension or Revocation
Wis. Stats. § 29.969	Larceny of Wild Animals
Wis. Stats. § 29.971	General Penalty Provisions
Wis. Stats. § 30.15	Penalty for Unlawful Obstruction of Navigable Waters
Wis. Stats. § 90.21	Fencing of Farm-Raised Deer; White-Tailed Deer

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Wis. Stats. § 86.19	Highway Signs, Regulation, Prohibition
Wis. Stats. § 86.191	Advertising in Highways Prohibited, Where
Wis. Stats. § 86.192	Penalty for Injuring Guide Board, Markers, Etc.
Wis. Stats. § 95.21	Rabies Control Program
Wis. Stats. § 95.22	Reporting Animals Diseases
Wis. Stats. § 95.23	Disease Investigation and Enforcement
Wis. Stats. § 95.38	Altering Records; Tampering with Ear Tags
Wis. Stats. § 95.99	Penalties
Wis. Stats. § 101.123	Smoking Prohibited
Wis. Stats. § 101.145	Smoke Detectors
Wis. Stats. § 101.149	Carbon Monoxide Detectors
Wis. Stats. § 101.645	Smoke Detectors
Wis. Stats. § 101.647	Carbon Monoxide Detectors
Wis. Stats. § 101.648	Waiver; Smoke Detector and Carbon Monoxide Detector Requirements; Plumbing and Electrical Standards
Wis. Stats. § 101.66	Compliance and Penalties
Wis. Stats. § 101.745	Smoke Detectors
Wis. Stats. § 101.75	Inspections, Insignia and Alterations
Wis. Stats. § 101.77	Penalties
Wis. Stats. § 101.862	License or Registration Required
Wis. Stats. § 101.88	Compliance and Penalties
Wis. Stats. § 101.96	Manufactured Home Installation Regulated
Wis. Stats. § 118.08	School Zones; Crossings
Wis. Stats. § 118.09	Safety Zones
Wis. Stats. § 118.10	School Safety Patrols
Wis. Stats. § 118.105	Control of Traffic on School Premises
Wis. Stats. § 118.123	Reports and Records
Wis. Stats. § 118.12	Sale of Goods and Services at Schools
Wis. Stats. § 118.13	Pupil Discrimination Prohibited
Wis. Stats. § 118.15	Compulsory School Attendance
Wis. Stats. § 118.16	School Attendance Enforcement
Wis. Stats. § 118.163	Municipal Truancy and School Dropout Ordinances
Wis. Stats. § 120.12(20)	Prohibition of Tobacco
Wis. Stats. § 120.13(35)	Presence in School Buildings
Wis. Stats. § 121.555	Alternative Methods of Providing Transportation
Wis. Stats. § 125.04	General Licensing Requirements
Wis. Stats. § 125.07	Underage and Intoxicated Persons; Presence on Licensed Premises; Possession; Penalties
Wis. Stats. § 125.085	Proof of Age
Wis. Stats. § 125.09	General Restrictions
Wis. Stats. § 125.10	Municipal Regulation
Wis. Stats. § 134.60	Cutting or Transportation of Evergreens
Wis. Stats. § 134.65	Cigarette and Tobacco Products Retailer License
Wis. Stats. § 134.66	Restrictions on Sale or Gift of Cigarettes or Tobacco Products
Wis. Stats. § 157.64	Penalties
Wis. Stats. § 167.10	Regulation of Fireworks
Wis. Stats. § 167.31	Safe Use and Transportation of Firearms and Bows
Wis. Stats. § 167.32	Safety at Sporting Events
Wis. Stats. § 169.45	Penalties; Revocations
Wis. Stats. § 172.012	Livestock on Highways; Penalty
Wis. Stats. § 173.10	Investigation of Animal Cruelty Complaints
Wis. Stats. § 173.24	Reimbursement for Expenses
Wis. Stats. § 174.02	Owner's Liability for Damage Caused by Dog; Penalties
Wis. Stats. § 174.042	Dogs Running at Large and Untagged Dogs Subject to Impoundment; Penalties
Wis. Stats. § 175.25	Illegal Storage of Junked Vehicles
Wis. Stats. § 175.60	License to Carry a Concealed Weapon
Wis. Stats. § 192.292	Trains Obstructing Highways
Wis. Stats. § 192.295	Willful Neglect of Railroad Employees
Wis. Stats. § 192.31	Trespassing on Railroad
Wis. Stats. § 236.30	Forfeiture for Improper Recording
Wis. Stats. § 254.92	Purchase or Possession of Tobacco Products Prohibited

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Wis. Stats. § 287.07	Prohibitions on Land Disposal and Incineration
Wis. Stats. § 287.08	Yard Waste Bags
Wis. Stats. § 287.17	Electronic Waste Recycling
Wis. Stats. § 287.81	Littering
Wis. Stats. § 287.95	Penalties Concerning Land Disposal and Incinerations; Citations
Wis. Stats. § 938.125	Jurisdiction—Juveniles Alleged to Have Violated Civil Laws or Ordinances
Wis. Stats. § 938.17	Jurisdiction—Juveniles—Traffic, Boating, Snowmobile and All-Terrain Vehicle Violations and Over Civil Law and Ordinance Violations
Wis. Stats. § 938.343	Disposition—Juvenile Adjudged to Have Violated a Civil Law or an Ordinance
Wis. Stats. § 938.344	Disposition—Certain Intoxicating Liquor, Beer and Drug Violations
Wis. Stats. § 938.345	Disposition—Juvenile Adjudged in Need of Protection or Services
Wis. Stats. § 939.05(2)(b)	Parties to Crime (Aiding and Abetting)
Wis. Stats. § 939.22	Words and Phrases Defined
Wis. Stats. § 941.2965	Restrictions on Use of Facsimile Firearms
Wis. Stats. § 941.297	Sale of Distribution of Imitation Firearms
Wis. Stats. § 941.299(3)(b)	Restrictions on the Use of Laser Pointers
Wis. Stats. § 943.13	Trespass to Land
Wis. Stats. § 943.21(3)(bm)	Fraud on Gas Station
Wis. Stats. § 943.455	Theft of Commercial Mobile Service
Wis. Stats. § 943.47	Theft of Satellite Cable Programming
Wis. Stats. § 943.55	Removal of a Shopping Cart
Wis. Stats. § 944.21	Obscene Material or Performance
Wis. Stats. § 945.01	Definitions Relating to Gambling
Wis. Stats. § 945.02	Gambling
Wis. Stats. § 945.035	Certain Slot Machines on Licensed Premises
Wis. Stats. § 945.04	Permitting Premises to be Used for Commercial Gambling
Wis. Stats. § 947.012	Unlawful Use of Telephone
Wis. Stats. § 947.0125	Unlawful Use of Computerized Communication System
Wis. Stats. § 947.013	Harassment
Wis. Stats. § 948.01	Definitions Relating to Crimes Against Children
Wis. Stats. § 948.605	Gun-Free School Zones
Wis. Stats. § 951.01	Definitions Relating to Crimes Against Animals
Wis. Stats. § 951.015	Construction and Application
Wis. Stats. § 951.02	Mistreating Animals
Wis. Stats. § 951.03	Dognapping or Catnapping
Wis. Stats. § 951.04	Leading Animal from Motor Vehicle
Wis. Stats. § 951.05	Transportation of Animals
Wis. Stats. § 951.06	Use of Poisonous and Controlled Substances
Wis. Stats. § 951.07	Use of Certain Devices Prohibited
Wis. Stats. § 951.09	Shooting at Caged or Staked Animals
Wis. Stats. § 951.095	Harassment of Police and Fire Animals
Wis. Stats. § 951.10	Sale of Baby Rabbits, Chicks, and Other Fowl
Wis. Stats. § 951.11	Artificially Colored Animals; Sale
Wis. Stats. § 951.13	Providing Proper Food and Drink to Confined Animals
Wis. Stats. § 951.14	Providing Proper Shelter
Wis. Stats. § 951.15	Abandoning Animals
Wis. Stats. § 961.573(2)	Possession of Drug Paraphernalia
Wis. Stats. § 961.574(2)	Manufacture or Delivery of Drug Paraphernalia
Wis. Stats. § 961.575(2)	Delivery of Drug Paraphernalia to a Minor

### Sec. 11-1-2 State administrative code provisions adopted

*Administrative regulations adopted.* Wis. Admin Code ch. NR 10 (Game and Hunting), NR 19 (Miscellaneous Fur, Fish, Game and Outdoor Recreation), NR 20 (Fishing: Inland Waters, Outlying Waters), NR 27 (Endangered and Threatened Species) are hereby adopted by reference.

### Sec. 11-1-3 Penalties; attempt; parties to acts.

(a) *Penalty.* In addition to the general penalty provisions of this Code in section 1-1-6 or any other penalty imposed for violation of any section of this title, any person who causes physical damage to or destroys any public property is liable for the cost of replacing or repairing the damaged or destroyed property. The parent or parents of any unemancipated juvenile who violate section 11-3-1 may also be held liable for the cost of replacing or repairing the damaged or

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destroyed property in accordance with the state statutes. Nothing in this Code prevents the police department from referring violations of the provisions of this title to the district attorney's office in the interest of justice.

(b) *Attempt.*

- (1) Whoever attempts to commit an act prohibited by this title may be required to forfeit amounts not to exceed one-half the maximum penalty for the completed act.
- (2) An attempt to commit an act prohibited by the provisions in this title requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these provisions and that the act towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that the offender formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

(c) *Parties to acts prohibited in title.*

- (1) Whoever is concerned in the commission of an act prohibited by this title is a principle and may be charged with and convicted of the commission of the act although the offender did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
- (2) A person is concerned in the commission of an act prohibited by these ordinances if:
  - a. Directly commits the act;
  - b. Intentionally aids and abets the commission of it; or
  - c. Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it and is also concerned in the commission of any other act, which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This subsection does not apply to a person who voluntarily changes their mind and no longer desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the violation to allow the others also to withdraw.

(d) *Penalty provisions.* Any person who violates this title is subject to a penalty as provided in section 1-1-6, restitution to the injured party, and the costs of prosecution. Any person 12 years of age to 16 years of age is subject to the penalty in section 1-1-6 and any other applicable penalty provided by Wis. Stats. § 938.34, as that section may exist, be amended, or changed.

### Sec. 11-1-4 Words, Terms, and Phrases Defined

(a) *Definitions.* The following words, terms, and phrases, when used in this title, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Loiter* means to sit, stand, loaf, lounge, wander, or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
- (2) *Nuisance* means unnecessary conduct which may tend to annoy, intimidate, threaten, or otherwise disturb another in or about any public street, sidewalk, bridge, or public ground, or private property which is offensive to the public morals or decency of the citizens of the Village.
- (3) *Obstruct* means 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 a sidewalk.
- (4) *Sidewalk* means any sidewalk owned or maintained by the Village. The term does not include sidewalks or walkways on private property in shops, apartment complexes, office building sites, or any other private property.
- (5) *Nicotine product* means a product that contains nicotine and is any of the following:
  - a. A tobacco product
  - b. A cigarette
  - c. A product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose, as defined in Wis Stat § 134.66.
- (6) *Cigarette* has the meaning given in Wis. Stat. § 139.30(1m).
- (7) *Electronic delivery device* means any product containing or delivering nicotine or other similar substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. Electronic delivery device includes any device manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or description, or any component part of such product whether sold separately. Electronic delivery device does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for such an approved purpose.
- (8) *Smoke or Smoking* means burning, holding, inhaling, exhaling, or carrying any lighted or heated cigar, cigarette, pipe or heated tobacco or plant product intended for inhalation, whether natural, or synthetic, in any manner or

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form. Smoking includes the use of an electronic delivery device which creates an aerosol or vapor, in any manner or form, or the use of any oral smoking device.

- (9) *Tobacco products* means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, snuff flour, Cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but “tobacco products” does not include cigarettes, as defined under Section 139.30(1) of the Wisconsin Statutes and has the meaning given in Wis. Stat. § 139.75(12).
- (10) *Intoxicating cannabinoid products* means a product made from substances extracted from hemp plants that produce intoxicating effects when consumed by any route of administration. These include but are not limited to products made with Delta-8, Delta-9, and Delta-10.
- (11) *CBD product* means a substance made from a compound of the cannabis plant known as cannabidiol.
- (12) *Edible cannabinoid product* means any product that is intended to be eaten or consumed as a beverage, containing a cannabinoid in combination with food ingredients, and is not a drug.
- (13) *Prohibited products* means cigarettes, nicotine product, tobacco product, CBD product, edible cannabinoid product, or intoxicating cannabinoid product, or other smoking or electronic delivery device.
- (14) *Public Place* means any place to which the public has access and includes, but is not limited to streets, sidewalks, highways, parking lots, alleys, parks, schools, common areas of apartment houses, places of worship, and places of business. Places of business include premises open to the public where alcohol is consumed, including a license alcohol establishment.

### CHAPTER 2: OFFENSES AGAINST PUBLIC SAFETY AND PEACE

#### Sec. 11-2-1 Regulation of firearms, explosives, and other missiles.

(a) *Discharge of firearms regulated.* No person, except a law enforcement officer in the performance of an official duty or a person exercising rights or authority pursuant to Wis. Stats. 939.48 or 939.49, may fire or discharge any firearm, in their possession or under their control within the Village, unless the firing or discharging of BB guns or airsoft guns upon private premises by persons over 16 years or under the direct personal supervision of a parent or guardian.

(b) *Shooting into Village limits.* Discharging any firearm from an adjacent territory in a manner that the discharge enters or falls within the Village is prohibited.

(c) *Shooting ranges.* This section does not prevent the maintenance and use of firearms ranges or shooting galleries approved by the Village where proper safety precautions are taken.

(d) *Explosive devices.* Discharging or detonating any explosives within the Village is prohibited without first obtaining a permit to do so from the Village.

(e) *Throwing or shooting of arrows, stones, or other missiles prohibited.*

- (1) It is unlawful to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow or other means within 300 feet of any inhabited dwelling or building or any public park, square or enclosure.
- (2) This subsection does not apply:
  - a. To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
  - b. At an approved supervised archery range.
  - c. Within the interior of a single-family dwelling.

(f) *Hunting Prohibited.* Hunting of any kind is prohibited within the Village limits. This does not apply to persons authorized by firms hired by the Village to conduct wildlife harvest pursuant to DNR approved Wildlife Management Programs. Open hunting season as defined by the Wisconsin DNR is not permitted in Village limits with the exception provided for in subsection (g).

(g) Bow hunting for whitetail deer is permitted in the Village provided that:

- (1) Bow and bow hunting is as defined by the Wisconsin DNR.
- (2) Seasons, hours and all other restrictions and requirements as imposed by the Wisconsin DNR apply, including but limited to distance setbacks from buildings, parks, roads, and residences for hunting and/or the discharge of a bow.
- (3) Occurs only in areas listed in the Village Comprehensive Plan with land use classifications of vacant, institutional, agricultural, rural residential, natural areas and public recreation. Hunting is not permitted in residential, commercial, or industrial land use classifications.

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- (4) All hunters shall carry a permit issued by the Village Police Department. Before issuance of the permit, the applicant must obtain the written permission of the owner of the lands upon which they will hunt. Forms for the permit and written permission are available by the Village.

(h) *Penalties.* Violations of this Section are subject to the penalties in section 1-1-6. This penalty may be imposed in addition to any penalty imposed by the Wisconsin Department of Natural Resources based upon the same conduct.

### **Sec. 11-2-2 Prohibited weapons.**

The provisions of Wis. Stats. 941.23 are adopted and any person who violates the provisions therein may be punished as specified in Sec. 1-6-6.

### **Sec. 11-2-3 Obstructing streets and sidewalks prohibited.**

(a) *Obstructing streets.* No person is permitted to obstruct, loiter, cause a nuisance, or engage in any sport or exercise on any public street, alley, bridge, or public ground within the Village in a manner to:

- (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic;
- (2) Prevent or hinder free entry or exit to or from any residence, building, church, public hall, or meeting place; or
- (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.

(b) *Obstructing sidewalk prohibited.* No person is permitted to block any sidewalk or pedestrian path 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 should not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that the person does not stand in 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 or more persons are engaged in talking while stopped on a sidewalk, they must not stand in locations to completely prevent any pedestrian from passing them on the sidewalk.

### **Sec. 11-2-4 Unnecessary noise.**

(a) *Loud and unnecessary noise prohibited.* It is unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise. It is unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise whether emitted by a person or persons or an animal or animals in any public or private place when the conduct, sufferance or allowance tends to cause or provoke a disturbance or which tends to disturb the comfort, quiet or repose of any reasonable person in the vicinity.

(b) *Schools, churches, government buildings.* The creation of any excessive noise on any street adjacent to any school, church, or government building while in use, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys the occupants. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, may willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of the school session or class thereof.

(c) *Construction or maintenance.* The erection (including excavating), demolition, alteration, and repair of any building as well as the operation of any pile driver, excavating equipment, pneumatic hammer, derrick, power or electric hoist, chain saw, power mower or other residential power garden tools, the use of which is attended by noise which tends to disturb the comfort, quiet or repose of any reasonable person within the vicinity, shall be permitted between the hours of 7:00 A.M. and 10:00 P.M. only. However, the Village shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such a nature as to warrant special consideration, to grant permission for a period necessary within which time such work and operation shall take place between the hours of 10:00 P.M. and 7:00 A.M. This subsection shall not apply to the operation of agricultural equipment on land zoned for or used for an agricultural activity as that term is defined in Wis. Stat. § 101.10(1)(a).

(d) *Engine braking.* No person shall employ the use of an engine braking system which utilizes engine exhaust to slow the vehicle, commonly referred to as compression braking or engine braking, except in the case of an emergency.

(e) *Prima facie evidence.* The following acts are prima facie evidence of noise that is loud and unnecessary and are violations of this section:

- (1) Noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making or allowing the noise receives notice from a law enforcement officer or other reasonable person that the noise is a public nuisance.

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- (2) Noise is presumed to be unreasonably made or allowed between the hours of 10:00 P.M. and 7:00 A.M. and that is heard by another party inside a structure on a different property.

(f) *Exceptions.* The provisions of this section do not apply to:

- (1) Any vehicle of the Village while engaged in necessary public business.
- (2) Any equipment used for the protection and preservation of property or of the health, safety, life or limb of some person.
- (3) Excavations or repairs of streets or other public construction by or on behalf of the Village, county, or state at night when public welfare and convenience renders it impossible to perform work during the day.
- (4) The reasonable use of amplifiers or loudspeakers during public addresses used in conjunction with an event authorized by the Village.

### **Sec. 11-2-5 Disorderly conduct.**

(a) *Prohibited.* No person in any public or private place within the Village is permitted:

- (1) 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;
- (3) With intent to annoy another, make a telephone call, whether or not conversation ensues;
- (4) Indecently expose their body or violates the provisions of Wis. Stat. § 944.15, 944.17, or 944.20;
- (5) Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner;
- (6) Creates, by chemical means, a noxious and unreasonable odor;
- (7) Displays a firearm or other deadly weapon in a manner calculated to alarm;
- (8) Intentionally or knowingly threaten another with imminent bodily harm;
- (9) Intentionally, knowingly, or recklessly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

(b) *Defecating or urinating in public places.* It is 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, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways, or elevators of public or commercial buildings, or to indecently expose themselves.

(c) *Public Intoxication.* It is unlawful for any person to appear in a public or private place while under the influence of an intoxicant to the degree that the person may endanger themselves or another or become a public nuisance.

(d) *Peeping.* For a lewd or unlawful purpose:

- (1) Enters on the property of another and looks into a dwelling on the property through any window or other opening in the dwelling;
- (2) While on the premises of a public place, looks into an area such as a restroom, shower stall, or changing or dressing room that is designed to provide privacy to a person using the area.

(e) *Unlawful Assembly.* Whoever violates the provisions of Wis. Stat. § 947.06(3) and fails or refuses to withdraw from an unlawful assembly after being ordered to disperse may be punished under the provisions of sec. 1-6-6.

### **Sec. 11-2-6 Unauthorized activity on school property.**

(a) *Unauthorized presence.*

- (1) No student who is under suspension, expulsion, or other disciplinary procedures excluding the student from attending any school located within the Village or any person not a student presently enrolled or not an employee of the schools or not a parent or guardian of a student, or not an otherwise "authorized person," may not be present within any school building or upon any school grounds without getting authorization from the principal or other person in charge of the school building or school grounds, except while in direct route to secure authorization.
- (2) Any unauthorized person who comes upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating subsection (a)(1) of this section, is guilty of trespass.
- (3) The term "authorized person" means and includes:
  - a. Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;
  - b. Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;

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c. Any person utilizing a designated area for attending an athletic or other organized school event.

(b) *Disorderly conduct on public school property.*

- (1) Disorderly conduct as provided in 11-2-5 is prohibited on any school property or building.
- (2) Students and visitors on the property who are not in compliance with the school system's published rules and regulations are considered in violation of this section. The published rules and regulations of the school system are incorporated herein.
- (3) All entrances to the school buildings referred to in subsection (a) of this section must be posted with a notice stating, "Entry Into School Building by Unauthorized Person Prohibited" or something to the similar effect.

(c) *Loitering near school prohibited.* No person not in official attendance or on official school business is permitted to enter, congregate, loiter, or cause a nuisance in any school building, upon any school district grounds, or within adjacent posted school zones when schools are in session.

(d) *Possession of prohibited products.* Possession or use of any prohibited products is unlawful in any school building, vehicle, or upon any school grounds without prior approval of a school administrator.

### **Sec. 11-2-7 Disrupting government.**

(a) *Fail to Obey a Lawful Order.* It is unlawful to fail to obey a lawful order given by a law enforcement officer or fire officer at a fire scene.

(b) *Obstructing or Resisting an Officer.* It is unlawful to resist or obstruct a law enforcement officer in accordance with Wis. Stat. § 946.41 and shall be punishable under sec. 1-6-6.

(c) *Crossing a Barrier.* No individual is permitted to cross a police or fire line that is designated by banner, signs, or other similar identification.

(d) *Restricted Areas.* It is unlawful to enter any area marked as restricted by a law enforcement officer, fire officer, code enforcement officer, or the Building Inspector with an official notice displayed in a prominent location.

(e) *Interfering with a Village public officer.* No one shall interfere in the performance of the duties of a Village public officer as defined in Wis. Stats. § 939.22(3).

(f) *False Report of a Crime.* It is unlawful for any person to make to, or file with, a law enforcement officer any false, misleading, or unfounded statement or report concerning the commission or alleged commission of a crime within the Village.

(g) *Misuse of Emergency Telephone Numbers.* It is unlawful for any person to intentionally dial 911 or contact the Dunn County Communications Center to report an emergency knowing that an emergency does not exist or for purposes that are not the reporting of an emergency or requesting a legitimate municipal business purpose.

### **Sec. 11-2-8 Possession of illegal substances.**

It is unlawful for any person to possess the following and are subject to the penalties of sec. 1-6-6:

(a) *Possession of marijuana.* The possession of marijuana, as defined in Wis. Stat. § 961.01(14), Wis. Stats, and subject to the exceptions in the introduction of Wis. Stat. § 961.41(3g), is prohibited and shall be punishable as a violation of this chapter, except that any person charged with possession of more than 25 grams of marijuana, or who is previously or currently charged with possession of any amount of marijuana in the state of Wisconsin, shall not be charged under this section unless the charges are dismissed or declined by the district attorney.

(b) *Possession of synthetic cannabinoids.* The possession of a controlled substance specified in Wis. Stat. § 961.14(4)(tb) is prohibited and shall be punishable as a violation of this chapter, except that any person previously convicted in this state for the possession of a controlled substances unless the charges are dismissed or declined by the district attorney.

(c) *Possession or delivery of drug paraphernalia.* The use, possession, or delivery of drug paraphernalia as specified in Wis. Stat. § 961.573(1) or (2), 961.574(1) or (2), or 961.575(1) or (2) is prohibited and shall be punishable as a violation of this chapter.

### **Sec. 11-2-9 Dangerous excavations prohibited.**



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Open cisterns, cesspools, wells, unused basements, excavations, or other dangerous openings are prohibited on all premises. All places must be filled, securely covered, or fenced in a manner as to prevent injury to any person. Covers must be of a design, size, and weight that the same cannot be removed by small children.

### **Sec. 11-2-10 Illegal Gambling.**

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

### **Sec. 11-2-11 Camping Regulations.**

(a) *Purpose.* The Village finds that from time-to-time people establish campsites, for the purpose of maintaining a temporary or permanent place to live on sidewalks, public rights-of-way, under bridges, in vehicles, and on private property. Such actions create unsafe and unsanitary living situations which pose a threat to the peace, health or safety of those people camping and the residents and visitors of Boyceville. Further, such actions interfere with the rights of others to use public areas for the purposes for which they were intended.

(b) *Definitions.* As used in this section:

- (1) "Camping unit" means any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, recreational motor home, motor vehicle, tent, or recreational vehicle.
- (2) "Campsite" means any place where any bedding, sleeping bag or other sleeping matter is placed, established or maintained, whether such place incorporates the use of any camping unit, lean-to, shack, shelter or any other structure, or any vehicle or part thereof.
- (3) To "camp" or "camping" means setting up or remaining at a campsite or to establish or maintain a temporary place for cooking or sleeping with the intent of remaining in that location overnight.

(c) *Camping on Private Property.* No person shall camp on the property of another without the permission of a person lawfully in control of the property. Camping units shall not be used for dwelling purposes, except for overnight sleeping for a maximum of 14 days in any one calendar year. No camping on private property is permitted for longer than 14 days in a calendar year without a permit issued by the Village.

(d) *Camping on streets and other property.* It is unlawful for any person to camp or establish a campsite in or upon any street, alley, right-of-way, or Village owned property, except at Freedom Park with a valid camping permit or by declaration of an emergency by the Director of Emergency Management, Village President, or Village Board.

(e) *Permits.* Permits for camping longer than the restrictions in subsection (c), may be issued by the Village only after an application is reviewed by the Chief of Police, Director of Public Works, and Building Inspector. Permits will be reviewed as to the purpose, location, and circumstances of the application and the impact on neighboring properties. Permits shall not be valid for longer than 30 days and may be renewed by the Village twice. Requests for permits for longer than a total of 90 days require extenuating circumstances and will be approved only by the Village Board based on the recommendation of Village staff. Permits are subject to a fee as set in the Fine and Fee Schedule.

(f) *Penalties.* Violations may be punished as specified in Sec. 1-6-6.

## **CHAPTER 3: OFFENSES AGAINST PROPERTY**

### **Sec. 11-3-1 Damage of property prohibited.**

(a) *Damage of property.* No person may damage property pursuant to Wis. Stats. § 943.01 or recklessly damage or destroy the property of another without the effective consent of the owner.

(b) *Parental liability.* Pursuant to Wis. Stats. § 895.035, the parents of an unemancipated minor are liable for the damage of property caused by the willful, malicious, or wanton act of a child. Any person or entity injured by a violation of this section by a minor child must be advised of the rights and remedies available under Wis. Stats. § 895.035.

### **Sec. 11-3-2 Abandoned refrigerators prohibited.**

Refrigerators may not be abandoned with the meaning of Wis. Stats. § 167.25 and violations may be punished under sec. 1-6-6.

### **Sec. 11-3-3 Prohibitions with library materials.**

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(a) *Theft*. No person may remove from the library any book, periodical, pamphlet, picture or other articles or property without first having lawful permission. The taking and keeping of library materials without lawful permission as described in Wis. Stat. § 943.61 is prohibited and violators may be punished in accordance with sec. 1-6-6.

(b) *Damaging library material*. No person may mark, deface, or in any other way damage any book, periodical, pamphlet, picture, or other article or property belonging to or in charge of the library.

(c) *Failure to return*. Failure to return any library material according to the rules or regulations made by the library board.

### **Sec. 11-3-4 Cemetery Regulations.**

(a) *Purpose and definition*. To protect cemetery areas within the Village from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this section includes all cemetery property, grounds, equipment, and structures, both privately and publicly owned, which are located within the Village.

(b) *Authority to establish rules and regulations*. The cemetery property owner has the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code. The cemetery property owner reserves the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flowerpots, urns, or other objects on cemetery property. Placements of any plantings, containers, or objects must be in accordance with established regulations of the cemetery property owner.

(c) *Specific regulations*.

- (1) *Disturbing cemetery property*. No person may cut, remove, damage, or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property except the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner. No person may, without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences, or structures. No person may, without proper authority remove, damage, or destroy any vases, flowerpots, urns, or other objects placed on any cemetery lot. No person may move or remove any cemetery equipment without the owner's consent.
- (2) *Protection of cemetery property*. No person may trap in any cemetery without specific written authorization of the owner. No person may kill, injure, or disturb or attempt to injure or disturb any animals, birds or waterfowl, wild or domestic, within any cemetery in any manner except as provided by this Code. No person may climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign, or other property within any cemetery. No picnic, parties, or similar gatherings are permitted.
- (3) *Motor vehicles*. Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person may operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of vehicles is specifically permitted. It is unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- (4) *Speed limit*. No person may operate any motorized vehicle in any cemetery more than 15 miles per hour unless otherwise posted.
- (5) *Parking*. No person, without the owner's consent, may park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area. No person may park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- (6) *Littering prohibited*. No person may litter, dump, or deposit any rubbish, refuse, earth, or other material in any cemetery without the owner's consent.
- (7) *Pets*. Pets, including animals of any species, and horses are prohibited in any cemetery except that dogs are allowed if confined in a vehicle. This subsection does not apply to a service dog assisting a person with a disability or law enforcement. Horses may be permitted with the prior authorization of a representative of the owner.
- (8) *Sound devices*. No person may operate or play any amplifying system or sound device in any cemetery without the owner's consent.
- (9) *Authorized notices*. No person may post, paste, fasten, paint, or attach any placard, bill, notice, sign or advertising matter upon any structure, tree, or other natural object in any cemetery, except cemetery regulations and other signs authorized by the owner. No person may remove, deface, or damage in any manner any official sign or notice posted in any cemetery.
- (10) *Loitering prohibited*. No person may loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.

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- (11) *Alcohol beverages prohibited.* No person may consume or possess any open container containing an alcohol beverage upon any cemetery property within the Village unless the property is specifically named as being part of a licensed premises.
- (12) *Play vehicles prohibited.* No person may operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this section, "play vehicle" means any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.
- (13) *Presence after hours prohibited.* No person may be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public or during hours of darkness.

### **Sec. 11-3-5 Damage to public property.**

(a) *Damaging public property.* No person is permitted to climb any tree or pluck any flowers or fruit, wild or cultivated, or break, 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 parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Village.

(b) *Breaking of streetlamps or windows.* No person is permitted to break glass in any streetlamps or windows of any building owned or occupied by the Village.

(c) *Damaging fire hydrants and water mains.* No person is permitted to, without the authority of Village authorities, operate any valve connected with the street or water supply mains, or open any fire hydrant connected with the water distribution system, except for the purpose of extinguishing a fire. No person is permitted to damage or impair the use of any water main or fire hydrant.

### **Sec. 11-3-6 Retail theft.**

Wis. Stats. § 943.50 is adopted and a person who violates the provisions therein may be punished as specified in sec. 1-6-6. Violators may also be required to pay restitution pursuant to Wis. Stat. § 943.50(5).

### **Sec. 11-3-7 Issuance of worthless checks.**

Issuing worthless checks is prohibited in accordance with Wis. Stats. § 943.24 and a person violating this section may be punished as specified in sec. 1-6-6.

### **Sec. 11-3-8 Trespassing.**

A person commits an offense if the person enters or remains on or in property of another, including a building, aircraft, or other vehicle without effective consent and the person:

- (1) received notice that entry was forbidden; or
- (2) received notice to depart but failed to do so.

For the purposes of this section:

- (1) "Entry" means the intrusion onto any portion of the property of the entire body.
- (2) "Notice" means:
  - a. oral or written communications by the owner or someone with apparent authority to act for the owner;
  - b. fencing or other enclosure obviously designed to exclude intruders or to contain livestock;
  - c. a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden or carrying a firearm is prohibited on the property. The firearms prohibition does not apply to a law enforcement officer, former law enforcement officer as defined in Wis. Stat. § 941.23(1)(c), or a qualified-out-of-state law enforcement officer as defined in Wis. Stat. § 941.23(1)(g).

### **Sec. 11-3-9 Smoking on Village property.**

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

### **Sec. 11-3-10 Theft.**

Wis. Stat. § 943.20 is adopted and a person who violates the provisions therein may be punished as specified in sec. 1-6-6.

### **Sec. 11-3-11 Fraud on Landlords.**

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It is unlawful to abscond without paying rent as specified in an agreement to rent any dwelling, property or land.

### CHAPTER 4: OFFENSES INVOLVING ALCOHOL BEVERAGES

#### Sec. 11-4-1 Outside consumption.

(a) *Alcohol beverages in public areas.*

- (1) *Regulations.* It is unlawful for any person to sell, serve or give away, or offer to sell, serve, or give away, any alcohol beverage upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives or other public area within the following described territory in the Village or on private property without the owner's consent, except at licensed premises. It is unlawful for any person to consume or possess any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the Village.
- (2) *Private property held out for public use.* It is unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Village unless the property is specifically named part of a licensed premises.
- (3) *Exceptions.*
  - a. The provisions of this section may be waived by the Village board for duly authorized events.
  - b. Any organization with a temporary fermented malt beverage and/or temporary wine license for a designated area and event pursuant to this Code, provided that the provisions of this chapter and title 7, chapter 2 are fully complied with.

#### Sec. 11-4-2 Solicitation of alcohol.

Wis. Stats. § 944.36 is adopted and any licensee, permittee, or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the Village who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in Wis. Stats. § 125.02(1) or any other drink from a customer on the premises, or any entertainer or employee who solicits drinks from any customer is in violation of this section.

### CHAPTER 5: OFFENSES INVOLVING JUVENILES

#### Sec. 11-5-1 Village jurisdiction over juveniles.

(a) *Provisions of ordinance applicable to juveniles.* Subject to the provisions and limitations of Wis. Stats. § 938.17(2), complaints alleging a violation of any provision of this Code against juveniles may be brought on behalf of the Village and may be prosecuted utilizing the same procedures in cases as are applicable to adults charged with the same offense.

#### Sec. 11-5-2 Curfew.

(a) *Definitions.* As used in this section:

- (1) "Minor" is anyone who is under 18 years of age who is not judicially emancipated or married.
- (2) "Public place" means any place to which the public has access and includes, but is not limited to, streets, highways, parks, cemeteries, and the common areas of schools, apartment houses, office buildings, and shops.
- (3) "Business establishment" means any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement or entertainment.
- (4) "Parent" refers to a natural parent, adoptive parent, stepparent, guardian, or any person who is at least eighteen (18) years of age and authorized by the parent or guardian to have care and custody of a minor.
- (5) "Curfew hours" are from 12:00 a.m. (midnight) to 5:00 a.m.

(b) *Offenses.*

- (1) It shall be unlawful for a minor to remain in a public place, motor vehicle, or business establishment during curfew hours.
- (2) It shall be unlawful for any owner, operator, or employee of a business establishment to knowingly allow minors, unless accompanied by a parent as defined in this section or participating in an exempted activity, to remain in such establishment during curfew hours, unless the minor refuses to leave and the police are notified.
- (3) It shall be unlawful for any parent to knowingly, or by lack of reasonable supervision and control, allow a minor to remain in any public place or business establishment during curfew hours unless the activity is excepted below.

(c) *Exceptions.* The curfew does not apply in the following situations:

- (1) When a minor is accompanied by a parent;
- (2) When a minor's employment makes it necessary to be on the streets or in a motor vehicle going between their residence and place of employment without deviation;
- (3) When a minor is traveling to or from an activity related to the minor's employment;
- (4) When a minor is on direct route from any church, government, or school function;

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- (5) When a minor is on the property where the minor resides or in the areas immediately adjacent; and
- (6) When a minor is involved in an emergency which involves the protection of a person or property from an imminent threat of serious bodily injury or substantial damage.

### **Sec. 11-5-3 Truancy**

- (a) *Prohibition Against Habitual Truant.* Any person attending school in the Village between the ages of six (6) and eighteen (18) years, subject to the exceptions found under Wis. Stat. § 118.15 is prohibited from becoming a habitual truant as the term is defined in this Section. Any police officer in this Village is authorized to issue a citation to any person determined as a habitual truant under the terms of this Section.
- (b) *Preconditions to Issuance of Citation.* Prior to the issuance of any citation, the district school Attendance Officer must provide evidence to the Police Department that appropriate school personnel in the school in which the juvenile is enrolled has within the school year during which the truancy occurred:
- (1) Met with or attempted to meet with the juvenile's parent or legal guardian to discuss the juvenile's truancy.
  - (2) Provided an opportunity for educational counseling to the juvenile and considered curriculum modifications.
  - (3) Evaluated the juvenile to determine whether learning problems are the cause of the truancy and, if so, taken steps to overcome the learning problems.
  - (4) Conducted an evaluation to determine whether social problems are the cause of the juvenile's truancy and, if so, taken appropriate action or made appropriate referrals.
- (c) *Form of Citation.* Any citation issued is returnable to the Dunn County Clerk of Court's Office in the same manner as all other ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation.
- (d) *Disposition.* Upon a finding the juvenile is habitually truant, the following dispositions are available to the Court:
- (1) *Suspension of Operating Privileges.* Suspend the juvenile's operating privileges as defined in Sec. 340.02(40), Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days. The judge may immediately take possession of the suspended license and forward it to the Department of Transportation, together with a notice setting forth the reason for and duration of the suspension.
  - (2) *Counseling, Service or Work Program.* Order the juvenile to participate in counseling, community service, or a supervised work program under Wis. Stat. § 48.34(9).
  - (3) *In-House Restraint.* Order the juvenile to remain at home except for the hours in which the juvenile is attending religious worship or a school program including travel to and from. The order may permit a juvenile to leave home if the juvenile is accompanied by a parent or legal guardian.
  - (4) *Educational Programs.* Order the juvenile to attend an educational program as set forth in Sec. 48.34(12), Wis. Stats.
  - (5) *Revocation of Work Permits.* Order the Department of Industry, Labor and Human Relations to revoke a work permit to the juvenile.
  - (6) *Teen Court Program.* Order the juvenile to participate in a teen court program if all the following apply:
    - a. The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
    - b. The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, legal guardian or legal custodian present;
    - c. The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.
  - (7) *Parental Counseling.* Order the parent, legal guardian, or legal custodian of a habitually truant juvenile to participate in counseling at his or her own expense.
- (e) *Required School Attendance.*
- (1) *Violations.* Any person in control a juvenile, between the ages of six (6) and eighteen (18), subject to the exceptions found in Wis. Stat. § 118.15, must have the juvenile attend school regularly during the full period and hours until the end of the school term, quarter, or semester of the school year in which the juvenile reaches eighteen (18) years of age.
  - (2) *Exceptions.*
    - a. A person is not in violation of this Subsection if that person is unable to comply with the provisions of this Section because of the juvenile's disobedience. The juvenile should then be referred to the court assigned to exercise jurisdiction under Wis. Stat. § 938.
    - b. A person is not in violation of this Subsection if the juvenile was sanctioned under Wis. Stat. § 49.50(7)(h).

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(3) *Proof Required for Exacting a Penalty.* Before a person may be found guilty of violating this Section, the school attendance officer must present evidence to the court that the activities under Wis. Stat. § 118.16(5) were completed by the school system. If that evidence is presented and the court finds a person guilty of violating this Section, a forfeiture may be assessed.

(f) *Contributing to Truancy.*

- (1) Except as provided in Subsection (2), any person eighteen (18) years of age or older, who, by an act or omission, knowingly encourages or contributes to the truancy, as defined in Subsection (g)(4), is subject to a forfeiture pursuant to Section 1-1-6.
- (2) Subsection (1) above does not apply to a person who has a juvenile who was sanctioned under Wis. Stat. § 49.26(1)(h).
- (3) An act or omission contributes to the truancy of a child, whether the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would cause the juvenile to be truant.

(g) *Parent or Legal Guardian Liability for Truancy.*

- (1) Other than exceptions in Wis. Stats. § 118.15, a person responsible for the care of a juvenile, between the ages of six (6) and eighteen (18) years, must have the juvenile attend school regularly during the full period of hours, religious holidays excluded, until the end of the school term, quarter or semester of the school year in which the juvenile becomes eighteen (18) years of age or graduates.
- (2) A person found in violation of Subsection (1) is subject to a forfeiture pursuant to Section 1-1-6 unless the juvenile was sanctioned under Wis. Stats § 49.26(1)(h) or it is proved that the person was unable to comply with Subsection (1) because of the juvenile's disobedience.

### **Sec. 11-5-4 Unlawful harboring of minors.**

(a) No person may intentionally harbor, shelter, or conceal a minor child who:

- (1) Is a "runaway child," meaning a child who has run away from a parent, legal guardian or legal or physical custodian; or
- (2) Is a child who may be taken into custody pursuant to Wis. Stats. § 48.19.

(b) Subsection (a) of this section applies when the following conditions are present:

- (1) The person knows or should have known that the child is a child described in either subsection (a)(1) or (2) of this section; and (2) The child has been reported to a law enforcement agency as a missing person or as a child described in subsection (a)(1) or (2) of this section.

(c) Subsection (a) of this section does not apply to any of the following:

- (1) A person operating a runaway home in compliance with Wis. Stats. § 48.227.
- (2) A person had the child's parent, legal guardian or legal or physical custodian's consent, except if the sheltering or concealment violates Wis. Stats. § 948.31; or
- (3) A person who immediately notifies the proper authorities and provides the requested information regarding the sheltering or concealing a child.

### **Sec. 11-5-5 Saved.**

Removed

### **Sec. 11-5-6 Possession of prohibited products.**

(b) *Prohibited acts.* Except as provided in subsection (c), no person under the age of 21 may do any of the following:

- (1) Buy or attempt to buy any prohibited product.
- (2) Falsely represent his/her age for the purpose of receiving any prohibited product.
- (3) Possess any prohibited product.

(c) *Exceptions.* A person under the age of 21 may purchase or possess prohibited products if they for the sole purpose of employment as defined in Wis. Stat. § 254.92(2)(a) or for an investigation as defined in Wis. Stat. § 254.92(2)(b).

(d) *Confiscation by law enforcement officer.* A law enforcement officer shall seize any prohibited product involved in any violation of subsection (b) committed in the officer's presence. The seized property shall be documented and disposed of according to the police department's policies.

### **Sec. 11-5-7 Sale of prohibited products to a person under 21.**

(a) A person commits an offense if the person:

- (1) sells, gives, or causes to be sold or given a prohibited product to someone who is younger than 21 years old; or

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- (2) sells, gives, or causes to be sold or given a prohibited product to another person who intends to deliver it to someone who is younger than 21 years old; or
- (3) offers prohibited products for sale in a manner that provides a customer direct access to the prohibited product. All prohibited products must either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public; or
- (4) install or maintain a vending machine containing prohibited products unless the vending machine is in a business not open to persons younger than 21 years old at any time.

(b) *Exception.* It is a defense to prosecution if the person to whom the prohibited product was sold or given presented to the defendant an apparently valid proof of identification if the identification contains a physical description and photograph consistent with the person's appearance, purports to establish that the person is 21 years old or older and was issued by a governmental agency.

### **Sec. 11-5-8 Minor Sexting Prohibited.**

(a) *Definitions.* As used in this section, the following terms shall have the meanings indicated:

- (1) *Harmful to minors:* Means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:
  - a. Predominantly appeals to a prurient, shameful or morbid interest;
  - b. Is patently offensive to prevailing standards in the adult community with respect to what is suitable material or conduct for minors; and
  - c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
- (2) *Minor:* Means any person under the age of eighteen (18) years.
- (3) *Nudity:* Means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not under any circumstances constitute "nudity", irrespective of whether the nipple is covered during or incidental to feeding.

(b) *Prohibited offense.* A minor commits the offense of sexting by knowingly:

- (1) Using a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity and is harmful to minors.
- (2) Possessing a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity and is harmful to minors. A minor does not violate this paragraph if all the following apply:
  - a. The minor did not solicit the photograph or video;
  - b. The minor took reasonable steps to report the photograph or video to a school or law enforcement official; and
  - c. The minor did not transmit or distribute the photograph or video to a third party other than a school or law enforcement official.
- (3) Using a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text, correspondence, or message of a sexual nature when it:
  - a. Predominantly appeals to a prurient, shameful or morbid interest;
  - b. Is patently offensive to prevailing standards in the adult community with respect to what is suitable material or conduct for minors; and
  - c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
- (4) Soliciting the transmission or distribution of any text, correspondence, message, photograph, or video from another minor that would itself be prohibited by this section.

### **Sec. 11-5-9 Enforcement and penalties.**

(a) *Citation process.* For violations of sections 11-5-2 through 12, juveniles may be cited by the citation process on a form approved by the Village attorney and must contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A parent or legal guardian will be notified when a juvenile is cited for violation(s).

(b) *Penalties.* Violations of sections 11-5-2 through 8 by a person under the age of 18 are punishable according to section 1-1-6 and Wis. Stats. §§ 938.17(2), 938.343, 938.344 and 938.345. Nothing in this section prevents the juvenile officer from referring cases directly to the district attorney's office.

## **CHAPTER 6: NUISANCES**

## Village of Boyceville Municipal Code – Title 11

### Sec. 11-6-1 Public nuisances.

(a) *Prohibited conduct.* No person is permitted to erect, contrive, cause, continue, maintain, or permit any public nuisance within the Village.

(b) *Definitions.* The term "public nuisance" means a thing, act, occupation, condition, or use of property which continues a length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (2) In any way render the public insecure in life or in the use of property;
- (3) Greatly offend the public morals or decency;
- (4) 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. 11-6-2 Public nuisances affecting health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but enumeration should not be construed to exclude other health nuisances coming within the definition of section 11-6-1:

- (1) *Adulterated food.* All decayed, harmfully adulterated, or unwholesome food or drink.
- (2) *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 24 hours after death.
- (3) *Breeding places for vermin, etc.* Accumulations 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.
- (4) *Stagnant water.* All stagnant water in which mosquitoes, flies or other insects can multiply.
- (5) *Garbage cans.* Garbage cans which are not fly tight.
- (6) *Noxious weeds.* All noxious weeds and other rank growth of vegetation.
- (7) *Water pollution.* The pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage, business or industrial wastes, or other substances.
- (8) *Noxious odors, etc.* Any use of property, substances, or things within the Village or within four miles thereof or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia, or stenches 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 Village.
- (9) *Street pollution.* Any use of property which causes any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk, or public place within the Village.
- (10) *Accumulations of refuse.* Accumulations of old cans, lumber, elm firewood and other refuse.
- (11) *Air pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one mile therefrom in quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
- (12) *Solid Fuel-Fired Outdoor Heating Devices.* It shall be unlawful for any person to install, construct, operate or use a solid fuel-fired outdoor heating device in the Village. Solid fuel-fired outdoor heating device means any device or equipment installed or constructed for the purpose of the combustion of fuel to produce heat and/or energy that is used to provide heat or energy for the interior of a building or heat water for a pool, even if the device is inside a structure. This section does not apply to wood pellet or corn stoves that are designed to burn commercially produced wood pellets or corn. The use of any other substance in a wood pellet or corn stove is prohibited.

### Sec. 11-6-3 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 enumeration should not be construed to exclude other nuisances offending public morals and decency coming within the definition of section 11-6-1:

- (1) *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, drug use, or gambling.
- (2) *Gambling devices.* All gambling devices and slot machines, except as permitted by state law.
- (3) *Unlicensed sale of liquor and beer.* All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or license as provided for in the ordinances of the Village.
- (4) *Continuous violation of Village ordinances.* Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly, and intentionally violated.
- (5) *Illegal drinking.* Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the state or ordinances of the Village.



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- (6) *Commercial sexual gratification.* No person or any legal entity may offer, make available, permit or in any way participate in the touching of the genitals, pubic area, buttocks, anus or perineum of any person or of the breasts or vulva of a female when the touching can be reasonably construed as being for the purpose of sexual arousal or gratification under circumstances in which it is reasonably expected that money or other consideration will be received therefore.

### **Sec. 11-6-4 Public nuisances affecting peace and safety.**

The following acts, omissions, places, conditions and things are hereby declared public nuisances affecting peace and safety, but enumeration should not be construed to exclude other nuisances affecting public peace or safety coming within the definition of section 11-6-2:

- (1) *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.
- (2) *Illegal buildings.* All buildings erected, repaired, or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- (3) *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 device, sign or signal.
- (4) *Obstruction of intersections.* All trees, hedges, billboards, or other obstructions that prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (5) *Tree limbs.* All limbs of trees which project over a public sidewalk less than ten feet above the surface thereof and all limbs which project over a public street less than 14 feet above the surface thereof.
- (6) *Dangerous trees.* All trees which are a menace to public safety or are the cause of substantial annoyance to the public.
- (7) *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.
- (8) *Overpopulated buildings.* All buildings, structure, or part thereof that have a greater number of persons than authorized by this Code or any order of the building inspector, fire chief or designee, or police chief or designee.
- (9) *Wires over streets.* All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- (10) *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 that greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- (11) *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 Village or which, although made in accordance with 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.
- (12) *Open excavations.* All open and unguarded pits, wells, excavations, yard, or unused basements accessible from any public street, alley, or sidewalk.
- (13) *Flammable liquids.* Repeated or continuous violations of the ordinances of the Village or laws of the state relating to the storage of flammable liquids.
- (14) *Unremoved snow.* All snow and ice not removed or sprinkled with ashes, sawdust, sand, or other chemical removers, as provided in this Code.
- (15) *Unauthorized commercial activity.* The operating of a business or commercial activity in violation of the approved zoning without a permit or variance issued by the Village.

### **SEC. 11-6-5 Sex Offender Regulations.**

(a) *Definitions.* The following words, terms, and phrases, when used in this chapter, shall be defined as follows, except when the context clearly indicates a different meaning:

- CHILD or CHILDREN — A person under the age of 18.
- DESIGNATED OFFENDER — Includes any or all the following persons: (1) A person required to register as a sex offender under Wis. Stat. § 301.45(1g); (2) a person subject to the sex crimes commitment provisions of Wis. Stat. § 975.06; or (3) a sexually violent person as defined in Wis. Stat. § 980.01(7).
- CHILD SAFETY ZONE — A 300-foot radius surrounding a location that children are likely to congregate and includes and buildings, facilities, or improvements used such as:
  - a public park, parkway, parkland, or park facility;

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- a public library;
- a recreational trail;
- a public playground;
- a school;
- athletic fields used by children;
- a state-licensed commercial day-care center;
- any business that specializes in services for children, including but not limited to a gymnastics, dance, music, or karate school;
- any facility for children [which means a public or private school, a group home as defined in Wis. Stat. § 48.02(7), a residential care center for children and youth as defined in Wis. Stat. § 48.02(15d), a shelter care facility as defined in Wis. Stat. § 48.02(17), a foster home as defined in Wis. Stat. § 48.02(6), a day-care center licensed under Wis. Stat. § 48.65, a day-care program established under Wis. Stat. § 120.13(14), a day-care provider certified under Wis. Stat. § 48.651, or a youth center as defined in Wis. Stat. § 961.01(22)].

(b) *Prohibited Acts in Child Safety Zones.* Within a Child Safety Zone, it shall be unlawful for:

- (1) a designated offender to enter or be present in a child safety zone that is a public playground, school, or day-care center;
- (2) a designated offender to enter or be present in a child safety zone when a child is present;
- (3) a designated offender to reside within a child safety zone as measured by following a straight line from the closest boundary line of the real property supporting the residence of a designated offender to the closest real property boundary line of the child safety zone;

(c) *Prohibited Activity.* It is unlawful for any designated offender to:

- (1) participate in an event involving children, such as distributing candy or other items to children on Halloween, wearing Santa Claus or Easter Bunny costumes. Events involving children that only involve children in which the designated offender is the parent or guardian of the children, and no non-familial children are present are exempt from this section.
- (2) Fail or refuse to comply with the provisions of subsection (e) and submit the information to the police department or law enforcement officer.

(d) *Exemptions.* A person does not violate this section if any of the following apply:

- (1) A designated offender:
  - a. has official business in the child safety zone, which is determined by a reasonable person and is not prohibited by any other provisions of law.
  - b. enters or in a child safety zone that includes a church, synagogue, mosque, temple, or other house of religious worship if the following conditions are satisfied:
    - i. the presence on the property occurs during time of worship or other religious program or service;
    - ii. the designated offender shall not participate in any religious programs involving children; and
    - iii. the presence is not otherwise prohibited by law, regulation, or other order.
  - c. attends an event in the child safety zone involving the designated offender's natural or adopted children, or stepchildren, but only if the following conditions are satisfied:
    - i. the presence occurs during the activity;
    - ii. notice is given orally or in writing to the person in charge of the event prior to the attendance and of the designated offender's status as a registered sex offender; and
    - iii. the presence is not otherwise prohibited by law, regulation, or other order.
  - d. is present at a polling location in the child safety zone for the purpose of voting in any election if the designated offender is eligible to vote, the polling location is the designated offender's designated polling place, and the designated offender vacates the property immediately after voting.
  - e. is a minor enrolled as a student at the school located in the child safety zone and the school administrator has been notified of the designated offender's status as a registered sex offender.
  - f. is a minor or ward under a guardianship.
  - g. lives in an assisted facility or pursuing home.
  - h. established a residence prior to the effective date of this section.

(e) *Accountability Program.* The police department may establish and maintain policies and procedures to verify the address of designated offenders who reside or frequent the Village and to identify those designated offenders not in compliance with the Wisconsin Department of Corrections Sex Offender Registry or the provisions of this section. Any designated offender who resides in the Village or spends more than 48 consecutive hours at least three times in any month at a location in the Village, shall provide to the police department or any law enforcement officer requesting a current photograph and address, employment location, vehicle description(s), and other information the police department or law

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enforcement officer deem appropriate. The police department is authorized to publish the provided information in a format accessible to the public.

### **Sec. 11-6-6 Abatement of public nuisances.**

#### **(a) Summary abatement.**

- (1) *Notice to owner.* If the inspecting officer determines that a public nuisance exists within the Village and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining, or permitting the nuisance or on the owner or occupant of the premises where the nuisance is caused, maintained or permitted; and a copy of the notice must be posted on the premises. The notice must direct the person causing, maintaining or permitting a nuisance, or the owner or occupant of the premises, to abate or remove the nuisance within a period not less than 24 hours or greater than seven days and must state that unless the nuisance is so abated, the Village will have it abated and charge the cost thereof to the owner, occupant, or person causing, maintaining or permitting the nuisance, as the case may be.
- (2) *Abatement by Village.* If the nuisance is not abated within the time provided or if the owner or occupant causing the nuisance cannot be found, the officer may initiate the abatement or removal of the public nuisance.

(b) *Abatement by court action.* If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of the nuisance does not threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspector or sanitarian must file a written report of the findings with the Village president who, upon direction of the Village board, may abate the nuisance to be commenced in the name of the Village in the county circuit court in accordance with the provisions of Wis. Stats. § 823.

(c) *Court order.* Except where necessary under subsection (a) of this section, no officer may use force to obtain access to private property to abate a public nuisance but must request permission to enter upon private property if the premises are occupied and, if permission is denied, must apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

(d) *Other methods not excluded.* Nothing in this chapter should be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the state.

### **Sec. 11-6-7 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 will be collected as a debt from the owner, occupant or person causing, permitting, or maintaining the nuisance. The cost will be assessed against the real estate as a special charge.

### **Sec. 11-6-8 Enforcement; penalty.**

(a) *Enforcement.* No action may be taken under section 11-6-6 to abate a public nuisance unless inspected the alleged nuisance and has confirmed its existence.

(b) *General penalty.* Any person who violates any provision of this chapter is subject to a penalty provided in section 1-1-6