

Chapter 283

PEACE AND GOOD ORDER

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[HISTORY: Adopted by the Village Board of the Village of Lyndon Station as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 140.

Open burning — See Ch. 170.

Fireworks — See Ch. 209.

Intoxicating liquor and fermented malt beverages — See Ch. 228.

Peddling and soliciting — See Ch. 288.

Smoking — See Ch. 334.

ARTICLE I

Vagrancy

[Adopted 7-12-1949 by Ord. No. 2]

§ 283-1. Determination of vagrancy.

All persons of the classes enumerated in this article, except dependent, neglected or delinquent children, shall be deemed vagrants, namely: all idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering abroad and lodging in groceries, beer houses, outhouses, market places, sheds or barns or in the open air; all common drunkards; all lewd, wanton, and lascivious persons in speech or behavior; all persons wandering abroad or begging or who go about from door to door or place themselves in the streets, highways, passages or other public places to beg or receive alms; or fortune-tellers and other like imposters or gamblers and persons having no visible occupation and unable to give a satisfactory account of themselves; and every female who shall be found wandering about the streets and addressing male persons for the purpose of soliciting the commission of any lewd, indecent or unlawful act, or for the purpose of enticing any male person into a house of prostitution, bed house, room or other place for any unlawful purpose, or any female inmate of any bawdy house or house of prostitution or assignation house or

brothel, or any common prostitute who shall be found wandering about the streets or loitering in or about any restaurant, lodging house, saloon or place where intoxicating liquors are sold.

§ 283-2. Violations and penalties.

Any person violating the provisions of this article shall be subject to a forfeiture of not less than \$1 nor more than \$100 and the costs of the proceedings and upon default in the payment of the forfeiture and costs shall be imprisoned in the county jail of Juneau County, Wisconsin, until such forfeiture and costs are paid, but not exceeding 10 days.

ARTICLE II

Public Peace and Order

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 283-3. General provisions.

- A. Statutory authorization. This article is adopted pursuant to the general authority granted to the Village of Lyndon Station by § 61.34, Wis. Stats., and the additional authority granted in § 66.0107, Wis. Stats.
- B. Purpose. The purpose of this article is to promote, preserve and protect the peace, health, safety, property and general welfare of the community.
- C. Title. This article may hereafter be referred to as the "Peace and Order Code."
- D. Application to all entities. Unless specifically exempted by law, all persons, corporations, and private and governmental entities, local, state and federal, are required to comply with this article.

§ 283-4. State statutes adopted.

The provisions of the Wisconsin Statutes listed below, including any future revisions or amendments thereto, describing and defining offenses against the peace and good order of the State of Wisconsin are hereby adopted and, by reference, made a part of this article as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this article. Any penalty imposed by any statute incorporated herein by reference is not imposed or adopted by this article; provided, however, that the penalties prescribed herein shall be limited to and shall not exceed the penalties prescribed by the statutes for the same act. Any future amendments, revisions or modifications of any statute incorporated herein are intended to be made a part of this article. Any statutory definitions, standards or rules relating to the following statutes and necessary to the interpretation, application and enforcement thereof are also incorporated herein and made a part of this article.

101.123	Smoking prohibited
118.15	Compulsory school attendance
118.153	Children at risk of not graduating from high school

118.16	School attendance enforcement
118.163	Municipal truancy and school dropout ordinances. Lyndon Station hereby elects to make available to the court all of the dispositions authorized in § 118.163, Wis. Stats.
125.07(1) to (4)	Underage and intoxicated persons; presence on licensed premises; possession
125.09(2)	Possession of alcohol beverages on school grounds prohibited
167.10	Regulation of fireworks
167.25	Refrigerators and iceboxes
167.31	Safe use and transportation of firearms and bows
167.32	Safety at sporting events
173.24	Reimbursement for expenses
175.25	Storage of junked automobiles
254.92	Purchase or possession of cigarettes or tobacco products by person under 18 prohibited
939.05	Parties to crime
939.22	Words and phrases defined
939.23	Criminal intent
939.30	Solicitation
939.31	Conspiracy
939.32	Attempt
940.19(1)	Battery
940.34	Duty to aid victim or report crime
940.42	Intimidation of witnesses
940.44	Intimidation of victims
940.46	Attempt prosecuted as completed act
941.01	Negligent operation of vehicle
941.10	Negligent handling of burning material
941.12	Interfering with fire fighting
941.13	False alarms
941.20	Endangering safety by use of dangerous weapon
941.23	Carrying concealed weapon
941.235	Carrying firearm in public building
941.24	Possession of switchblade knife
941.37	Obstructing emergency or rescue personnel
943.01(1)	Damage to property
943.125	Entry into locked coin box
943.13	Trespass to land
943.14	Trespass to dwellings

943.145	Trespass to medical facility
943.15	Entry onto a construction site or into a locked building, dwelling or room
943.20	Theft
943.21	Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station
943.24	Issue of worthless check
943.50	Retail theft (shoplifting)
943.55	Removal of shopping cart
943.61	Theft of library material
944.20	Lewd and lascivious behavior
944.23	Making lewd, obscene or indecent drawings
944.30	Prostitution
944.33	Pandering
944.36	Solicitation of drinks prohibited
945.01	Definitions relating to gambling
945.02	Gambling
946.10	Bribery of public officers and employees
946.11	Special privileges from public utilities
946.12	Misconduct in public office
946.13	Private interest in public contract prohibited
946.31	Perjury
946.32	False swearing
946.40	Refusing to aid officer
946.41	Resisting or obstructing officer
946.42	Escape
946.46	Encouraging violation of probation, extended supervision or parole
946.68	Simulating legal process
947.01	Disorderly conduct
947.012	Unlawful use of telephone
947.013	Harassment
947.02	Vagrancy
951.01	Definitions
951.015	Construction and application
951.02	Mistreating animals
951.03	Dognapping and catnapping
951.13	Providing proper food and drink to confined animals
951.14	Providing proper shelter
951.15	Abandoning animals
961.41	Prohibited acts A — penalties

961.42	Prohibited acts B — penalties
961.43	Prohibited acts C — penalties
961.455	Using a child for illegal drug distribution or manufacturing purposes
961.46	Distribution to persons under age 18.
961.495	Possession or attempted possession of a controlled substance on or near certain places
961.573	Possession of drug paraphernalia

§ 283-5. Littering.

- A. Littering prohibited. No person shall throw or deposit any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village, or upon property within the Village owned by the School District or any private person, or upon the surface of any body of water within the Village.
- B. Litter from conduct of commercial enterprise.
- (1) Scope. The provisions of this subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within 12 hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
 - (3) Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection B(2) within the time specified, the Village shall arrange to have the same picked up by Village crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of 20% for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this section.

§ 283-6. Curfew.

- A. Prohibited hours. No person under the age of 18 years shall be or remain in or upon any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place in the Village during the following hours unless accompanied by his or her parent, guardian or other person having legal custody, or unless there exists a reasonable necessity therefor. The fact that said person, unaccompanied by a parent, guardian or other person having legal custody, is found upon any such public place during the following hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor.

- (1) After 10:30 p.m. on Sunday through Thursday evenings and before 5:00 a.m. on Monday through Friday mornings; and
 - (2) After 11:00 p.m. on Friday and Saturday evenings and before 5:00 a.m. on Saturday and Sunday mornings.
- B. Exceptions. This section shall not apply to an underage person:
- (1) Who is accompanied by his or her parent or guardian.
 - (2) Who is required to use the aforesaid public places for the purpose of going to or returning from his or her place of employment; provided, however, that no more than a reasonable time shall be allowed before and after work for the purpose of going to and returning from such employment.
 - (3) Who is required to use such public places in the course of his or her employment.
 - (4) Who is going to or returning from a supervised school, church or civic function; provided, however, that no more than a reasonable time shall be allowed for going to and returning from such function.
 - (5) Who is performing an errand as directed by his or her parent or guardian.
 - (6) Who is involved in an emergency.
 - (7) Who is on his or her own premises or in the areas immediately adjacent thereto.
- C. Parental liability. No parent, guardian or legal custodian of any person under the age of 18 years shall allow or permit such underage person to violate the provisions of this section. Any parent, guardian or legal custodian who shall have made a missing person notification to the Police Department shall not be considered to have allowed or permitted any underage person to violate this section.
- D. Loitering. Nothing herein shall limit or abrogate the requirements of § 283-7 herein regarding loitering.
- E. Special penalty section.
- (1) First offense. Upon the first violation of this section, any underage person shall be given a warning and may be taken into custody by the police and promptly taken to his or her home. If the underage person is not a resident of this Village, the police shall instruct the person to return immediately to his home wherever located. The police shall cause a record of such offense to be recorded at the Police Department and shall notify and warn the parent, guardian or legal custodian of the curfew violation. Such notice may be given in person, by telephone or by letter.
 - (2) Second offense. Any underage person who violates this section within 12 months of a previous violation shall be subject to referral to the Juvenile Court Intake under Ch. 938, Wis. Stats., and/or shall forfeit not less than \$5 nor more than \$25 for each offense, plus court costs. Any parent, guardian or legal custodian who violates this section within 12 months of a previous violation shall forfeit not less

than \$15 nor more than \$25 for each such offense, plus court costs, and may be confined to the county jail until such forfeiture is paid, but not to exceed five days.

§ 283-7. Loitering or prowling.

- A. No person may loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon the appearance of a police officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances make it impracticable, a police officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the actor was true and, if believed by the police officer at the time, would have dispelled the alarm.
- B. No person shall loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossings, or in any other public place within the Village in such manner as to prevent, interfere with or obstruct the ordinary free use of such public place by persons passing along or over the same.
- C. No person shall obstruct any street, sidewalk or crossing by loitering in or upon the same after being requested to move on by any police officer.

§ 283-8. Loud and unnecessary noises.

- A. General prohibition. No person shall make, continue or cause to be made or continued any loud and unnecessary sound or noise tending to annoy or disturb a person of ordinary sensibilities in or about any public street, alley, park or private residence.
- B. Specific acts prohibited. The following acts are declared to constitute loud and unnecessary noises in violation of this section, but the following list should not be deemed to be exhaustive or exclusive:
 - (1) Horns; signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle in the Village for longer than three seconds in any period of one minute, except as a danger warning.
 - (2) Radios; stereos. The use, operation or playing of any radio, stereo, phonograph, musical instrument, or other machine or device for producing or reproducing sound or music, between the hours of 10:30 p.m. and 7:00 a.m., in such a manner so as to permit the sound emanating therefrom to be plainly audible at the property line of the building, structure, apartment or vehicle in which such machine or device is located.

- (3) Loudspeakers; amplifiers for advertising. The use or operation of any radio, stereo, phonograph, musical instrument or other machine or device for producing or reproducing sound which is cast upon any public street, alley or highway for the purpose of commercial advertising or attracting the attention of the public to the building, business or enterprise from which the sound is cast.
 - (4) Animals; birds. The keeping of one or more animals or birds which individually, or in combination, bark or chirp frequently or for long periods of time and which thereby create a noise plainly audible at the property line of the building, structure or apartment in which they are located.
 - (5) Exhaust. The ownership or operation of any motorcycle, motor vehicle, motor boat or other combustion engine which does not have an adequate muffler in constant operation and properly maintained to prevent excessive or unusual noise. The equipping of any muffler or exhaust system with a cutout, bypass or similar device, or the modifying of any muffler or exhaust system in a manner which will amplify or increase the noise emitted by the engine above that emitted by the muffler or exhaust system originally installed on the engine, shall constitute a violation of this subsection.
 - (6) Construction work. The erection, excavation, demolition, alteration or repair of any building, including but not limited to the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, backhoe, caterpillar, or other similar equipment, attended by loud or unusual noise, between the hours of 9:00 p.m. and 7:00 a.m.
 - (7) Yard work. The operation of any machine or piece of equipment, including but not limited to chain saws, lawn mowers, snow blowers or other similar equipment, during the hours of 10:00 p.m. to 7:00 a.m.
- C. Unnecessary use of railroad whistles, horns and bells. No railroad company or any of its agents, servants or employees shall blow or cause to be blown any whistle or horn, or use any bell, within the limits of the Village, between the hours of 11:00 p.m. and 6:00 a.m., except in those cases prescribed and designated by the laws of the state, but nothing in this subsection shall be construed as forbidding or prohibiting the blowing of any whistle or horn, or the use of any bell, as a signal or warning in case of peril, fire, collision or other imminent danger to life and/or property.
- D. Compression brakes. No person shall use compression brakes (also known as "jake brakes") or operate a motor vehicle using brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof, unless such brakes are necessarily used in an emergency situation. The prohibition contained in this subsection shall not apply to fire, police, emergency medical service and/or other emergency vehicles.

§ 283-9. Public intoxication.

It shall be unlawful for any person to be in any public place in such a state of intoxication as to disturb others or be unable, by reason of his condition, to care for his own safety or the safety of others.

§ 283-10. Drinking in public places.

No person shall consume any alcohol beverage or carry any open can, bottle or other container of alcohol beverage on the premises of any public place unless:

- A. Such beverage has been obtained from a person who has an appropriate license or permit to sell, dispense or give away such beverage in the public place; and
- B. The beverage is being consumed in the location authorized by said license or permit. As used in this section, "public place" shall include, but is not limited to, a public building, street, sidewalk or park.

§ 283-11. Defecating or urinating in public places.

It shall be unlawful for any person to defecate or urinate outside of designated sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings.

§ 283-12. Regulation of firearms and explosives.

- A. Discharge and possession of firearms regulated. No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description within the Village or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun in his possession or under his control unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to state law.
- B. Shooting into Village limits. No person shall, in the territory adjacent to the Village, discharge any firearm in such manner that the discharge shall enter or fall within the Village.
- C. Shooting ranges. This section shall not prevent the maintenance and use of duly supervised rifle, shotgun, archery or pistol ranges or shooting galleries approved by the Village Board after an advisory recommendation from the Chief of Police, where proper safety precautions are taken.
- D. Explosive devices. No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village without first obtaining a permit to do so from the Village Board.
- E. Hunting prohibited. Hunting is prohibited within the Village limits.

- F. Definitions. For purposes of this section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device or gunpowder.

§ 283-13. Violations and penalties.

- A. Penalties. Except as specifically limited herein, the penalties set forth in Chapter 1, § 1-5 of this Code shall apply to the foregoing violations.
- B. Citations. The citation method of enforcement, set forth in Chapter 1, § 1-6 of this Code, may be used for violations of this article, including violations for which a statutory counterpart exists. Citations for violations of this article may be issued only by law enforcement officers.
- C. Bond schedules. Pursuant to § 66.0111, Wis. Stats., a bond not to exceed \$200 may be accepted from any person arrested for a violation of this article.