

CHAPTER 16 OFFENSES

ARTICLE I. IN GENERAL

Sec. 16-1. Penalty for violation of chapter provisions.

The penalty for violation of any provision of this chapter shall be a forfeiture, together with the cost of prosecution imposed as provided together with the cost of prosecution as set forth in the village bond/bail schedule, as amended from time to time.

(Ord. No. 08-137, § 1, 6-12-2008)

ARTICLE II. OFFENSES AGAINST PUBLIC SAFETY AND PEACE

Sec. 16-2. Regulation on the discharge of firearms, electric weapons, and other devices.

- (a) Definitions:
 - (1) Electric weapon. Any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current. (Wis. Stats. § 941.295(1c)(a))
 - (2) Firearm. A weapon that acts by force of gunpowder.
 - (3) Law enforcement officer. Any person employed by the State of Wisconsin or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violation of the laws or ordinances he or she is employed to enforce.
 - (4) Building. For purposes of this section, a building is defined as a permanent structure used for human occupancy and includes a manufactured home, as defined in Wis. Stats. § 101.91(2).
- (b) Regulated acts:
 - (1) Discharge 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 within the Village of Harrison.
 - (2) Discharge of electric weapons regulated. No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any electric weapon within the Village of Harrison.
 - (3) Discharge of spring gun, air gun, pneumatic pellet gun or paintball gun is prohibited. No person shall fire or discharge any spring gun, air gun, paintball gun, or pneumatic pellet gun of any description within the Village of Harrison.
 - (4) 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 of Harrison.
 - (5) 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.
 - (6) Hunting is prohibited within the corporate limits of the Village of Harrison except as provided in subsection (c)(3) and (c)(4).

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- (c) Exceptions:
- (1) Shooting ranges. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the village board, where proper safety precautions are taken.
 - (2) Honor guards. Subsection (b)(1) shall not apply to any Armed Forces Honor Guards taking part in a village board approved ceremony, provided they are using blanks.
 - (3) Hunting within the village.
- a. Permits.
1. The Village Clerk or designee is authorized to issue Discharge of Firearm permits, under this section. The permit application and permit will be on a form as approved by the Village Board. The Village Clerk may deny a permit application based on the results of the background investigation or any other information that would lead the clerk to believe that issuance of a permit under this section may:
 - i. Violate local, state, or federal laws.
 - ii. Affect the safety of the village and/or its residents.
 - iii. Cause a public nuisance.
 - iv. Bring harm upon the village, its employees or agents or subject any of the aforementioned to potential liability.
 2. The application fee for a permit shall follow the current Fee and Penalty Schedule, as amended from time to time:
 3. Deer shall only be hunted with bow and arrow or crossbow. Waterfowl and other birds shall only be hunted with a shotgun using shot authorized by the state department of natural resources. If another type of animal is authorized under a permit, the clerk shall designate the appropriate weapon(s) or traps to be used.
 4. Hunting shall only be by the person (s) listed on the permit. Hunting shall only be conducted on the land parcel or area that is listed on the permit. If the permit holder is not the owner of the land that is listed on the permit, they must obtain permission from the legal landowner and include written proof of said permission when applying for the permit.
 5. Permits are not transferable.
 6. No permits shall be issued to any person under the age of 18 or anyone that would be prohibited by law to hunt or possess a firearm, bow, or crossbow.
 7. Permits shall be issued for the time period as established by the Village Clerk.
 8. Permit holders are subject to all the ordinances of the Village of Harrison, the laws of the State of Wisconsin and any applicable federal laws. The sheriff's department may immediately revoke a permit if a hunter violates any part of this section. Upon revocation of the permit, the permittee may appeal the decision to the village board. Any fees associated with this section are non-refundable.
- b. Requirements.
1. When hunting, persons shall at all times carry valid photo identification, a copy of the village permit and any applicable state or federal hunting licenses.
 2. No arrow or other object used to hunt deer pursuant to the village permit may be discharged or projected as such an angle or distance as to land on public or private property not described in the permit.

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3. No arrow or other object may be discharged from or projected onto or over any bicycle trail, or hiking trail within the designated hunting area.
 4. The person shall follow all state statutes and Department of Natural Resources regulations pertaining to hunting.

Sec. 16-3 Obstructing streets and sidewalks prohibited; amplifying devices.

- (a) *Streets.* No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the village in such a manner as to:
 - (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
 - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
 - (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- (b) *Sidewalks.* No person shall block any sidewalk or bridge 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) *Permit for amplifying devices.*
 - (1) *Required.* The use of live music or prerecorded sound/music on the streets or in the parks of the village is prohibited unless the party desiring to use such live music or prerecorded sound/music first obtains a permit from the Village Clerk.
 - (2) *Grounds or reasons for denial or allowance.* The Village Clerk, or their designee shall have the authority to revoke such permit when he believes such live music or prerecorded sound/music is becoming a nuisance because of the volume, the method in which they are being used or the location in which they are operating.
 - (3) *Time restrictions.* No permit shall be issued to use live music or prerecorded sound/music before the hours of 9:00 a.m. or after 10:00 p.m. unless special permission is granted by the village board. No permit shall be granted to or continued for anyone who, in the opinion of the clerk, uses said live music or prerecorded sound/music in such a manner or for such a purpose as to constitute a nuisance.

Sec. 16-4. Loitering Prohibited

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

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.

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 which is offensive to the public morals or decency of the citizens of the village.
- (b) *Public property.* Loitering on public property is prohibited as follows:
 - (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any police officer.
 - (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

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- (c) *Private property.* Loitering on private property is prohibited as follows:
- (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places.
 - (2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (d) *Loitering or prowling prohibited.* No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of person or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of law enforcement, refuses to identify themselves or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself and explain his or her presence and conduct. No person shall be convicted of an offense under this subsection if the police officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.
- (e) *Loitering by underage persons where alcohol beverage is dispensed.*
- (1) *Underage persons and intoxicants.* No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcoholic beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
 - (2) *Permitting loitering prohibited.* No person of legal drinking age shall permit an underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcoholic beverages are served, sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

Sec 16-5. Loud and unnecessary noise prohibited.

- (a) *Generally.* It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- (b) *Excessive sounds.* The following acts are declared to be loud, disturbing and unnecessary noises 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 for longer than three seconds in any period of one minute or less, 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 plainly audible 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 or similar devices.* The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, 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

of 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 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 causes 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 muffle or other device which will effectively prevent loud or explosive noises therefrom.
- (7) *Construction noise 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 operations manager shall have the authority, upon determining that the loss of 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. and 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) *The causing of vibrations from excessive sound generation.* The creation of sound waves of such frequency and/or decibel levels that the sound causes vibrations to structural components, walls, glass, windows, or doors of a residence and/or vibrations to personal property contents of a residence, which would unreasonably disturb or unduly annoy occupants with normal sensitivities during normal use, detectable by either visual observation or by secondary audible noise emanating from the personal property resulting from the vibration of such objects by sound waves originating from outside of the residence.
- (10) *Compression brakes.* No person shall use motor vehicle brakes within the village limits of the village which are in any way activated or operated by the compression of the engine of such motor vehicle or any unit or part thereof. There shall be an affirmative defense to prosecution under this section that the compression brakes were applied in an emergency situation requiring their use and there being no other way to stop.
- (11) *Prerecorded sound/music.* Includes: A person(s) playing recorded music/sounds or live streaming music/sounds through an amplified device that can be heard from a distance of at least 100 feet away.
- (12) *Live music* includes but is not limited to: A live band, a person(s) playing musical instruments, or any other sources of sound/music that can be heard from a distance of at least 100 feet away - whether or not it is amplified.

(c) *Exceptions.* The provisions of this section shall not apply to:

- (1) *Operations of emergency equipment shall be exempt from this section.* Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the village.
- (2) Snowblowers not operated on a commercial basis shall be exempt from this section when used to gain access to a village street.
- (3) Any vehicle of the village while engaged in necessary public business.
- (4) Construction, excavation, repairs, or maintenance of streets or other public improvements by or on behalf of the village, county or state at night when public welfare and convenience renders it reasonably necessary to perform such work during the day.
- (5) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
- (6) Construction, excavation, or repairs to privately owned buildings and structures, of a temporary nature, resulting from the operation of machinery and/or equipment reasonably necessary to perform such work during the day.
- (7) Any event conducted pursuant to either a permit or other approval granted by the village.
- (8) Operation of certain equipment. Lawn mowers, chainsaws, powered garden equipment, electric insect-killing/repelling devices, and other non-construction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.

Sec. 16-6. Disorderly Conduct

(a) *Disorderly conduct prohibited.* No person within the Village of Harrison shall:

- (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance or public order or tends to annoy or disturb any other person.
- (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

(b) *Disorderly conduct.* It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the village, 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 exposethemself.

(c) *Public indecency.*

(1) *Definitions.* As used in this section, the following definitions shall be applicable:

- a. *Nudity.* The showing of the human male or female genitals, pubic area, or buttocks with less than fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.
- b. *Peep.* Any looking or peering of a clandestine, surreptitious, prying, or secretive nature.

(2) *Prohibitions.* Whoever does any of the following is guilty of public indecency:

- a. Commits an indecent act of sexual gratification with another with knowledge that they are in the presence of others.
- b. Publicly and indecently exposes genitals or pubic area.

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- c. Appears publicly in a state of nudity.
 - d. Engages in masturbation, or conduct which would appear to an ordinary observer to be masturbation, with knowledge that they are in the presence of others or that they can be observed by others.
- (3) *Prohibited nonconsensual behavior.* No person shall do any of the following without the consent of the other person:
- a. Peep into an area where an occupant of the area has a reasonable expectation of privacy, including, but not limited to:
 - 1. Restrooms;
 - 2. Bath and/or shower units; and
 - 3. Dressing rooms.
 - b. Go upon the land of another with the intent to peep into an occupied dwelling of another person; this includes the use of recording devices.
- (4) *Exceptions.*
- a. This section shall not apply to the following:
 - 1. Legitimate, authorized law enforcement activities.
 - 2. A mother's breast-feeding of her child.
 - b. Subsection (2)b above shall not apply to the following:
 - 1. A theater, concert hall, art center, museum or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibits or performances.
- (d) *Violent and abusive behavior; non-verbal gestures.* No person in any public or private place may engage in any 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. Such prohibited conduct also includes non-verbal gestures, signals or gang signs if said conduct tends to cause or provoke any immediate disturbance of public order or tends to disturb or annoy any other person.
- (e) *Disturbance of meetings.* No person may disrupt or disturb any congregation, audience, public meeting or lawful assembly of person of any kind, or in concert with others disturb or disrupt such meeting

Sec. 16-7. Abandoned or unattended iceboxes or other containers prohibited.

No person shall leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended or discharged icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing the door or lid snap lock or other locking device from the icebox, refrigerator or container.

(Ord. No. 08-137, § 3, 6-12-2008)

Sec. 16-8. Public peace and good order.

- (a) *Carrying concealed weapons.* No person, except law enforcement, shall carry or wear concealed about his person any pistol, revolver, firearm, slingshot, cross-knuckle of lead, brass, or other metal, Bowie knife, dirk, dagger, or any other dangerous or deadly weapons. Nothing in this article shall be deemed to infringe upon the reasonable exercise of the constitutional right to keep and bear arms for the lawful purpose of the security of a privately operated business or the security of a private residence. The possession and/or use of a firearm consistent with this exception shall not be deemed a violation of this article.
- (b) *Throwing or shooting of stones and other missiles.* No person shall throw or shoot any object, stone, snowball, or other missile of projection, by hand or any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place.
- (c) *Disorderly conduct with an automobile.* No person shall cause any loud or discordant, unnecessary noises or vibrations of any kind, including tire squealing or horn blowing.
- (d) *Interference—Fire alarm, fire extinguishing systems.* No person shall intentionally interfere with the proper functioning of a fire alarm system, nor shall anyone interfere with, tamper with, or remove without authorization any fire extinguisher, fire hose or any other fire equipment.
- (e) *Same—Fire hydrants.* No person shall intentionally interfere with the accessibility to a fire hydrant, by blocking it, or by piling or dumping materials near it, without first obtaining permission from the appropriate municipal.

(Ord. No. 08-137, § 4, 6-12-2008)

Sec. 16-9. Outside storage of firewood.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 15 days from the date of its delivery.
- (b) No person shall store in the open more than two full cords of firewood in any residential district. No open storage of firewood shall exceed a dimension of four feet high, eight feet wide and eight feet in length. No firewood shall be permanently stored in any front yard or closer than two feet to any residential property lot line.
- (c) All brush, debris and refuse from the processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles or that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.

(Ord. No. V18-02, 10-30-2018)

Sec. 16-10. Hemp-derived or synthetic cannabinoid regulations.

- (a) In this subsection, hemp-derived cannabinoid constitutes one of the many intoxicating cannabinoids found in the cannabis plant or a synthetic version thereof.
 - (1) A cannabinoid other than delta-9 tetrahydrocannabinol (THC), or an isomer derived from such cannabinoid (delta-8 THC, delta-10 THC, hexahydrocannabinol (HHC), HHC-O, THCA, THC-O, THCP, THCV); or

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- (2) A hemp-derived product containing delta-9 tetrahydrocannabinol in a concentration of point three percent or less.
 - (3) Does not include non-intoxicating cannabinoids, including cannabidiol (CBD), which is an active ingredient in cannabis, but does not cause intoxication by itself, is not addictive, and does not contain other isomers as listed above.
- (b) It shall be illegal for a person under the age of 21 to possess or use any amount of a hemp-derived cannabinoid including delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCV except as specifically allowed by Wisconsin law.
 - (c) It shall be illegal to sell or deliver any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCV to a person under the age of 21 years, except as specifically allowed by Wisconsin law.
 - (d) It shall be illegal to sell or deliver any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCV to a person without having first verified their age by having the purchaser present valid photo identification.
 - (e) Hemp-derived cannabinoids shall not be sold within 750 feet of a hospital, church, or youth-serving organization such as, but not limited to: childcare centers, pre-schools, public or parochial schools, tribal schools, playgrounds, city or county parks, sporting arenas, or organizations with specific interest to serve children (Boys & Girls Club, YMCA, Head Start, etc.) The distance shall be measured by the shortest route along a designated roadway or walking path from the main entrance of the youth-serving business/organization to the premises selling hemp-derived cannabinoid products. The prohibition in this section does not apply to businesses selling hemp-derived cannabinoids from a location used for said sales on December 1, 2022.
 - (f) Any person who violates any provision of this section, or who conducts any activity or makes any sale for which violates any provision of this section, shall upon conviction be subject to penalties and forfeitures as provided in sections 1-7, 1-10, and 28-178.
- (Ord. No. V25-01, 1-28-2025)

Sec. 16-11. Unauthorized presence on school property.

- (a) It shall be unlawful for any person, except as provided in subsection (b) hereof, to be present in, loiter or enter into any public school building, school parking lot or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days.
- (b) This section shall not apply to:
 - (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof to leave the school building or school grounds:
 - (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof; or
 - (3) Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.

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- (c) The exceptions set forth in subsection (b) shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
 - (d) All entrances to the school buildings shall be posted with a notice stating "Entry into School Building by Unauthorized Persons Prohibited." All school grounds shall be posted with a notice stating "Entry upon School Grounds by Unauthorized Persons Prohibited."

(Ord. No. V25-13, 9-30-2025)

Sec. 16-12. Destruction of property.

- (a) *Prohibited without authority.* No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the village and belonging to the village or its departments, the school district or to any private person, without the consent of the owner or proper authority.
- (b) *Parental liability.* Pursuant to Wis. Stats. § 895.035, the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed the amount as established by state law.
- (c) *Unlawful removal of property.* It shall be unlawful for any person to take and carry away the property of another without the owner's consent with the intention to do so.

Sec. 16-12. Littering

- (a) *Generally.* No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the 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) *Deposited during 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) *Expense borne by litterer.* If the person, firm corporation or association fails to pick up any litter as required by subsection (b)(1) of this section within the time specified, the village shall arrange to have the same picked up by village crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of 20 percent for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering pursuant to Wis. Stats. § 66.0703. If such sum is not promptly paid, steps shall be taken, with the advice of the village attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this section.
- (c) *Depositing of materials prohibited.* It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the village board or director of public works pursuant to the provisions of this Code, or upon any private property without the consent of the owner or lessee of the property. Any such person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects

upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

Sec. 16-13. Damage to public property.

- (a) Damaging property delineated. No person shall 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, public restroom, park shelter 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 shall break glass in any streetlamps or windows of any building owned or occupied by the village.

Sec. 16-14. Retail theft.

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in subsection (d) of this section.
- (b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- (c) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his or her parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (d) If the value of the merchandise does not exceed \$500.00, any person violating this section shall forfeit not more than \$200.00. If the value of the merchandise exceeds \$500.00, this section shall not apply and the matter shall be referred to the district attorney for criminal prosecution.

Secs. 16-15—16-28. Reserved.

ARTICLE III. OFFENSES BY JUVENILES

Sec. 16-29. Curfew.

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

Loitering means remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger aimlessly; to stay; to saunter; to delay; to stand around, and shall also include the colloquial expression, "hanging around."

- (b) *Hours of violation established.* It shall be unlawful for any minor to loiter in or upon the public streets, public sidewalks, public rights-of-way, highways, roads, alleys, parks, public buildings, private property held open for use by the public, vacant buildings, playgrounds of schools or school grounds in the village, either on foot or in or upon any conveyance being driven or parked thereon, between the hours of 11:00 p.m. and 5:00 a.m. of the following day, unless accompanied by his parent, guardian or adult person having legal custody or control.
- (c) *Exceptions.*
- (1) This section shall not apply to a child:
 - a. Who is performing an errand as directed by his parent, guardian, or person having lawful custody.
 - b. Who is on his own premises or in the areas immediately adjacent thereto.
 - c. Whose employment makes it necessary to be upon the streets, alleys, or public places or in any motor vehicle during such hours.
 - d. Who is returning home from a supervised school, church, or civic function, but not later than 60 minutes after the ending of such function.
 - (2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- (d) *Parental responsibility.* It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under age 18 to allow or permit such person to violate the provisions of subsections (a) and (b) of this section. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this section occurring within 30 days of the allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any person under age 18 to violate this section.
- (e) *Taking a child into custody.* The procedure and authorization for taking children into custody is as follows:
- (1) Every law enforcement officer while on duty is hereby authorized to take into custody any child violating the provisions of subsection (a) of this section. Children taken into custody shall be released from custody as soon as is reasonably possible. A person taking a child into custody shall make every effort immediately to release the child to the child's parent, guardian, or legal custodian or, if the parent, guardian or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, may release the child to a responsible adult and verbally counsel or warn as may be appropriate or, in the case of a runaway child, may release the child to a home authorized under Wis. Stats. § 48.227. The parent, guardian, legal custodian, or other responsible adult to whom the child is released shall sign a release for the child.
 - (2) If the child is not released under this subsection, the officer shall deliver the child to the county juvenile court intake worker in a manner determined by the court and law enforcement agencies, stating in writing with supporting facts the reasons why the child was taken into custody and giving any child 12 years of age or older a copy of the statement in addition to giving a copy to the intake worker. A juvenile violating these curfews regularly may be warned by an officer on duty in his discretion and sent home in lieu of taking the juvenile into custody.

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- (3) If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, the officer shall take such action as is required under Wis. Stats. § 48.20(4). If the child is believed to be mentally ill, drug dependent, or developmentally disabled and exhibits conduct which constitutes a substantial risk of physical harm to the child or to others, the officer shall take such action as is required under Wis. Stats. § 48.20(5). If the child is believed to be an intoxicated person who has threatened, attempted, or inflicted physical harm on themselves or on another and is likely to inflict such physical harm unless committed or is incapacitated by alcohol, the officer shall take such action as is required under Wis. Stats. § 48.20(6).
- (f) *Warning and penalty.* The warning and penalty provisions for a parent, guardian, or person having a child taken into custody is as follows:
- (1) *Warning.* The first time a parent, guardian, or person having legal custody of a child who is taken into custody by a law enforcement officer as provided in subsection (d) of this section, such parent, guardian, or person having such legal custody shall be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by this child or any other child under his care or custody shall result in a penalty being imposed as hereinafter provided.
- (2) *Penalty.* Any parent, guardian, or person having legal custody of a child described in subsection (a) of this section who has been warned in the manner provided in subsection (d)(1) of this section and who thereafter violates this section shall be subject to a penalty as provided in section 1-12. After a second violation within a six-month period, if the defendant, in a prosecution under this section, proves that he is unable to comply with this section because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction

Sec. 16-30. Purchase or possession of tobacco products.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Prohibited products* include, but are not limited to, tobacco products, nicotine products, cigarette, cigar, pipe, smokeless tobacco, chewing tobacco, electronic cigarettes, electronic vaping devices, personal vaporizers, digital vapor devices, electronic nicotine delivery systems, and any similar or digital device. (An electronic cigarette (e-cig or e-cigarette), personal vaporizer (PV), or electronic nicotine delivery system (ENDS) is a battery-powered vaporizer which has the feel of tobacco smoking. They produce a mist rather than cigarette smoke. In general, a heating element vaporizes a liquid solution known as e-liquid, E-liquids usually contain a mixture of propylene glycol, glycerine, nicotine, and flavorings.)
- (b) *Purchase by minors prohibited.* It shall be unlawful for any person under the age of 18 years to purchase prohibited products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing prohibited products.
- (c) *Possession by minors prohibited.* It shall be unlawful for any person under the age of 18 years to possess any prohibited products; provided that the possession by a person under the age of 18 years under the direct supervision of the parent or legal guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.
- (d) *Prohibitions.* No manufacturer, distributor, jobber, subjobber, or retailer, or their employees or agents, may provide prohibited products for nominal or no consideration to any person under the age of 18 years.
- (e) *Statutes adopted.* The provisions of Wis. Stats. §§ 134.66 and 254.92 are adopted by reference and incorporated herein.

Sec. 16-31. Unlawful sheltering of minors.

- (a) No person shall intentionally shelter or conceal a minor child who:
 - (1) Is a "runaway child," meaning a child who has run away from his parent, 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 (a)(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 (a)(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 who shelters or conceals a child at the request or with the consent of the child's parent, guardian or legal or physical custodian except if the sheltering or concealment violates Wis. Stats. § 948.31; or
 - (3) A person who immediately notifies a law enforcement agency, county department of public welfare or social services, or the intake worker of the court exercising jurisdiction under Wis. Stats. ch. 48, that he is sheltering or concealing such child and provides the person or agency notified with all information requested.

Sec. 16-32. State laws adopted.

- (a) The statutory provisions describing and defining regulations with respect to firearms and bows and arrows including Wis. Stats. § 167.30, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this section, as if fully set forth herein. A copy of the above-referenced statutes shall be kept on file in the village clerk's office, where they shall be available for public viewing during normal business hours. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section and subject to forfeiture.
- (b) Whenever this Code incorporates by reference specific sections of the state statutes or generally refers to them, such reference shall mean the state statutes, as from time to time amended, repealed, or modified by the Wisconsin Legislature.

(Ord. No. 06-117, § 2, 4-25-2006; Ord. No. 07-125, § 3, 5-29-2007; Ord. No. V21-03, 1-26-2021)

Sec. 16-33. Prohibited conduct.

The discharge of any firearm, slingshot, bow and arrow or other weapon within 640 feet of the following designated areas shall be prohibited:

- (a) Fire lanes no. 8, extending to the lakeshore.

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- (b) Fire lanes no. 12, extending to the lakeshore.
 - (c) High Cliff boat landing, extending to the lakeshore.

(Ord. No. 06-117, § 3, 4-25-2006; Ord. No. 07-125, § 4, 5-29-2007; Ord. No. V21-03, 1-26-2021)

Sec. 16-34. Exceptions.

The following shall be exceptions to the regulations of this section and shall not be prohibited activities:

- (a) Spears used in the activity of sturgeon and rough fish spearing during its respective seasons.
- (b) Bows and arrows used in the activity of bowfishing.

(Ord. No. 07-125, § 5, 5-29-2007; Ord. No. V21-03, 1-26-2021)

Sec. 16-35. Enforcement and Penalty.

- a) *Citation process.* For violations of sections 30-129 through 30-133, juveniles may be cited by the citation process on an approved form. A copy of the citation will be given or mailed to the parent or legal guardian.
- (b) *Penalties.* Violations of sections 30-129 through 30-133 by a person under the age of 18 shall be punishable according to Wis. Stats. §§ 938.17, 938.343, 938.344 and 938.345. Nothing in this section shall prevent the juvenile officer, in his discretion, from referring cases directly to the district attorney's office.
- (c) *Adoption of statutory dispositions.*
 - (1) Pursuant to Wis. Stats. § 938.17(2), citations, summons, and disposition orders are hereby authorized in accordance with Wis. Stats. § 938.17(2)(a)—(h), which are incorporated herein by reference.
 - (2) For any juvenile adjudged to have violated a village ordinance, the municipal court is hereby authorized to impose any of the dispositions set forth in Wis. Stats. § 938.343, in accordance with the provisions of those statutes.
 - (3) For any juvenile adjudged to have violated an ordinance, who then violates condition of a disposition order of the municipal court under Wis. Stats. §§ 938.343 or 938.344, the municipal court is authorized to impose any of the sanctions listed in Wis. Stats. §§ 938.355(an) and/or 938.355(6)(d)2—4, except that monitoring by an electronic monitoring system may not be directly ordered by the municipal court under Wis. Stats. § 938.355(6)(d)3