

CHAPTER 44

OFFENSES AGAINST PUBLIC SAFETY AND PEACE

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44.01 WEAPONS AND FIREARMS REGULATION

- (a) **DEFINITIONS.** For purposes of this Section, the following definitions are hereby incorporated by reference and shall apply herein:
- (1) The definitions set forth in Section 175.60(1), Wis. Stats.
 - (2) The definitions set forth in Section 939.22, Wis. Stats.
 - (3) The definitions set forth in Sections 941.23(1), 941.24 and 941.295(1c), Wis. Stats.
 - (4) The definitions set forth in Section 943.13(1e), Wis. Stats.
- (b) **CARRYING WEAPONS.** The following restrictions shall apply:
- (1) The provisions of Sections 175.60, Wis. Stats., 941.23, Wis. Stats., and 943.13, Wis. Stats., are incorporated herein.
 - (2) No person, except authorized law enforcement personnel or a person licensed to carry a firearm or weapon under Sec. 175.60, Wis. Stats., who shall have such license on their person, shall have in their possession or under their control a firearm or weapon, as defined herein, unless such firearm or weapon is unloaded and knocked down or enclosed within a carrying case or other suitable container.
 - (3) In addition to the places identified in Sec. 175.60, Wis. Stats.,

where the carrying of a weapon is prohibited, including the exceptions thereto, no person, other than authorized law enforcement personnel may enter the following Village municipal buildings while carrying a weapon or firearm:

- a. Pulaski Municipal Building (Village Hall).
 - b. Pulaski Public Works Garage.
 - c. Pulaski Water Department Building
 - d. All Pulaski pump / lift station buildings
- (4) No person, other than authorized law enforcement personnel, shall carry a weapon upon the grounds of any Special Event, as defined in Section 943.13(1e)(h), Wis. Stats., being held upon any municipal grounds or property within the Village unless the carrying of weapons at such event is otherwise authorized and approved by the Village Board prior to such event.
- (c) **DISCHARGE OF WEAPONS.** No person may discharge a firearm within the Village unless the person discharging the firearm is justified in so doing or would have been subject to a defense described in Sec. 939.45, Wis. Stats., at the time of such discharge.
- (d) **SIGNAGE AND NOTICES.** Signs in compliance with the provisions of Sec. 943.13(2)(bm)(1), Wis. Stats., shall be posted in prominent locations near the entrances of all building identified in sub. b(2) above and at the entrances to all Special Events identified in sub. b(3) above.
- (e) **PENALTIES.**
- (1) Persons violating the provisions of this Section shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00.
 - (2) Persons violating the provisions of Sec. 175.60(2g)(b) or (c), Wis. Stats., shall be subject to a forfeiture of not more than \$25.00, as provided therein; however, that the person shall be exempt from the forfeiture hereunder if, within 48 hours of the issuance of the citation for said violation, the violator presents their Sec. 175.60, Wis. Stats., licensure documentation to the Pulaski Police Department. (*Ord. 510-11*)

44.02 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

44.03 SALE AND DISCHARGE OF FIREWORKS RESTRICTED

- (a) **STATUTE ADOPTED.** §167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby is adopted by reference and made a part of this section as though set forth in full.
- (b) **PRIVATE USE AND SALE.** No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks, except toy-pistol paper caps, sparklers and toy snakes, within the limits of the Village, unless he shall be authorized by a fireworks permit as hereinafter provided. The term "fireworks" as used in this section shall be defined as provided in §167.10(1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.
- (c) **FIREWORKS PERMITS.** Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the Village President. All applications shall be referred to the Fire Chief for investigation, and no permit shall be granted unless the Village President, from the report of the Chief, determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised, with regard to the protection of the lives and property of all persons, and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the Village President shall require the applicant to post, with the Village Clerk, an approved indemnity bond in the sum of \$1,000,000.00 for the payment of all claims that may arise by reason of injuries to persons or property, from the handling, use or discharge of fireworks under such permit.

State Law Reference: §167.10, Wis. Stats.

44.04 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

44.05 LOITERING PROHIBITED

- (a) **DEFINITIONS.** As used in this Section, the following words shall have the following meanings:
- (1) **"Loitering"** shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression "hanging around".
 - (2) **"Public Place"** shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also parking lots, public grounds, areas or parks.
- (b) **PROHIBITION.** It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle, either along and/or in concert with others in a public place in such a manner so as to:
- (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tender or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
 - (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or other place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.
- (c) **ORDER TO DISPERSE.** When any person causes or commits any of the conditions enumerated in sub(b), above, a police officer, or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such order shall be guilty of a violation of this section.

44.06 LOUD AND UNNECESSARY NOISE PROHIBITED

- (a) **LOUD AND UNNECESSARY NOISE PROHIBITED.**
No person shall make, produce, continue or cause to be made or produced any audible sound, the volume of which shall unreasonably disturb the peace, comfort, quiet and enjoyment of a reasonable person in the vicinity. A court may consider any relevant factors to determine whether any noise is unreasonable, including, but not limited to, the following:

- (1) Location. The location from which the noise is being made or produced and the location from which the noise can be heard. Certain noise that is unreasonably loud in residential areas may be reasonable in mixed-use, commercial or industrial areas.
 - (2) Time of day. Certain noise that is reasonable during daytime hours may be unreasonably loud during nighttime hours.
 - (3) Duration of noise. Certain noise may be reasonable for a short time, but may be unreasonable if the noise persists over a long period of time.
- (b) **PROHIBITED ACTS.** The following acts are declared to be loud, disturbing and unnecessary sound in violation of this Section, but this enumeration shall not be deemed to be exclusive:
- (1) Horns, Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
 - (2) Radios, Phonographs, Similar Devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound the volume of which shall unreasonably disturb the peace, comfort, quiet and enjoyment of a reasonable person in the vicinity. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
 - (3) Loudspeakers, Amplifiers for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
 - (4) Animals, Birds. The keeping of any animal or bird which by causing frequent or long continued unnecessary noise.
 - (5) Steam Whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop

work or as a warning of fire or danger or upon request of proper Village authorities.

- (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (7) Construction or Repair of Buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Village Board 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 nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
 - (8) Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
 - (9) Motor Vehicles. No person shall make unnecessary noises with a motor vehicle, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noises.
- (c) **EXCEPTIONS**. The provisions of this Section shall not apply to:
- (1) Any vehicle of the Village while engaged in necessary public business.
 - (2) Excavations or repairs of streets or other public construction by or on behalf of the Village at night when public welfare and convenience renders it impossible to perform such work during the day.
 - (3) Such events, as determined by the Village Board, upon application of the event organizer or sponsor, or by the Village Board on its own declaration, subject to such restrictions and limitations as to date, times and locations as the Village Board shall, under its police powers, approve by Resolution, subject or applicable to the provisions of Sec. 37.04 of the Code of Ordinances.

(d) **SPECIAL PERMIT.**

- (1) Application. Any person wishing to produce or allow noise notwithstanding this Section may file a written request with the Police Department for a Noise Permit at least 30 days prior to the event or activity that will produce the noise.
- (2) Police Approval. If the Chief of Police, or the Chief's designee, determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Police Department may issue a special permit allowing such noise and place conditions upon its use. Whether a permit is issued or denied, the Police Department shall notify the applicant by mail of its decision.
- (c) Appeal. A Police Department decision regarding the issuance or denial of a Noise Permit hereunder may, within 15 days of date of that decision be appealed to the Village Board upon filing a written Notice of Appeal with the office of the Village Clerk under the provisions of Chapter 9 of this Code. The Committee shall hear the applicant's appeal and affirm, reverse or modify the Police Department decision. If the Committee determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Committee may recommend issuance of a special permit allowing such noise and place conditions upon its use. The Council shall affirm, reverse or modify the Committee decision.
- (d) Revocation. The Police Department may immediately revoke a permit issued under this subsection if the permittee violates any conditions placed upon the permit. **(Ord. No. 534-15)**

44.07 JUVENILE CURFEWS

(a) **NIGHTTIME CURFEW.**

- (1) Purpose. In order for the Village to meet its obligations to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over the responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities, a curfew for those under the age of eighteen (18) has been determined to be in the best interest of the public health, safety and general welfare of the community and will help to attain the foregoing objectives.
- (2) Definitions. For the purpose of this Section, the following definitions shall apply:
 - a. **"Curfew Hours"** shall mean that time between 11:00 p.m. until 6:00 a.m. of the following day for each day of the week.

- b. **“Emergency”** shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- c. **“Establishment”** means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
- d. **“Guardian”** shall mean any person who, under court order, is a guardian of a person or a minor; or, a public or private agency with whom a minor has been placed by a court.
- e. **“Minor”** means any person under the age of eighteen (18) years.
- f. **“Operator”** means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officer of a corporation.
- g. **“Parent”** means a person who is a natural parent, adoptive parent, or stepparent to another person; or, a person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care or custody of a minor.
- h. **“Public Place”** means any place to which the public, or a substantial group of the public, has access and includes, but it is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- i. **“Remain”** means to linger or stay; or, the failure to leave a premises when requested to do so by a law enforcement officer or the owner, operator or other person in control of the premises.
- j. **“Serious Bodily Injury”** means any bodily injury that creates a substantial risk of death or causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

- (3) Curfew Violation. No minor shall remain in any public place or on the premises of any establishment within the Village during curfew hours.
- (4) Contributing to Curfew Violation. No parent or guardian of a minor shall knowingly permit, or by insufficient control, allow a minor to remain in any public place or on the premises of any establishment within the Village during curfew hours. No owner, operator or employee of an establishment shall knowingly allow a minor to remain upon the premises of the establishment during curfew hours.
- (5) Exceptions. The actions set forth in subsections (3) and (4) above shall not be a violation of this Section if, during the curfew hours, the minor was:
 - a. Accompanied by the minor's parent or guardian.
 - b. On an errand at the direction of the minor's parent or guardian without any detour or stop.
 - c. In a motor vehicle involved in interstate travel.
 - d. Engaged in any employment activity or going to or returning home from an employment activity without any detour or stop.
 - e. Involved in an emergency.
 - f. Attending an official school, religious or other recreational activity supervised by adults and sponsored by the county, or by any city, village or town, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or recreational activity supervised by adults and sponsored by the county, or by any city, village, town, civic organization or other similar entity that takes responsibility for the minor.
 - g. The owner, operator or employee of an establishment promptly notified a law enforcement department that a minor was present on the premises of the establishment during curfew hours and refused to leave the premises after directed to do so by the owner, operator or employee.

(b) **DAYTIME CURFEW.**

- (1) Purpose. The purpose of this Section is to discourage children of compulsory school age from unauthorized absences and to impose penalties upon those students and the parents or legal guardians of such students. It is the intent of this Ordinance to promote the development and welfare of the children of this community by discouraging unauthorized absenteeism and encouraging school attendance.
- (2) Definitions. For the purpose of this Section, the following definitions shall apply:

- a. **“Guardian”** shall mean any person who, under court order, is a guardian of a person or a minor; or, a public or private agency with whom a minor has been placed by a court.
 - b. **“Parent”** means a person who is a natural parent, adoptive parent, or stepparent to another person; or, a person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care or custody of a minor.
 - c. **“Responsible Adult”** shall mean a person eighteen (18) years of age or older who has the mental capacity to fulfill the duty of protecting and caring for the general welfare of the child and who has a written authorization from that child’s parent or legal guardian designating the person as a responsible adult, naming the child involved and designating the time period which the responsible adult shall have control of the child.
 - d. **“Subject to Compulsory School Attendance”** shall mean any child subject to mandatory school attendance under Wisconsin law in the school district of such child’s residence; or, any child found in the Village who shall be subject to mandatory attendance if the child were a residence of the Village.
- (3) Daytime Curfew Violation. No child subject to compulsory school attendance shall be any place within the Village, except in attendance at school or such child’s place of residence, during the hours when the student is required to be in attendance at either a public or private school as required by law, unless that child has written proof from the school authorities excusing the child from school attendance at that particular time or unless the student is accompanied by a parent, legal guardian or responsible adult selected by the parent or legal guardian who supervises the child subject to compulsory school attendance.
- (4) Contributing to Daytime Curfew Violation. Each parent or legal guardian of a child subject to compulsory school attendance shall have a duty to prevent that child from violating the provisions of this Ordinance.
- (5) Exceptions. The actions set forth in subsections (3) and (4) above shall not be a violation of this Section if:
- a. The child, at the time of the alleged violation, was not required by law to be in attendance at the school attended by that child.
 - b. The parent or legal guardian is a petitioner in a currently pending juvenile court proceeding involving the child or such a proceeding in which the judge has restrained ongoing supervision or jurisdiction.
 - c. At the time of the alleged violation, the student was employed pursuant to a school-sponsored program or was the

recipient of a work permit issued by the school authorities and the student was on the job or traveling to or from the job site or program location at the time. (Ord. #385)

44.08 TOBACCO AND VAPOR PRODUCT REGULATIONS RELATED TO MINORS

(a) **DEFINITIONS.** The tobacco product smoking and vaping definitions set forth in §§101.123 and 254.911 of the Wisconsin Statutes and in Sec. 32.03 hereof shall apply to this Section.

(b) **SALE TO MINORS PROHIBITED.** No person, acting alone or through a servant or agent, or as a servant or agent for any other person, shall sell, give away or otherwise dispose of, directly or indirectly, by vending machine or otherwise, any cigarettes, tobacco, tobacco products or vaping products to any person under the age of 18 years.

(c) **PURCHASE OR POSSESSION OF TOBACCO OR VAPOR PRODUCT BY MINORS PROHIBITED.**

- (1) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette, tobacco or vaping product.
- (2) No person under 18 years of age may purchase, attempt to purchase or possess any cigarette, tobacco or vaping product, except as follows:
 - a. A person under 18 years of age may purchase or possess cigarettes, tobacco or vaping products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.
 - b. A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes or tobacco products in the course of his or her participation in an investigation being conducted under the provisions of §254.916, Wis. Stats., that is conducted in accordance with the provisions of §254.916(3), Wis. Stats.
- (3) A law enforcement officer shall seize any cigarette, tobacco or vaping product that has been sold to or is in the possession of a person under the age of 18 years of age. (Ord. #451-06)

(d) **REGULATION OF SMOKING AND VAPING.**

- (1) Except as provided under § 101.123, Wis. Stats., no person may smoke or vape in any enclosed indoor area of the following places:
 - a. Educational facilities.
 - b. Offices.
 - c. Restaurants.
 - d. Retail Establishments.
 - e. Village buildings.
 - f. Taverns
 - g. Private Clubs
 - h. Common areas of multiple-unit residential properties
 - i. Sports arenas.
 - j. Day Care Centers.
 - k. Lodging Establishments.
 - l. Bowling Centers
 - m. Skating Rinks
 - n. All enclosed places that are places of employment or that are public places except as are specifically provided in Section 101.123, Wis. Stats.
- (2) Responsibility of Persons in Charge.
 - a. No person in charge may allow any person to smoke or engage vaping in violation of sub. (d)(1) at a location that is under their control or direction.
 - b. A person in charge may not provide matches, ashtrays, or other equipment for smoking or vaping at any location described in sub. (d)(1).
 - c. A person in charge shall make reasonable efforts to prohibit persons from smoking or vaping at a location described in sub. (d)(1) by doing all of the following:
 1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition against smoking or vaping.
 2. Refusing to serve a person, if the person is smoking or vaping in a restaurant, tavern or private club.
 3. Asking a person who is smoking or vaping to refrain from smoking or vaping and, if the person refuses to do so, asking the person to leave the location.
 4. If a person who is smoking in a location described in sub. (d)(1) refuses to cease smoking or vaping or to leave the smoking and vaping prohibited location after being requested to do so, the person in charge shall

immediately notify the Pulaski Police Department of the violation.

PENALTIES.

- a. Any person who violates sub. (d)(1) shall be subject to a forfeiture of not less than \$100 nor more than \$250.00 for each violation.
- b. Any person in charge who has violated sub. (d)(2) shall be issued a warning for the first violation thereof. Any person in charge who has violated sub. (d)(2) and has previously received a warning shall be subject to a forfeiture of not more than \$100. (Ord. #492-10)

44.09 POSSESSION OF THC PROHIBITED

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

(1) **"Marijuana"** means all parts of the plant Cannabis Sativa L., whether growing or not; the seed thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

(2) **"Practitioner"** means:

- a. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.
- b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.

(b) **POSSESSION OF THC PROHIBITED.** It is unlawful for any person to possess and/or use marijuana or THC, unless the marijuana was obtained directly form, or pursuant to a valid prescription or order of, a practice, or except as otherwise authorized by Chapter 161, Wisconsin Statutes.

44.10 DISORDERLY CONDUCT

- (a) **DISORDERLY CONDUCT.** No person shall within the Village of Pulaski:
- (1) In any public or private place, engage in violent, 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 disturb or annoy any other person or persons.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation, other than a bona fide athletic contest.

State Law Reference: §947.01, Wis. Stats.

- (b) **DOMESTIC VIOLENCE PROHIBITED.** No person shall engage in any conduct or behavior, or commit any act against a spouse, former spouse, an adult with whom the person resides or formerly resided, or against an adult with whom the person has created a child that is prohibited by §968.075, Stats.

44.11 GLASS BOTTLES PROHIBITED IN VILLAGE PARKS

- (a) **PROHIBITION.** No person shall carry upon, bring into or otherwise have in his or her possession while in or upon any Village park any glass bottles.
- (b) **PENALTY.** Any person, or the parent, guardian or other adult person having custody or control of a minor who has been found to have violated sub(a) shall be subject to a forfeiture of not less than Fifty (\$50.00) Dollars.

44.12 TRUANCY OFFENSES

- (a) **DEFINITIONS.** For the purposes of this Section, the following definitions shall apply:
- (1) **"Habitual truant"** shall mean a pupil who is absent from school without an acceptable excuse under §118.15, Stats., for part or all of five (5) or more days on which school is held during a school semester.
 - (2) **"School attendance officer"** means an employee designated by the School Board to deal with matters relating to a school attendance and truancy.
 - (3) **"Truancy"** means any absence for all or part of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of §118.15 of the Wisconsin Statutes.

- (4) **“Truant”** means a pupil who is absent from school without an acceptable excuse under §§118.15 and 118.16(4), Stats., for a part or all of any day on which school is held during a school semester.
- (b) **TRUANCY PROHIBITED.** No child required to attend school pursuant to the provisions of §118.15, Wis. Stats., shall be absent from school for part or all of one or more days during which school attendance is required or engaged in intermittent attendance for the purpose of defeating the intent of these ordinances and of §118.15, Wis. Stats., unless the school attendance officer or principal of the child's school, or the child's teacher has been notified of the legal and acceptable cause of such absence by the parent or guardian of the absent pupil.
- (c) **TRUANCY DISPOSITION.** Any child found by the Court to be truant shall, pursuant to the provisions of §118.163(1m), Wis. Stats., shall be subject to one or more of the following dispositions:
- (1) An order for the person to attend school.
 - (2) A forfeiture of not more than \$50.00, plus court costs, for a first violation, or a forfeiture of not more than \$100.00, plus court costs, for a second or subsequent violation committed within twelve (12) months of a previous violation, subject to the provisions of §938.37, Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture, plus costs, may be assessed against the person, the parents or guardian of the person, or both.
- (d) **HABITUAL TRUANCY PROHIBITED.** No child required to attend school, pursuant to the provisions of §118.15, Stats., shall be absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester unless the school attendance officer or principal of the child's school, or the child's teacher, has been notified of the legal and acceptable cause of such absence by a parent or guardian of the absent pupil.
- (e) **HABITUAL TRUANCY DISPOSITION.** Any child found by the Court to be a habitual truant shall be subject to one or more of the following dispositions:
- (1) Suspension of the child's operating privilege, as defined in §340.01(40), Wis. Stats., for not less than thirty (30) days nor more than one (1) year. In such event, the Court shall immediately take possession of the suspended driver's license and forward that license to the Department of Transportation, together with a notice stating the reason for and the duration of the suspension.
 - (2) Order the child to participate in counseling, community service or a supervised work program as provided under §938.34(5g), Wis. Stats. The cost of any such counseling, supervised work program, or other community

service work may be assessed against the person, the parents or the guardian of the person, or both.

- (3) Order the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit the child to leave his or her home if the child is accompanied by a parent or guardian.
 - (4) Order the person to attend an educational program under the provisions of §938.34(7d), Stats.
 - (5) Order the Department of Industry, Labor and Human Relations to revoke, under §103.72, Stats., a permit issued under §103.70, Stats., authorizing the employment of the person.
 - (6) Order the person to attend school.
 - (7) Impose a forfeiture of not more than \$500.00, plus costs, subject to §938.37, Stats., all or part of which forfeiture, plus costs, may be assessed against the person, the parents, or guardian of the person, or both.
 - (8) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
 - (9) An order placing the person under formal or informal supervision, as described in §938.34(2), Stats., for up to one (1) year.
 - (10) An order for the person's parent, guardian or legal custodian to participate in counseling at the parents' guardian's or legal custodian's own expense, or to attend school with the person, or both.
 - (11) The Court, on behalf of the Village, may petition the Branch of the Circuit Court assigned to exercise jurisdiction under Chapter 938 and Chapter 48 of the Wisconsin Statutes to impose those juvenile sanctions authorized and provided under Sec. 938.355(6)(d), Wis. Stats., and Sec. 938.355(6m), Wis. Stats., for which the Village shall assume and be responsible for all costs and expenses associated therewith.
- (f) **CONTRIBUTING TO TRUANCY.** Any person 18 years of age or older, who has been found by the Court to have, by act or omission, knowingly encouraged or contributed to the truancy of a child, shall be subject to a forfeiture as provided in the general penalty provisions of Sec. 1.06. (Ord. #385)

44.13 SEXUAL OFFENDER RESIDENCY RESTRICTIONS

- (e) **PURPOSE AND INTENT.** Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present a threat to the public safety. It is the intent of this ordinance not to impose a criminal penalty but rather to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers where certain sexual offenders and sexual predators are prohibited from establishing a residence or loitering.
- (f) **DEFINITIONS.** For purposes of this Section, the following words, terms and phrases shall have the following meanings:
- (1) **"Child"** or **"Children"** shall mean a person or persons under the age of seventeen (17).
 - (2) **"Designated Offender"** shall mean any person who is required to register under Wis. Stat. §301.45 and:
 - a. Has been convicted of violating any offense under Chapter 948, Wis. Stats., or
 - b. Who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stats. §301.46(2) and (2m).
 - (3) **"Loiter"** shall mean, whether in a group or as an individual, to stand idly about, to wander, meander or linger aimlessly in an area.
 - (4) **"Prohibited Zone"** shall mean any area within 500 feet from a property line of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village Board by resolution as a place where children are known to congregate.
 - (5) **"Residence"** shall mean any premises where the person abides or lodges for 4 or more days in a 30-day period.
- (g) **DESIGNATED OFFENDER RESTRICTIONS**
- (1) Prohibited Location of Residence. A Designated Offender may not reside or establish a Residence within the Prohibited Zone unless such person is otherwise exempt by reason of the following:
 - a. The Designated Offender reported and registered the Residence pursuant to Sec. 301.45, Wis. Stat. before May 1, 2012.
 - b. The Designated Offender's parents, spouse, or children established the Residence at least two (2) years before the Designated Offender established Residence at the location.
 - (2) Continuing Violation. Each day a Designated Offender maintains a Residence in violation of this section constitutes a separate violation.

- (3) Prohibited Activities.
 - a. Holiday Events. A Designated Offender may not actively take part in a holiday event involving children, unless the offender is the parent, grandparent or guardian of all of the children involved in the event.
 - b. Loiter. A Designated Offender may not loiter within Prohibited Zone unless otherwise exempt by reason of the following:
 - 1. The Designated Offender is present in the Prohibited Zone at a commercial establishment for legitimate business purposes; and,
 - 2. The Designated Offender is accompanied by an adult who is not a designated offender.
- (h) **PROPERTY OWNERS PROHIBITED FROM RENTING TO DESIGNATED OFFENDERS.**
 - (1) Prohibited Practice. No property owner may rent a Residence located within a Prohibited Zone to a Designated Offender unless the Designated Offender is otherwise exempt under the provisions of Sec. 44.13(c)(1) hereof.
 - (2) Continuing Violation. Each day a Designated Offender maintains a Residence in violation of this section constitutes a separate violation hereof.
- (i) **PENALTY.** Any person in violation of this Section shall be subject to a fine of not less than \$50.00 nor more than \$500.00 for each violation. **(Ord. #512-12)**

44.14 CONTRIBUTING TO THE DELINQUENCY OF A MINOR

No person shall knowingly encourage, entice, permit, solicit or assist a minor in or to the commission or attempted commission of any act or omission that is or would be a violation of the is Code of Ordinances or knowingly fail to take any action that would prevent a minor from the commission or attempted commission of any act that is or would be a violation of this Code of Ordinances.

44.15 CONTEMPT OF COURT

- (a) **DEFINITIONS.** As used in this Section, the following words and phrases shall have the following meanings:
 - (1) **"Contempt of Court"** shall mean intentional:
 - a. Misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the respect due the court;
 - b. Disobedience, resistance or obstruction of the authority, process or order of the court;

- c. Refusal as a witness to appear, be sworn or answer a question; or
 - d. Refusal to produce a record, document or other object.
- (2) **"Punitive Sanction"** shall mean a sanction imposed to punish a past contempt of court for purposes of upholding the authority of the court.
- (3) **"Remedial Sanction"** shall mean a sanction imposed for the purpose of terminating a continuing contempt of court.
- (b) **VIOLATION.** No person shall show, exhibit, evidence or act in a manner, as defined herein, which shows contempt for the authority of the Municipal Court.
- (c) **PENALTY.** The Municipal Court may impose a forfeiture for contempt of court as defined herein, as a punitive sanction or as a remedial sanction in an amount not to exceed \$50.00; or, upon non-payment of the forfeiture, penalty assessment under §165.87, Stats., and a jail assessment under §302.46, Stats., and any applicable domestic abuse assessment under §973.055(1), Stats., a jail sentence not to exceed seven (7) days.

State Law Reference: §§785.01 and 800.12, Wis. Stats.

44.16 CHILD CONCEALMENT PROHIBITED

No person shall knowingly or intentionally conceal or assist in the concealment of a child from such child's parent, guardian or spouse by allowing such child to remain at or upon any property under that person's control without the consent of the child's parent, guardian or spouse. **(Ord. #378)**