

PUBLIC NUISANCES/PEACE AND ORDER

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SUBCHAPTER I – ANIMAL CONTROL

11.01 DEFINITIONS. In this chapter:

- (1) "Animal" includes every living:
 - (a) Warm-blooded creature (except a human being);
 - (b) Reptile;
 - (c) Amphibian; or
 - (d) Bird.

11.02 MISTREATING ANIMALS. No person may treat any animal, whether belonging to the person or another, in a cruel manner. No person shall cruelly treat, inhumanely beat, under feed, overload, or abandon any animal in the Village. No person shall cause or allow any place where any animal is or may be kept to become unclean or unwholesome.

11.03 ANIMALS AT LARGE.

(1) No person, owner, or custodian shall permit an animal to be at large within the Village. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal or such other personal attention as will reasonably control the conduct and actions of the animal.

(2) No person, owner, or custodian shall permit any animal to be left unattended within five (5) feet of a public right-of-way.

(a) Such public rights-of-way include, but are not limited to sidewalks, streets, alleys, and parking lots.

(b) Unattended animals shall include those animals which are crated, penned, or leashed but which are without personal supervision or control sufficient to properly restrain the animal.

(3) No person shall permit any animal owned by or under the control of such person to trespass or be upon the property of another person without the owner’s or occupant’s permission.

11.04 DANGEROUS OR WILD ANIMALS.

(a) As stated in Wis. Stats. §173.23(4), §174.01, and §29.921(7) members of the Police Department, or any peace or health officer in the Village are authorized to kill any animal, bird, or reptile when it is necessary to protect persons or to prevent the communication or spread of infection or disease.

(b) No person may keep any animal not indigenous to Wisconsin; or any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarondi, hyena, coyote, wolf, wolf hybrid, alligator, poisonous snake or eagle,

prairie dog, or other like dangerous wild animal, reptile, bird or creature in any place within the Village other than in a safely and properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, designated pound, or animal refuge, or in a well-secured vehicle, while being transported without delay to or from any such authorized place or through the Village. Any such animal that is within the Village at any time without being safely and properly maintained as authorized under any of the foregoing is declared to be a public nuisance and shall be dealt with in accordance with the provisions of this section.

(c) It shall be no defense that the keeper of any such animal contrary to the provisions hereof has attempted to domesticate same.

11.05 NOISY ANIMALS.

(1) No person shall harbor or keep any animal, bird, or reptile which disturbs the peace by loud or unusual noises at any time of the day or night.

(2) No owner or person in control of any dog shall suffer, permit or allow such animal to bark or bay in such a manner as to detrimentally affect the peaceful repose of one (1) or more property owners or residents of the immediate area, and within earshot of the barking or baying. In determining whether the noise detrimentally affects peaceful repose, the volume of the noise, time of day, length of time the noise persists, the location of the animal, and prior substantiated complaints shall be relevant. Where a dog is left unattended out-of-doors, it shall be presumed the owner or person in control is permitting the noise.

11.06 DOGS LICENSED. No person shall own, harbor or keep any dog within the Village unless the dog is licensed as provided by Wis. Stats. §174.05. All dogs

shall be licensed according to the provisions in Section 5.09 of the Village Code.

11.07 NUISANCE ANIMALS. Whereas animals, birds, and reptiles may have propensities to or may otherwise cause noise or odor or perform actions which may disturb persons in the reasonable use and enjoyment of property, or cause annoyance, discomfort, or injury to the health or welfare of persons, the keeping of any animal, bird, or reptile in conflict with any provision of this section declared to be a public nuisance, and such animal, bird, or reptile may be impounded as provided by law.

11.08 ANIMALS CAUSING DAMAGE OR INJURY.

(1) Any incident occurring in the Village where any animal bites a person, or is suspected of biting a person, shall be immediately reported to the Police Department or to the Brown County Health Department by any person having knowledge of such incident and the following procedure shall be followed.

(a) Any animal which bites a person in the Village, if it can be found, or any animal which is customarily kept within the Village and which bites a person, shall be quarantined for a period of ten (10) days from the day of the bite for the purpose of observation for the possibility of rabies. Such quarantine shall be affected as directed by the Health Department and may be:

1. Confinement of the animal to a structure or enclosure, which is adequate to with-strain the animal on the premises of the owner or agent.
2. Confinement of the animal with a licensed veterinarian.
3. Confinement of the animal at a boarding facility approved by the Village. Costs of boarding shall be at owner's expense.

(b) No animal which is known or suspected to have bitten a person shall be destroyed until after the ten (10) day quarantine period has elapsed, unless it cannot be apprehended safely, in which case the destruction shall be accomplished without damage to the head of the animal, if at all possible. The Brown County Health Department shall be immediately notified of such destruction of the animal, and the dead animal shall not be disposed of until such specimens as the Health Department shall direct have been obtained and permission is given by him to dispose of the dead animal.

(c) In case an animal, which has been quarantined in accordance with this section, dies for any reason during the quarantine period, the person having custody of the animal shall immediately notify the Health Department as required in Section 11.08 above.

(2) Without notice, the owner, custodian, or person in control of any animal shall forfeit not less than twenty dollars (\$20) nor more than two thousand five hundred dollars (\$2,500) if the animal causes injury to any person, livestock, property, deer, game birds, or the nests or eggs of game birds.

11.09 BEE KEEPING. The keeping or raising of honey bees is allowed within all areas of the Village. In areas not zoned for agricultural use, a site plan is required to be submitted and approved by the Zoning Administrator or his/her designee. The hives shall be centrally located on the lot and not in front of the home. The Zoning Administrator shall have the authority to relax this requirement on larger lots. The hives shall have visual barrier, not entirely concealing the hive but providing a softening appearance. Lots smaller than one acre in size are limited to two (2) hives. It is recommended that the hive owner join the

Brown County Beekeepers Association for education and guidance purposes.

11.10 KEEPING NUISANCE

ANIMALS. The keeping of any animal, fowl, reptile, mammal, or bird which affects or disturbs the public health, public peace, public safety or public decency is a public nuisance and is prohibited within the Village. No action shall be taken under this subsection unless and until the Village investigates, and they have ascertained that the raising or keeping of a particular animal, fowl, reptile, mammal, or bird within the Village reasonably constitutes a condition which is detrimental to the public health, safety or welfare. For purposes of enforcing this subsection, the Humane Officer, Police Department, Building Inspector, or other peace officer may enter any premises for the purpose of inspection. Any person, who violates any provision of this subsection, shall be notified by the Village of the determination that a public nuisance exists on his or her premises. Each day that the condition continues after notification by the Village shall be considered a separate violation of this subsection.

11.11 PROHIBITED AMPHIBIANS, ARACHNIDS, OR REPTILES.

No person, firm, or corporation shall bring into, keep, maintain, offer for sale, or barter, or release to the wild in the Village:

(1) any poisonous or venomous biting or injecting species or amphibian, arachnid or reptile (including snakes);

(2) any snake not indigenous to Wisconsin;

(3) any snakes indigenous to Wisconsin of the following species, upon attaining a length of five (5) feet or more:

(a) The pilot black snake (*Elaphe obsoleta obsoleta*).

(b) Bull snake (*Pituophis melanoleucus*).

(c) Fox snake (*Elaphe vulpina gloydi*).

11.12 EXCEPTIONS. This section shall not prohibit a circus or like entertainment organization, an educational or medical institution, the Department of Parks and Recreation, or a person designated by the Humane Officer, from keeping such animal where the same are securely and humanely confined.

11.13 DOGNAPPING AND CATNAPPING. No person may take the dog or cat of another from one (1) place to another without the owner's consent or cause such a dog or cat to be confined or carried out of this Village or held for any purpose without the owner's consent. This section does not apply to law enforcement officers or humane society agents engaged in the exercise of the official duties.

11.14 DECOMPRESSION PROHIBITED. No person may kill an animal by means of decompression.

11.15 LEADING ANIMAL FROM MOTOR VEHICLE. No person shall lead any animal upon a highway or roadway from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.

11.16 TRANSPORTATION OF ANIMALS. No person may transport any animal in or upon any vehicle in a cruel manner.

11.17 USE OF POISONOUS AND CONTROLLED SUBSTANCES. No person may expose any domestic animal owned by another to any known poisonous substance or controlled substance listed in Wis. Stats. Ch. 961, whether mixed with meat or other food or not, so that the substance is liable to be eaten by an animal and for the purposes of harming the animal.

This section shall not apply to poison used on one's own premises and designed for the purpose of rodent or pest extermination nor to the use of a controlled substance in bona fide experiments carried on for scientific research or in accepted veterinary practices.

11.18 SHOOTING AT CAGED OR STAKED ANIMALS. No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from, or intentionally maintain or allow any place to be used for the shooting, killing, or wounding with a firearm or any deadly weapon, any animal that is tied, staked out, caged, or otherwise intentionally confined in a man-made enclosure, regardless of size. Nothing in this section prohibits the shooting of any wild game in its wild state or the shooting of game birds and waterfowl at licensed game farms or licensed shooting preserves.

11.19 SALE OF BABY RABBITS, CHICKS, AND OTHER FOWL.

(1) No person may sell, offer for sale, barter, or give away living chicks, ducklings, or other fowl unless the person provides proper brooder facilities for the care of such chicks, ducklings, or other fowl during the time they are in the person's possession.

(2) No retailer, as defined in Wis. Stats. §100.30(2)(e), may sell, offer for sale, barter, or give away living baby rabbits, baby chicks, ducklings, or other fowl under two (2) months of age in any quantity less than six (6) unless in the business of selling these animals for agriculture, wildlife or scientific purposes.

11.19.5 KEEPING OF CHICKENS. Chickens may be raised in Rural Residential (RR) and Residential Sewer (RS) zoning districts provided a permit has been issued

and the following conditions are met;

- (1) Maximum number of chickens allowed per lot;
 - (a) RR greater than 2 acres, 10 chickens
 - (b) RR less than 2 acres, 6 chickens
 - (c) RS, 4 chickens
- (2) No roosters shall be kept
- (3) Lot must be in single family use
- (4) The chickens are raised on the property of the owner. If the current resident is a tenant, the tenant must have written permission of the owner
- (5) It is the owners responsibility to be in compliance with any restrictive covenant in place for their subdivision
- (6) The chickens shall be kept humanely contained at all times
- (7) The chickens shall be provided with a covered water resistant coop & a fenced run per 11.22, Providing Proper Shelter
- (8) The coop shall be located at least twenty-five (25) feet from a lot line and shall not be located in a front yard
- (9) The coop shall be cleaned regularly to ensure a healthy and odor free environment
- (10) No chickens over eight (8) weeks of age may be kept in a primary structure
- (11) The slaughtering of chickens in any residential zoning is allowed in an enclosed structure.

11.20 ARTIFICIALLY-COLORED ANIMALS; SALE. No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.

11.21 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS. As stated in Wis. Stats. §951.13 no person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient

supply of food and water as prescribed in this section.

- (1) **Food.** The food shall be sufficient to maintain all animals in good health.
- (2) **Water.** If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

11.22 PROVIDING PROPER SHELTER. As stated in Wis. Stats. §951.14 no person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in Brown County.

- (1) **Indoor Standards.** Minimum indoor standards of shelter shall include:
 - (a) *Ambient temperatures.* The ambient temperature shall be compatible with the health of the animal.
 - (b) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (2) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
 - (a) *Shelter from sunlight.* When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
 - (b) *Shelter from inclement weather.*
 - 1. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

2. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

(3) Space Standards. Minimum space standards for both indoor and outdoor enclosures shall include:

(a) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(b) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress, or abnormal behavior patterns.

(4) Sanitation Standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to move excreta and other waste materials, dirt and trash so as to minimize health hazards.

11.23 KEEPING OF DANGEROUS/POTENTIALLY DANGEROUS DOGS REGULATED.

(1) Definitions. The terms used in this section are defined as follows:

(a) Dangerous/Potentially Dangerous Dog.

1. Any dog with a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.

2. Any dog which attacks a human being or another domestic animal without sufficient provocation.

3. Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog-fighting.

(2) Requirements and Prohibitions.

(a) Leash and Muzzle. No person owning, harboring or having the care of a dangerous/potentially dangerous dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet (4') in length. No person may permit a dangerous/potentially dangerous dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person is in physical control of the leash.

1. The dog may not be leashed to inanimate objects such as trees, posts, and buildings. A dangerous/potentially dangerous dog, on a leash outside the dog's kennel and off the owner's property, shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A dangerous/potentially dangerous dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval by the Village Humane Officer and/or Police Department.

(b) Confinement. All dangerous/potentially dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in Section 11.23 (2) (a) above. The pen, kennel, or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous/potentially dangerous dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet (2'). All structures erected to house dangerous/potentially dangerous dogs shall comply with all zoning and building

regulations of the Village. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) Confinement Indoors. No dangerous/potentially dangerous dog may be kept on a porch, patio, or in part of a house or structure that would allow the dog to exit the building on its own volition. No dangerous/potentially dangerous dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) Prohibited in Multiple Dwellings. No dangerous/potentially dangerous dog may be kept within any portion of any multiple building.

(e) Signs. All owners, keepers, or harborers of dangerous/potentially dangerous dogs shall, within fifteen (15) days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(f) Insurance. All owners, keepers or harborers of dangerous/potentially dangerous dogs shall within thirty (30) days of the effective date of this section, provide proof to the Village Humane Officer and/or Police Department of public liability insurance in a single incident amount of one million dollars (\$1,000,000) for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of dangerous/potentially dangerous dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a ten (10) day written notice is first given to the Village Humane Officer and/or Police Department. The owner or custodian of the dog shall produce evidence of the required insurance

upon request of the Village Humane Officer and /or Police Department or any other law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

(3) Dangerous/Potentially Dangerous Dog Determination. The Village Humane Officer and/or Police Department shall investigate every dog complaint and make a determination as to whether or not such dog is "dangerous/potentially dangerous", as defined in Section 11.23 (1) (a) above. In the event the Village Humane Officer and/or Police Department makes a determination that the dog is "dangerous/potentially dangerous", he or she shall so inform the owner, keeper or harbinger of such dog and provide such person with a copy of this section.

(4) Appeal of Dangerous/Potentially Dangerous Dog Determination. Any person aggrieved by the determination of the Village Humane Officer and/or Police Department, as provided in Section 11.23 (3) above, may appeal such determination by submitting a written appeal to the Board within ten (10) days of such determination. The owner, keeper, or harbinger of a dangerous/potentially dangerous dog shall comply with all provisions of this section while awaiting the outcome of the appeal.

(5) Compliance. Within ten (10) days of the determination that a dog is dangerous/potentially dangerous, as provided in Section 11.23 (3) above, the owner, keeper, or harbinger of a dangerous/potentially dangerous dog shall either comply with all provisions of this section or dispose of such dog.

(6) Disposition of Dangerous/Potentially Dangerous Dogs. As stated in Wis. Stats. §95.21(4)(c) and §174.02 any dangerous/potentially dangerous dog which attacks a human being or domestic animal may be ordered destroyed by the Village Humane Officer and/or Police Department

or any police officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

11.24 ENFORCEMENT AUTHORITY. The Village Humane Officer and/or Police Department shall have authority to enforce the provisions of this chapter, including but not limited to seizing any animal which the Humane Officer and/or Police Department reasonably believes has been taken, employed, used, or possessed in violation of this section. The Building Inspector may enforce any provisions of this chapter, which relates to his or her position.

11.25 DISPOSITION. Any seized animal under this chapter shall be held by the Brown County Health Department, Village Humane Officer, or Police Department until that animal is identified as to genus and species in order to ascertain if the animal is an endangered species under Wis. Stats. 29.604.

11.25.5 ANIMALS; HUMANE OFFICERS. Except as otherwise specifically provided in this section, the statutory provisions in Wis. Stats. Ch. 173, describing and defining regulations with respect to animals and Humane Officers, inclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made part of the chapter 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 chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section.

SUBCHAPTER II – GENERAL NUISANCES

11.30 PUBLIC NUISANCES

PROHIBITED. No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Village.

11.31 PUBLIC NUISANCES DEFINED.

A public nuisance is a thing, act, occupation, condition, or use of property, which continues for such length of time as to:

(1) Substantially annoy, injure or endanger the comfort, health, repose, or safety of the public.

(2) In any way render the public insecure in life or in the use of property.

(3) Greatly offend the public morals or decency.

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct, or render dangerous any street, alley, highway, navigable body of water, or other public way.

11.32 PUBLIC NUISANCES

AFFECTING HEALTH. The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 11.31.

(1) **Adulterated Food.** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) **Carcasses Unburied.** Carcasses of animals, birds or fowl not intended for human consumption or food which is not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.

(3) **Insects or Vermin, Breeding Places for.** Accumulations of decayed animal or vegetable matter, trash, rubbish,

rotting lumber, bedding, packing material, scrap metal, or any material in which flies, mosquitoes, disease-carrying insects, rats, or other vermin can breed.

(4) Water, Stagnant. All stagnant water in which flies, or other insects can multiply.

(5) Privy Vaults and Garbage Cans. Privy vaults and garbage cans which are not fly-tight.

(6) Weed, Noxious. See Wis. Stats. §66.0407, and Chapter 6.07(1) of the Village Code.

(7) Pollution, Water. The pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage, creamery, or industrial wastes or other substances.

(8) Odors, Noxious. Any use of property, substances, or things within the Village emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the Village.

(9) Pollution, Street. Any use of property, which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk, or public place within the Village.

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

(11) Abandoned Wells. All abandoned wells not securely covered or secured for public use.

(12) Obstruction of Watercourse, Etc. Any obstruction in or across any watercourse, drainage ditch, or swale.

(13) Deposit of Garbage, Refuse, etc. The deposit of garbage, refuse or any offensive substance on any public or private property except as may be permitted by ordinance. Garbage can not be placed out for pickup prior to twenty-four (24) hours before such scheduled pickup.

(14) Smoke.

(a) Dense Smoke. The emission of dense smoke from the smokestack of any engine or from the smokestack or chimney of any building within the Village is hereby declared to be a public nuisance and is prohibited.

(b) Stationary Engineer. The owner, lessee, or occupant of any building, or the fireman, engineer, or any other person having charge or control of any furnace or stationary engine who shall cause, permit, or allow dense smoke to issue or be emitted from the smokestack or chimney connected with any such furnace or stationary engine within the Village shall be guilty of creating a public nuisance and of violating the provisions of this section.

(c) All Soot Prohibited. The emission of soot, cinders, or coal dust from any chimney, stack, furnace, or from any building within the Village is hereby declared to be a public nuisance and is prohibited.

(15) Air Contaminants. No operation or use shall cause, create, or allow air contaminants at the emission point or within the bounds at the property, which exceeds federal or state air pollution regulations.

11.33 PUBLIC NUISANCES OFFENDING MORALS AND

DECENCY. The following acts, omissions, places, conditions, and things are specifically declared to be public nuisances offending public morals and decency; but

such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 11.31.

(1) Disorderly Houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses, and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling. Any building in which gambling, prostitution, or liquor and fermented malt beverage violations occur or which is used for the purpose of unlawfully selling, serving, storing, keeping, or giving away controlled substances as defined in Wis. Stats. Ch. 961 (Uniform Controlled Substance Act). No person shall knowingly keep, control, or operate a disorderly house, or knowingly be an inmate of, frequent, patronize, or be found within any disorderly house. In addition to the forfeiture provisions of this section, the operation of any disorderly house shall be deemed to be a public nuisance and may be enjoined by the Village.

(2) Gambling Devices. All gambling devices and slot machines.

(3) Unlicensed Sale of Liquor and Beer. All places where intoxicating liquor or fermented malt beverages are sold, stored, brewed, bottled, manufactured, or rectified without a permit or license as provided for by the ordinances of the Village.

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

(5) Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws.

11.34 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions, and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 11.31.

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

(2) Illegal Buildings. All buildings erected, repaired, or altered in violation of Village code relating to materials and manner of construction of buildings and structures within the Village.

(3) Unauthorized Traffic Signs. All unauthorized signs, signals, markings, or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be, or may be mistaken as, official traffic control devices, railroad signs, or signals or which, because of their color, location, brilliance, or manner of operation, interfere with the effectiveness of any such device, sign, or signal.

(4) Obstruction of Intersections. All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(5) Low-Hanging Tree Limbs. All limbs of trees, which project over and less than fourteen feet (14') above any public sidewalk or street.

(6) Dangerous Trees. All trees which are a menace to public safety or which are the cause of substantial annoyance to the general public.

(7) Fireworks. All use or display of fireworks except as provided by state laws and Chapter 4 of the Village code.

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

(9) Low-Hanging Wires and Cables. All wires and cables over streets, alleys, sidewalks, or crosswalks, and all excavations in or under the same, except as permitted by Village codes, but including those which, although made in accordance with such codes, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.

(10) Noisy Animals or Fowl. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing, or making of other noises, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Village.

(11) Obstruction of Streets; Excavations. All obstructions of streets, alleys, sidewalks, or crosswalks, and all excavations in or under the same, except as permitted by Village codes, but including those which, although made in accordance with such codes, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.

(12) Unlawful Assemblies. Any authorized or prohibited use of property abutting on a public street, alley, or sidewalk, or of a public street, alley, or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(13) Noises or Vibrations. All loud, discordant, and unnecessary noises or vibration of any kind.

(14) Open and Unguarded Pits, Wells, etc. All open and unguarded pits, wells, excavations, or unused basements freely

accessible from any public street, alley, or sidewalk.

(15) Abandoned Refrigerators or Ice Boxes. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which cannot be opened by pushing from inside by a small child.

(16) Repeated or Continuous Violations. Repeated or continuous violations of the Village code or state laws relating to the storage of flammable liquids.

(17) Structure or Material which Constitutes a Fire Hazard. Any structure, material, or condition which constitutes a fire hazard or will impair the extinguishing of any fire.

(18) Any Nuisance. Any nuisance so defined by the Wisconsin statutes.

(19) Sound Amplifiers.

(a) The use of sound amplifiers outside buildings within the Village is prohibited without a permit from the Village. A sound amplifier shall not be operated after 10 p.m. or before 7 a.m. (after 11 p.m. Friday and Saturday or before 7 a.m. on Saturday and Sunday), or in the vicinity of churches while services are being conducted, or near schools that are in session. The Village may order a reduction in the volume of an amplifier on complaint being made by a citizen or when such loudspeaker is a nuisance because of volume, the method in which it is being used, at the location in which it is being operated.

(b) Between the hours of 10 p.m. and 7 a.m. (between 11 p.m. Friday and Saturday and 7 a.m. on Saturday and Sunday), no person may operate a radio, juke box, or other electric sound amplification device emitting sound from any business premises within the Village that is audible on residentially-zoned property under normal conditions from a distance of seventy-five feet (75') or more beyond the lot line of any business premises

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described which emits a sound, unless the electric sound amplification device is being used to request assistance or warn against unsafe conditions.

public property any source of sound in such a manner as to create a sound level which exceeds any of the limits set for the zone categories in Table I.

(20) Lot Line Noise Regulation.

(a) This section provides for noise limitations for emitting and receiving zones located in various zoning districts as established in the Village. No person shall operate or cause to be operated on private or

TABLE I
Maximum Permissible Sound Pressure
(Levels in Decibels re .0002 Microbars)
7 a.m. to 10 p.m.

Octave Band Center Frequency (hz)	Resid Into	Comm Into	Industrial Into	Industrial Into	Comm Into
	Resid	Comm	Comm	Resid	Resid
31.5	72	79	79	72	72
63	71	78	78	71	71
125	65	72	73	66	65
250	57	64	67	60	57
500	51	58	61	54	51
1000	47	52	55	49	45
2000	39	46	50	44	39
4000	34	41	46	40	34
8000	32	39	43	37	32
A-scale levels	55 dB(A)	63 dB(A)	64 dB(A)	58 dB(A)	55dB(A) (for monitoring purposes)

Comm=Commercial
Resid=Residential

(b) *Decibel Level Corrections.*

1. The levels cited above are daytime levels. Daytime shall refer to the hours between sunrise and sunset on any given day.

2. When noise is present at nighttime, subtract (-5dB) from the levels in the table above.

(c) *Definitions of Zone Categories.* The following zones are included in the zone categories. These are defined:

1. Residential. Rural Residential, Single Family Residence, Agriculture, and Exclusive Agricultural.

2. Commercial. Community Business, Service & Entertainment, and Highway Business.

3. Industrial. Limited Industrial and Industrial Park. Regulation will be according to the underlying zones. Conservancy zones that are not publicly owned shall be regulated according to the adjacent zone. If the neighboring zones are

different, they shall be extended to the center of the conservancy for the purposes of this section.

(d) Measurements. The measurement shall be made at or beyond the property line of the property on which said noise is generated at or within the property line of the property on which said noise is perceived as inappropriate. Measurement shall be done at a minimum height of four feet (4') above the ground. The measurement of sound shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI #1.4 -1971) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (#1.6 - 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order.

When a sound level meter is used, it shall be set to the A-weighting scale and in the FAST response mode. A windscreen shall be mounted on the microphone and the noise limitations shall be the A-scale levels set forth in Table I.

An octave band analyzer may be employed when there is a concentration of sound energy within a limited number of bands, but its use shall not be restricted to such situations. When an octave band analyzer is used, a standard octave band analyzer shall be conducted that spans the frequency range set forth in Table I.

(e) Exceptions. The provisions of this article shall not apply to:

1. Activities covered by the variance and exemption section of this section.
2. The activities covered under the motor vehicle section of this section.
3. Non-stationary farming equipment.

(f) Analysis. Where an octave band analysis is not done, an A-weighted sound

level measurement of the noise shall be taken. When this method is used, the noise limitations shall be the A-scale levels included in the table.

(g) Excessive Construction/Equipment Noise Prohibited. Between the hours of 10 p.m. and 7 a.m., no person may operate construction machinery, any equipment, or tools emitting excessive sound from any premises within the Village that is audible on residentially-zoned property under normal weather conditions beyond the lot line of any premises described which emits the sound, unless an emergency situation exists requiring the use of such equipment or tools. The following are exempt from the provisions of this code: implements of husbandry being used on agricultural lands, equipment operated by Brown County Highway Department, and equipment used in any municipal operation.

(21) Vibrations. The use of any property or portion thereof which is zoned in any Industrial District classification causing earth-shaking vibrations such as are created by uses including, but not limited to, drop forges and hydraulic surges, shall be controlled in such manner as to prevent transmission beyond the lot line of earth-shaking vibrations perceptible without the aid of instruments.

11.35 STORAGE OF JUNK.

(1) The unsheltered accumulation or storage of old, unused, stripped, junked, and automobiles not in good and safe operating condition, any other vehicles, machinery, implements, equipment, any parts thereof, and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured within the Village is declared to be a public nuisance and dangerous to the public health, safety and well-being of Village residents.

(2) The owner, tenant, lessee, and occupants of any lot upon which such

accumulation or storage is made and the owner and lessee of the items involved in such storage, all referred to collectively as “owners”, shall jointly and severally abate the nuisance by promptly moving such items into completely enclosed buildings authorized to be used for such storage purposes, if the same can be found within the Village, or otherwise by moving the items to a location outside the Village.

(3) Whenever the owners fail to abate the nuisance, the Village shall move such items to a location of its selection, and the expense therefore shall be billed to the owners, jointly and severally, which bill shall be coverable through tax roll. When such items have been removed and placed in storage by the Village, they shall be sold by the Village after the lapse of such time as is provided. If the proceeds of such sale are insufficient to pay the costs of abatement, the owners shall be jointly and severally liable to the Village for the balance of the costs to be recoverable in a suit of law. If the proceeds are in excess of costs, the balance shall be paid to the owners or deposited with the Village for their use.

11.35.5 CHRONIC NUISANCE PROPERTY.

(1) **Findings.** The Village Board of Suamico finds that certain premises within the Village of Suamico receive and require more than the general, acceptable level of services from Village departments. These premises place an undue and inappropriate burden on the Village of Suamico taxpayers. Nuisance activity contributes to the general decay of an affected neighborhood and negatively impacts law-abiding residents in these neighborhoods. This ordinance is intended to encourage responsible ownership of such properties such as they do not unduly burden the Village’s departments or taxpayers. This section is not intended to discourage crime victims or a person in

legitimate need of Village services from requesting them. This section does not affect a premise owner’s duty to comply with the fair housing laws, nor does it affect a premises owner’s duty to comply with all other laws governing residential tenancies which are contained in Chapter 704 of the Wisconsin statutes, Chapter ATCP 134 of the Wisconsin Administrative Code and other parts of this code.

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

(a) *Authorized official.* Singularly or collectively, officers of the Police Department, Fire Chief, Health Officer, Inspections officers, Village Engineer, Public Works Director, Village Administrator, or their designee with jurisdiction to enforce the various statutes and ordinances prohibiting nuisance activities.

(b) *Chronic nuisance properties.* A property that meets any of the following criteria:

1. A property which has generated three (3) or more calls for Village services within a three (3) year period. This includes enforcement action against any person associated with the property; or

2. A property for which a court of law has determined that, pursuant to a search warrant request, probable cause exists that manufacture, distribution or delivery of a controlled substance has occurred on or in association with the premises within thirty (30) days prior to the date of the search warrant application; or

3. Is a property which has had one (1) enforcement action associated with the property resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961 of

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the Wisconsin statutes or a property which is used as a meeting place of a criminal gang, or that is used to facilitate the activities of a criminal gang as defined in S.939.22(9), Wis. Stats.

(c) *Chronic Nuisance Properties Notice (CNP Notice)*. The notice issued by an authorized official of the Village.

(d) *Enforcement action*. The arrest, the issuance of a citation, or the issuance of a written or verbal warning.

(e) *Nuisance activities*. May include, but is not limited to, any of the following activities, behaviors or conduct:

1. An act of harassment, as defined in S.947.013, Wis. Stats.
2. Disorderly conduct as defined in Ch. 11.56, Suamico Village Code or S.947.01, Wis. Stats.
3. Crimes of violence as defined in Ch. 940, Wis. Stats.
4. Resisting or obstructing an officer as prohibited by Ch. 11.55, Suamico Village Code or S.946.41, Wis. Stats.
5. Lewd and lascivious behavior as prohibited by Ch.11.115, Suamico Village Code or S. 944.20 Wis. Stats.
6. Damage to property as prohibited by Ch.11.107, Suamico Village Code or S. 943.01, Wis. Stats.
7. Loud and unnecessary noise as prohibited by Ch. 11.69, Suamico Village Code.
8. Crimes involving illegal possession of firearms as defined in SS. 941.23, 941.26, 941.28, 941.29 and 948.60, Wis. Stats.
9. Trespass to land as defined in Ch. 11.100, Suamico Village Code or S. 943.13 and S.943.14, Wis. Stats.
10. Loitering, obstructing a street or sidewalk, as prohibited Ch. 11.70 and 11.71, Suamico Village Code.
11. Theft as defined in Ch. 11.88, 11.89, and 11.90, Suamico Village Code.
12. Arson as defined in S.943.02, Wis. Stats.

13. Keeping a place of prostitution as defined in S.944.34, Wis. Stats.

14. Prostitution as prohibited in Ch. 11.118, Suamico Village Code or S.944.30, Wis. Stats.

15. Battery, substantial battery, or aggravated battery as defined in S.940.19, Wis. Stats.

16. Receiving stolen property as defined in Ch.11.97, Suamico Village Code or S.943.34, Wis. Stats.

17. Patronizing prostitutes as prohibited in Ch. 11.119, Suamico Village Code or S. 944.32, Wis. Stats.

18. Animal violations as defined in Ch. 11, Suamico Village Code.

19. Gambling as defined in S.945.02, Wis. Stats.

20. Any conspiracy to commit, as defined in S.939.31, Wis. Stats., or attempt to commit, as defined in S.939.32, Wis. Stats., any of the activities, behaviors, or conduct enumerated in Subsection a. through s. above.

21. The execution of arrest or search warrants at a particular location.

22. Alcohol violations, as defined in Ch. 5.04, 11.72 and 11.73, Suamico Village Code or S. 125, Wis. Stats.

23. Fire violations, as defined in Ch. 4 Sub. II, Suamico Village Code.

24. Any other violations of the Suamico Village Code of Ordinances, Brown County Code, or Wisconsin Statutes.

(f) *Person*. Any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying or using property in the Village of Suamico.

(g) *Premises/Property*. A business, public or private clubhouse, a place of abode, a residence, a house or multiple dwelling unit for one (1) or more persons, including lodging houses, hotels, motels and tourist rooming houses and associated common areas, yards and parking lots.

(3) Procedure.

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(a) Whenever an authorized Village official determines that three (3) or more nuisance activities resulting in enforcement action have occurred at the premises or property during a three (3) year period, the Village official may notify the premises or property owner in writing. The Village official shall not count nuisance activities reported by the owner of the premises or onsite premises manager. Sec. 968.075, Wis. Stats., broadly defines “domestic abuse”. Therefore, in reaching a determination that a premises is a chronic nuisance premises, activities that are “domestic abuse” incidents pursuant to S.968.075, Wis. Stats., shall not be included as nuisance activities unless the incidents have been reviewed by the Police Department and the Village Attorney and a determination is made that, based upon the specific facts of each incident, the activities should be deemed nuisance activities. In determining whether to include such activities, the Police Department and Village Attorney shall consider the strong public policy in favor of domestic victims reporting alleged abuses, and this ordinance shall not operate to discourage such reports.

The notice shall be deemed to be properly delivered if sent either by first class mail to the premises’ owner’s last known address or if delivered in person to the premises’ owner. If the premises’ owner cannot be located, the notice shall be deemed to be properly delivered if a copy is left at the premises’ owners usual place of abode in the presence of some competent member of the family at least fourteen (14) years of age, or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner identified by the records of the Village Assessor.

(b) The notice shall contain the street address or legal description sufficient to identify the premises.

(c) A description of the nuisance activities that have occurred on the premises and a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises.

(d) A statement that the premises owner, in addition to actual abatement costs, may be subject to a forfeiture action with a penalty of not less than twenty-five dollars (\$25) nor more than two thousand five hundred dollars (\$2,500) for each day a chronic nuisance is allowed to continue.

(e) A statement that the premises’ owner shall within thirty (30) days, meet with the Village official either to appeal or to propose a written course of action to abate the nuisance activities which is acceptable to the authorized Village official.

(4) Abatement Plan. Any owner receiving notice pursuant to Subsection (3), shall meet with the authorized Village official or his or her designee within (30) days of receipt of such notice. The parties shall review the problems occurring on the property. Within ten (10) business days of this meeting, the owner shall submit to the authorized Village official or his or her designee, an abatement plan to end the nuisance activity on the property. The plan shall also specify a name, address, and telephone number of a person living within sixty (60) miles of the property who can be contacted in the event of further police, fire, or other authorized Village official contact.

(5) Additional Nuisance Activity. Whenever the authorized Village official determines that the additional nuisance activity has occurred at the premises for which notice has been issued pursuant to this section, that this nuisance activity has occurred not less than fifteen (15) days after the notice has been issued, and that reasonable efforts have not been made to

abate the nuisance activity, the authorized Village official may calculate the cost of Village response and enforcement for this and any subsequent nuisance activities and cause such charges and administrative costs to be assessed as collected as a special charge.

(6) Appeal. Appeal of the determination of the authorized Village official may be submitted to the Suamico Village Health & Safety Committee. However, if no petition for an appeal hearing is filed within twenty (20) days following receipt of the notice provided to the premises owner, the petitioner's right herein provided to a hearing shall be deemed waived by the petitioner and the hearing petition shall be voided as untimely.

11.36 ABATEMENT OF PUBLIC NUISANCES.

(1) Enforcement. The Police Department, Zoning Administrator, Fire Chief, Director of Public Works, Weed Commissioner, Building Inspector, Humane Officer, Forester, or Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices; and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No actions shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself or herself that a nuisance does in fact exist. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the offices of the Clerk.

(2) Summary Abatement. If the inspecting officer determines that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the Administrator may direct the

proper officer to cause the same to be abated or to remove such nuisance within twenty-four (24) hours and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

(3) Abatement by Village. If the nuisance is not abated within the time provided, or if the owner, occupant, or person causing the nuisance cannot be found, the Police Department, Zoning Administrator, Fire Chief, Director of Public Works, or Weed Commissioner shall cause the abatement or removal of such nuisance. The charge for the abatement or removal shall be as set from time to time by the Board and its costs shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to ten percent (10%) of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other real estate taxes.

(4) Abatement after Notice. If the inspecting officer determines that a public nuisance exists on private premises but that such nuisance does not threaten great and immediate danger to the public health, safety, peace, morals, or decency, he or she shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Section 11.36 (2).

(5) Other Methods Not Excluded. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the state.

(6) Court Order. Except when necessary under Section 11.36 (2), an officer hereunder shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

11.37 COST OF ABATEMENT.

In addition to any other penalty imposed by this section for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance; and if notice to abate the nuisance has been given to the owner, such costs shall be assessed against the real estate as a special charge.

11.38 LITTERING.

(1) Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meaning given:

(a) Litter. Garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

(b) Refuse. All putrescible and non-putrescible solid wastes including ashes, street cleanings, dead animals, and all other abandoned personal property and solid market and industrial waste. Refuse includes animal offal, the droppings from pet animals, manure, and night soil.

(c) Rubbish. Non-putrescible and solid wastes, both combustible and non-combustible, including, but not limited to, circulars, leaflets, pamphlets, wrappers, handbills, newspapers, and any other printed

or non-printed paper material, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, and other similar materials.

(d) Receptacles, private and public. Private receptacles are containers made of durable, rust resistant, water tight, rodent proof, and easily cleaned material with close-fitting fly tight covers. Public receptacles are litter containers which are placed on Village roadways or fastened to poles and maintained by the Village and marked as "litter receptacles".

(e) Garbage. Waste resulting from the handling, cooking, processing, preparation, serving, storage, and consumption of food, including animal, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction, and the generation of offensive and noxious gases or odors.

(2) Litter in Public Places. No person shall throw, deposit, or cause to be placed, litter upon any street, sidewalk, alley, or other public place within the Village except in public receptacles provided by the Village.

(3) Placement of Litter in Receptacles so as to Prevent Scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner and in such containers as will prevent it from being carried or deposited by the elements upon any street, sidewalk, alley, or other public place or upon private property within the Village.

(4) Sweeping Litter into Gutters Prohibited. No person shall sweep into or deposit in any gutter, street, alley, or other public place within the Village the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying the property shall keep the sidewalks, entrance walks, parking lots, and parking areas in front of or upon their premises free of litter.

(5) Litter in Public Waters. No person shall throw or deposit litter in any fountain, pond, wading pool, river, bay, or other body of water in a public or private place or elsewhere within the Village.

(6) Litter on Occupied Private Property. No person shall throw or deposit litter on any occupied private property within the Village, whether owned by such person or not, except the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, alley, or other public place or any private property.

(7) Owner to Maintain Premises Free of Litter.

(a) The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, this section shall not prohibit the storage of litter in an authorized private receptacle for collection.

(b) *Littering at Razing or Removal Site.* No person or owner shall leave litter, building debris, excavations, or ground piles on property on which a building is being razed or from which a building has been moved. If work is not being done in a satisfactory manner or is not progressing thus causing a public safety hazard and nuisance, the Building Inspector, after a written notice specifying a definite period within which persons concerned shall clean up the property and level off the ground to the adjoining level, shall cause such work to be done; and the cost thereof shall be borne by the property or the property owner.

(8) Litter on Vacant Lot. No person shall throw or deposit litter on any open or vacant private property or public property within the Village whether owned by such person or not.

(9) Animal Offal and Other Offensive Wastes. It is expressly recognized that

animal offal, the droppings from pet animals, manure, and night soil, create a danger to public health, safety, and welfare when deposited on the roadway, or upon the shoulders of public roadways or shoulders of private property. It shall be the responsibility of the owner of such animals to dispose of such wastes in a sanitary manner as provided above.

(10) Litter from Vehicles.

(a) The operator of every vehicle and trailer transporting solid waste materials or other materials within the Village shall provide proper devices necessary to completely secure the solid waste or other materials. Tarps are required for materials such as paper and plastic products and other material, which because of size, weight and configuration could blow or bounce off the vehicle. Tailgates in an upright position, backboards of at least one foot (1') in height, ropes, chains, straps, or a combination of these devices is required to completely secure other solid waste materials or other materials to prevent blowing, bouncing, leaking, falling or spillage. Materials shall not extend above the side, front or back of the cargo-carrying portion of the vehicle unless the material is securely fastened to the vehicle.

(b) No person shall throw or discard any litter materials out of any vehicle onto any roadway or public or private property within the Village.

SUBCHAPTER III – PEACE AND ORDER

11.39 DISCHARGE OF FIREARMS REGULATED. There shall be no discharge of firearms on any lands within the corporate limits of the Village without permission of the owner of the land. Any peace officer in the discharge of his or her duties is exempt from this restriction.

(1) Definitions. For the purpose of this

chapter, certain words and phrases shall be defined as follows:

(a) *Firearms.* A rifle of any caliber, shotgun of any gauge, pistol, or revolver of any caliber. A weapon which expels a missile by the explosive force of gunpowder or by release of compressed air or gases.

(b) *Recorded Subdivision.* Any subdivision of land within the Village laid out and established in accordance with the provisions of Wis. Stats. Ch. 236, or in accordance with existing ordinances of the Village relating to land divisions.

(2) Prohibited Use of Firearms. No person shall discharge any firearm in any area so designated by the Board on the Village map. Remaining areas of the Village shall be governed by the current edition of the WISCONSIN HUNTING REGULATIONS as issued by the Wisconsin Department of Natural Resources.

(3) Exceptions.

(a) The prohibitions of this section shall not apply to persons who are acting pursuant to lawful appointment or election as federal law enforcement officers or law enforcement officers of the state, county, or Village.

(b) Any weapon unloaded and properly encased.

(c) Target practice by an organized club holding a valid permit, as follows: Such permits will be granted by the Board only upon a determination that the health, safety, and welfare of persons will not be adversely affected.

1. No permit shall be valid for a period in excess of three (3) years.

2. The permit shall designate the times and places at which such target practice may occur and shall be subject to such other terms and conditions as may be determined by the Board.

3. The fee for the permit must be paid at the time application is made for the permit.

A refund as set from time to time by resolution of the Board shall be made if the permit is not granted.

4. The Clerk shall not issue the permit until the permittee provides proof of liability insurance satisfactory to the Clerk with limits of liability not less than one million dollars (\$1,000,000).

5. The permit shall provide that the permittee shall indemnify the Village and hold it harmless for any liability from activities carried on pursuant to the permit.

(d) Pest control (see Section 11.39 (5)).

(e) The prohibitions of this section shall not apply to state owned or county owned lands within the Village.

(f) Discharge of firearms directed over or into the waters of Green Bay for the purposes of migratory bird hunting. The weapon and ammunition used shall be as prescribed in NR 10.09, Wis. Admin. Code.

(g) The prohibitions of this section shall not apply to persons who legally possess a weapon pursuant to Wis. Stats. 29.621 and Wis. Stats. 175.60.

(5) Permit for Pest Control. Upon application to the Health & Safety Committee, residents of the Village who operate farms may receive up to a nine (9) month permit which shall permit limited discharge of a shotgun or air rifle in a restricted area for the purposes of pest control. Upon approval of the Administrator, the Clerk shall be authorized to issue such permits. Such permits shall be dated and timed to coincide with any permits issued by the State of Wisconsin Department of Natural Resources.

(6) Parental Responsibility. If a minor violates this section, his or her parent or legal guardian may be held responsible for the violation in the same manner as if the parent or legal guardian had violated the same, and ignorance of such violation shall not be a defense; prosecution of the parent or legal guardian shall not be a bar to

prosecution of the minor.

(7) Petitions from Landowners.

Landowners in the Village may petition the Board to be included or removed from areas designated on the Village map which restrict the discharge of firearms. No cost will be assessed the petitioner. The petitioner can complete a request for a hearing before the Health & Safety Committee at the Village office. Upon receipt of such request, the Clerk will place the request on the Health & Safety Committee agenda for the next available scheduled meeting.

Recommendations from Health & Safety shall be forwarded to the Board for action.

(8) Newly Recorded Subdivisions.

New subdivisions, upon acceptance and approval of the final plat by the Board, will be designated as areas in which the discharge of firearms is prohibited.

(9) Possession of Dangerous or Deadly Weapon.

(a) Except as reasonably necessary to fulfill the exceptions provided elsewhere in this section, or as otherwise permitted pursuant to Wis. Stats. 29.621 and Wis. Stats. 175.60, no person shall carry or transport, conceal about the person or display in a threatening manner any dangerous or deadly weapon including, but not limited by numeration to: pistol, revolver, rifle or shotgun.

(b) The prohibitions of Section 11.39 (9) (a) will not be construed to prevent the carrying of any type of weapon when it is unloaded and properly encased, boxed, packaged, or otherwise unavailable for immediate use or transported in conformity with Wis. Stats. §167.31, or the display and sale of such weapon by a licensed retailer; or when such weapon is possessed in strict conformity with Wis. Stats. §29.227, nor shall any of these prohibitions forbid any law enforcement officer of the United States, State of Wisconsin, or subdivision thereof from carrying, wearing, or using

such weapons as shall be necessary in the proper exercise of their duties.

(10) Penalty. Any person that violates Section 11.39 or any part thereof shall be subject to a forfeiture of at least twenty-five dollars (\$25) but not to exceed two thousand five hundred dollars (\$2,500) for each offense. In addition, the person shall be responsible for the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, he or she may be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed ninety (90) days for each violation.

11.40 ENDANGERING SAFETY BY USE OF A DANGEROUS WEAPON.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.20(1), are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.41 CARRYING CONCEALED WEAPON.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.23, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.42 CARRYING FIREARM IN A PUBLIC BUILDING.

(1) Definitions.

(a) Firearms means a weapon that acts by force of gunpowder.

(b) Law Enforcement means any person employed by the State of Wisconsin or any political subdivision of this state, for the purpose of detecting and preventing crime

and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

(c) Weapon means a handgun, an electronic weapon as defined at Wis. Stats. Section 941.295, a knife other than a switchblade under Wis. Stats. Sec. 941.24, or a billy club.

(2) The provisions of Wis. Stats. Sec. 175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, are hereby adopted as part of this ordinance. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

(3) In addition to the public buildings listed at 11.42(2) above, it shall be unlawful for any person other than a law enforcement officer to enter any school property within the Village while carrying a weapon or a firearm.

11.43 CARRYING HANDGUN WHERE ALCOHOL BEVERAGES MAY BE CONSUMED. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.237 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.44 CARRYING A CONCEALED KNIFE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.231 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this

chapter.

(Section 941.24 was repealed under state law and 941.231 was created)

11.45 POSSESSION OF A DANGEROUS WEAPON BY A PERSON UNDER 18. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.60(1), (2)(a), and (3) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.46 RESTRICTIONS ON USE OF FACSIMILE FIREARMS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.2965 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.47 DISCHARGING A FIREARM IN THE DIRECTION OF AN ELECTRONIC OR TELECOMMUNICATIONS TRANSMISSION FACILITY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §167.31 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.48 LEAVING OR STORING A LOADED FIREARM WITHIN REACH OR EASY ACCESS OF A CHILD.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.55 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.49 DANGEROUS WEAPONS OTHER THAN FIREARMS ON SCHOOL PREMISES.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.61(1), (2)(a), (3), and (4) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.50 THROWING OR SHOOTING OF MISSILES AND PROJECTILES.

No person shall carry or cause to be discharged any air gun, BB gun, pellet gun, gas operated gun, sling shot or similar dangerous missile in any prohibited area within the Village nor throw 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.

11.51 POSSESSION OF OLEORESIN OF CAPSICUM BY A FELON.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.26(4)(L) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.52 POSSESSION OF NITROUS OXIDE.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.315(2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.53 RESTRICTIONS ON THE USE OF LASER POINTERS.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.299 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.54 OBSTRUCTING EMERGENCY OR RESCUE PERSONNEL.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.37(1) and (2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.55 RESISTING OR OBSTRUCTING AN OFFICER.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.41(1), (2), and (3) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.56 DISORDERLY CONDUCT.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.01 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.57 DISRUPTING A FUNERAL OR MEMORIAL SERVICE.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.011(1), (2), and (3)(a) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.58 CAUSING VIOLENCE OR BREACH OF THE PEACE BY DAMAGING OR DESTROYING A U.S. FLAG.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.07 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.59 HAZING. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.51(1), (2), and (3)(a) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.60 FALSE COMPLAINTS OF POLICE MISCONDUCT.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.66 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.61 INTIMIDATION OF WITNESSES.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.42 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.62 INTIMIDATION OF VICTIMS.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.44 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.63 DUTY TO AID VICTIM OR REPORT CRIME.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.34 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.64 BATTERY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats.

§940.19(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.65 ATTEMPTED BATTERY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §939.32(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.66 REFUSING TO AID OFFICER. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.40 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.67 ESCAPE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.42(1), (2), and (4) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.68 IMPERSONATING PEACE OFFICERS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.70(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made

part of this chapter.

11.69 LOUD AND UNNECESSARY NOISE PROHIBITED.

(1) No person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

(2) No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, excessive acceleration of engine, excessive braking, or by emitting unnecessary and loud muffler noises.

11.70 LOITERING/PROWLING.

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

alarm.

(2) Obstructing Streets and Sidewalks Prohibited. No person shall loaf or loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossing or bridges, or in any other public place within the Village in such manner as to prevent, interfere with or obstruct the ordinary free use of the public streets, alleys, sidewalks, street crossings or bridges, or other public places by persons passing along and over the same.

(3) Loitering in Public Places. No person shall loiter, lounge, or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly for public use after being requested to move by the owner or person in charge or any police officer. 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.

11.71 LOITERING IN SCHOOL AND PLAYGROUND AREAS PROHIBITED.

No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in or on any school property within the Village between 7 a.m. and 10 p.m. on official school days.

11.72 CONSUMPTION AND POSSESSION OF INTOXICATING LIQUORS OR FERMENTED MALT BEVERAGES ON PUBLIC WAYS AND PUBLIC PROPERTY.

(1) No person shall consume any intoxicating liquor or fermented malt beverage upon the public highways, streets, alleys, sidewalks, street crossings, bridges, public parks or parking lots or premises held out to the public for use of their motor vehicles, whether the premises are publicly or privately owned, in the Village except for

approved community functions or events where authorized by specific resolution of the Board.

(2) All purchases of intoxicating liquor or fermented malt beverage by the glass or in open containers shall be consumed on the licensed premises where served, and shall not be removed therefrom to any public highway, street, alley, sidewalk, street crossing, bridge, public park, parking lot, or premises held out to the public for use of their motor vehicles, whether the premises are publicly or privately owned, within the Village.

(3) No person shall bring upon, use, consume, sell or convey any intoxicating liquor or fermented malt beverage in or upon any property, building, or other structure which is owned or under control of the Village except in such places as may be designated by the Village and in accordance with the rules and regulations as may be from time to time adopted by the Board.

11.73 SOLICITATION OF DRINKS PROHIBITED.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.36 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.74 DRINKING IN COMMON CARRIERS.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.04 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.75 ABANDONED OR UNATTENDED REFRIGERATORS, ETC. PROHIBITED. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §167.25 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.76 DRUG PARAPHERNALIA. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §961.571, §961.572, §961.573(1) and (2), §961.574(1) and (2), §961.575(1) and (2), and §961.576 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.77 POSSESSION OF MARIJUANA.

(1) Possession Prohibited. The possession of twenty-five (25) grams or less of marijuana is hereby prohibited.

(2) Definitions. "Marijuana" shall have, for purposes of this section, the same meaning and definition as set forth in the provisions of Wis. Stats. §961.01(14), with the exception set forth in Wis. Stats. §961.41(3g).

(3) Defenses. Authorization of possession of marijuana under Wis. Stats. §961.32 or Wis. Stats. §961.335 shall be a defense to any offense alleged hereunder.

11.78 POSSESSION/USE OF TOBACCO AND VAPOR PRODUCTS BY MINORS.

(1) Statement of Purpose.

(a) The purpose of this section is to protect the public health, safety and welfare of the property and persons in the Village of

Suamico by prohibiting persons under eighteen (18) years of age from possessing tobacco products and vapor products, and prohibiting the sale of tobacco products and vapor products to persons under eighteen (18) years of age.

(b) Persons under age eighteen (18) are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. There are new tobacco-less products, however, commonly referred to as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," which allow the user to simulate cigarette smoking. These products may be purchased by minors and are being marketed without age restrictions or health warnings and come in different flavors that appeal to young people.

(c) E-cigarettes, and similar devices, are a relatively new nicotine delivery system. While devices vary in their appearance and specific method of operation, they have a few basic elements in common. A solution of water, dissolved nicotine, and other ingredients (usually flavoring) is heated with a heating element (usually battery-powered). This vaporizes the nicotine solution, which passes into a mouthpiece and is inhaled in a manner similar to cigarette smoking. Often, glycerol or propylene glycol is added to the solution to give the appearance of smoke when the solution is vaporized. The concentration of nicotine contained in the solution can be customized by the retailer to the buyer's specifications, and many manufacturers make nicotine-free solutions.

(d) The production and distribution of e-cigarettes is not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration has not completed testing of these products. But, initial studies by the FDA have determined that e-cigarettes can increase nicotine

addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks.

(e) The use of e-cigarettes and similar devices has increased significantly in recent years.

(f) Existing studies on electronic smoking devices' vapor emissions and cartridge contents have found a number of dangerous substances including:

1. Chemicals known to cause cancer such as formaldehyde, acetaldehyde, lead, nickel and chromium;
2. PM_{2.5}, acrolein, tin, toluene, and aluminum, which are associated with a range of negative health effects such as skin, eye, and respiratory irritation, neurological effects, damage to reproductive systems, and even premature death from heart attacks and stroke.

(g) Some cartridges used by electronic smoking devices can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine.

(h) Clinical studies about the safety and efficacy of these products have not been submitted to the FDA for the over four hundred (400) brands of electronic smoking devices that are on the market and for this reason, consumers have no way of knowing whether electronic smoking devices are safe, what types of potentially harmful chemicals the products contain, and what dose of nicotine the products deliver.

(i) Electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.

(j) The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverses the progress that

has been made in establishing a social norm that smoking is not permitted in public places and places of employment.

(k) It is the intent of the Suamico Village Board, in enacting the ordinance codified in this section, to provide for the public health, safety and welfare by facilitating uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; by reducing the potential for children to associate the use of electronic smoking devices with a normative or healthy lifestyle; and by prohibiting the sale or distribution of electronic smoking devices to minors.

(l) Therefore, the Suamico Village Board determines that prohibiting the sale, giving, or furnishing of e-cigarettes to minors and prohibiting the purchase, possession, or use of e-cigarettes by minors is in the Village's best interest and will promote public health, safety, and welfare.

(2) Definitions. For the purpose of construction and application of this section, the following definitions shall apply:

(a) *Law Enforcement Officer.* The meaning given in Wis. Stats. §30.50(4s).

(b) *Minor.* Means an individual who is less than eighteen (18) years of age.

(c) *Person who Sells Tobacco Products at Retail.* Means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to the state sales tax.

(d) *Person who Sells Vapor Products at Retail.* Means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.

(e) *Possession of a Tobacco Product.* Shall mean either actual physical control of the tobacco product without necessarily owning that product, or the right to control the tobacco product even though it is in a different room or place than where the

person is physically located.

(f) *Public Place.* Means a public street, sidewalk, or park or any area open to the general public in a publically owned or operated building or premises, or in a public place of business or school.

(g) *Tobacco Product.* Means a product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the Tobacco Products Tax Act, and cigars. Tobacco product does not include a vapor product or a product regulated as a drug or device by the United States Food and Drug Administration. Tobacco product also has the meaning given in Wis. Stats. §139.75(12).

(h) *Use a Tobacco Product or Vapor Product.* Means to smoke, chew, suck, inhale, or otherwise consume a tobacco product or vapor product.

(i) *Vapor Product.* Means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

(3) Prohibited Conduct.

(a) Consistent with Wis. Stats. § 254.92, a minor shall not do any of the following:

1. Purchase or attempt to purchase a tobacco product or vapor product.
2. Possess or attempt to possess a

tobacco product or vapor product.

3. Use a tobacco product or vapor product in a public place.

4. Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.

(b) No individual, regardless of age, who is enrolled in secondary school may possess or attempt to possess a tobacco product or vapor product while on school property.

(c) An individual who violates Subsection (1) shall be subject to the civil forfeiture of at least ten dollars (\$10) nor more than fifty dollars (\$50), plus costs.

(d) An individual who violates Subsection (2) shall be subject to the following penalties:

1. For the violation, the person is responsible for a civil infraction punishable by a civil forfeiture of at least twenty-five (\$25) nor more than one hundred dollars (\$100), plus costs.

(e) Subsection (1) does not apply to a minor participating in any of the following:

1. An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

2. An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product or vapor product by the minor was not under the direction of the state police or the local police agency and was not part of the

undercover operation.

3. Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted with the prior approval of the state police or a local police agency.

(f) As stated in Wis. Stats. §254.92(2)(a), Subsection (1) does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of that minor's employment if employed by a retailer licensed under Wis. Stats. §134.65(1).

(g) This section does not prohibit an individual from being charged with, convicted of or found responsible for, or sentenced for any other violation of law that arises out of the violation of Subsection (1).

(4) Enforcement. A law enforcement officer shall seize any cigarette or tobacco, or vaping product involved in any violation of Section 11.78 (2) committed in his or her presence.

11.79 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO/VAPING PRODUCTS.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §134.66 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.80 TRUANCY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §118.15, §118.16, and §118.163 are hereby adopted in strict conformity and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated

herein are intended to be made part of this chapter.

(1) Definitions. The terms used herein shall be defined as follows:

(a) "*Habitual Truant*". A pupil who is absent from school without an acceptable excuse under Wis. Stats. §118.15 or §118.16(4), for part or all of five (5) or more days on which school is held during a school semester.

(b) "*Truancy*". A pupil who is absent from school without an acceptable excuse under Wis. Stats. §118.15 or §118.16(4) for part or all of any day on which school is held during a school semester.

(2) Habitual Truant. Any child found by the court to be a habitual truant shall be subject to one (1) or more of the following:

(a) Suspension of the child's operating privilege as defined in Wis. Stats. §340.01(40), for not less than thirty (30) days nor more than one (1) year. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation, together with a notice stating the reason for the duration of the suspension.

(b) An order for the child to participate in counseling, community service, or a supervised work program as provided under Wis. Stats. §48.34(9).

(c) An order for 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 a child to leave home if the child is accompanied by a parent or legal guardian.

(d) An order for the child to attend an educational program under Wis. Stats. §48.34(12).

(e) Any other order or forfeiture as permitted by Wisconsin statutes to be imposed in Municipal Court.

(3) Contributing to Truancy.

(a) Except as provided in Subsection (a) any person eighteen (18) years of age or older who, by any act of omission, knowingly encourages or contributes to the truancy of a child shall be subject to a forfeiture of not less than twenty-five dollars (\$25) and not more than two thousand five hundred dollars (\$2,500), together with the costs of prosecution, and in default of the payment of the forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed ninety (90) days.

(b) Subsection (a) does not apply to a person who has under his or her control a child who has been sanctioned under Wis. Stats. §49.50(2)(h).

(c) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

(4) Truant. Any child found by the court to be truant shall be subject to a forfeiture of not more than fifty dollars (\$50) plus costs for a first (1st) violation, or a forfeiture of not more than one hundred dollars (\$100) plus costs for any second (2nd) or subsequent violation committed within twelve (12) months of a previous violation.

Any child not in attendance at school, at the child's place of residence, or accompanied by a parent or legal guardian on a day on which school is held during a school semester and during the hours when that child is required to be in attendance at school shall be presumed truant. The child shall have the burden to present the court with evidence sufficient to rebut this presumption.

(5) Parent Liability. All or part of any forfeiture or costs assessed by a court under this section may be assessed against the

child, the parents or guardian of the child, or both.

11.81 JUVENILE CURFEWS.

(1) Legislative Purpose. Pursuant to Sec. 59.54 (6), Wis. Stats., 1995-1996, the Suamico Board has determined that there has been an increase in juvenile violence, juvenile gang activity and crime by persons under the age of seventeen (17) in the Village and persons under the age of seventeen (17) are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of other perpetrators of crime. The Village of Suamico has an obligation 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, and a nighttime curfew for those under the age of seventeen (17) will be in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the Village.

(2) Definitions. In this section:

(a) *Village.* The Village of Suamico, Wisconsin.

(b) *Curfew Hours.*

1. 10 p.m. until 6 a.m. the following day, each day of the week.

(c) *Emergency.* An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury (defined below) or loss of life.

(d) *Establishment.* 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.

(e) *Guardian.*

1. A person who, under court order, is the guardian of the person or a minor; or
2. A public or private agency with whom a minor has been placed by the court.

(f) *Minor.* Any person under seventeen (17) years of age.

(g) *Operator.* Any individual, firm, association, partnership, or corporation, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officer of a corporation.

(h) *Parent.* A person who is:

1. A natural parent, adoptive parent, or step-parent to another person; or
2. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

(i) *Public Place.* Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

(j) *Remain.*

1. linger or stay; or
2. Failure to leave when requested to do so by a law enforcement officer of the owner, operator, or other person in control of the premises.

(k) *Serious Bodily Injury.* Any bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(3) Offenses.

(a) A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the Village during curfew hours.

(b) A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Village during curfew hours.

(c) The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(4) Defenses. It is not a violation under this Section 11.81 if 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 from, without any detour or stop, 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.

(g) Going to, attending, or returning home from, without any detour or stop, a movie theater.

1. It is a defense to prosecution under Section 11.81 (3) (c) that 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.

(5) Enforcement. Before taking any enforcement action under this section, a law enforcement officer shall ask the offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (4) is present.

11.82 DAYTIME CURFEW.

(1) Purpose and Intent. It is the purpose of this ordinance to discourage children of compulsory school age from unauthorized absences and to impose penalties upon those students and also upon their parents or legal guardians. It is the intent of this ordinance to promote the development and welfare of these children by discouraging unauthorized absenteeism and encouraging school attendance. The Board hereby finds that daytime absence constitutes an increased risk to public safety, health and welfare of the citizens of the Village.

(2) Definitions.

(a) Responsible Adult. A person eighteen (18) years of age or older who has the mental competency to fulfill the duty of protecting and caring for the general welfare of a 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 during which the responsible adult shall have control of the child.

(b) Subject to Compulsory School Attendance. Include any child subject to mandatory school attendance under Wisconsin law in the school district of his or her residence, or any child found in the Village who would be subject to mandatory

attendance if the child were a resident of the Village.

(3) Offenses.

(a) No child subject to compulsory school attendance shall be at any place within the Village, except in attendance at school or at the student's place of residence, during the hours when that 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 school authorities excusing him or her from attending school at that particular time, or unless the student is accompanied by the parent, legal guardian or responsible adult selected by the parent or legal guardian who supervises the student.

(b) Parental Violation. Each parent or legal guardian of a student subject to the provisions of this ordinance shall have the duty to prevent that student from violating the provisions of this ordinance and each failure by that parent or guardian to do so is a separate offense.

(4) Affirmative Defenses.

(a) It shall be an affirmative defense to Subsections (3) a. and (3) b. that the student, at the time of the alleged violation, was not required by law to be in attendance at the school attended by the student.

(b) It shall be an affirmative defense to Subsection (3) b. that the parent or legal guardian is the petitioner in a currently pending juvenile court proceeding involving the student or such proceeding in which the judge has retained ongoing supervision or jurisdiction.

(c) It shall be an affirmative defense to Subsection (3) a. and (3) b. that if 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 school authorities and the student was actually on the job or traveling to or from the job site or program location.

(d) Any party claiming an affirmative defense hereunder shall have the duty to prove the same to the same standard of proof required of the plaintiff in prosecuting the action.

(5) Warning. The first time a child is detained by law enforcement officers for violation of this ordinance, the parent, guardian, or person having legal custody may be advised as to the provisions of this ordinance, any violation of this ordinance occurring thereafter by said child and parent, guardian, or person having legal custody shall result in a penalty being imposed in sub. (5) above.

(Suggested Warning Format)

Name: _____

The above-named juvenile was found in violation of the Village of Suamico (or Brown County) Daytime Curfew Ordinance. As parents or guardians responsible for such conduct and the welfare of this juvenile, you are hereby served this curfew violation notice setting forth the manner in which the law has been violated.

The Village of Suamico (or Brown County) Daytime Ordinance states:

No child subject to compulsory school attendance shall be at any place within the Village of Suamico (or Brown County), except in attendance at school or at the student's place of residence, during the hours when that 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 school authorities excusing him or her from attending school 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 student.

Parental Violation. Each parent or legal

guardian of a student subject to the provisions of this ordinance shall have the duty to prevent that student from violating the provisions of this ordinance and each failure by that parent or guardian to do so is a separate offense. To knowingly permit such child to again violate the provisions of this ordinance, they shall be fined no more than five hundred dollars (\$500) for each offense. If a child knowingly violates the provisions of this ordinance, the child shall be fined no more than five hundred dollars (\$500) for each violation.

11.83 CONTRIBUTING TO THE DELINQUENCY OF A CHILD. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.40(1), (2), (3), and (4)(a) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.84 NEGLECTING A CHILD. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.21 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.85 PROHIBITING THE HARBORING OF MINORS WITHOUT PARENTAL CONSENT. It shall be unlawful for any owner, tenant, or person in control of a residence or other facility to allow a child under the age of eighteen (18) to loiter, idle, or remain in said residence or upon said property without the consent of the child's parent, guardian, or spouse.

11.86 TATTOOING OF CHILDREN.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.70 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.87 ISSUANCE OF WORTHLESS CHECKS.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.24(1), (3), (4), and (5) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.88 PETTY THEFT. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.20(1), (2), (3)(a) and (4) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.89 ATTEMPTED PETTY THEFT.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §939.32(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.90 RETAIL THEFT.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.50(1), (1m), (3), (3m), (4)(a),

and (5) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.91 THEFT OF CELLULAR TELEPHONE SERVICE.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.455(1), (2), (4)(a), and (4)(b) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.92 THEFT OF TELEVISION SERVICE.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.46(1), (2), (4)(a), and (4)(b) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.93 THEFT OF SATELLITE CABLE PROGRAMMING.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.47(1), (2), (3)(a), and (3)(b) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.94 FRAUDULENT TAPPING OF ELECTRIC WIRES OR GAS OR WATER METERS OR PIPES.

Except as

otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.36 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.95 REMOVAL OF SHOPPING

CART. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.55 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.96 RECEIVING PROPERTY FROM

A CHILD. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.63 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.97 RECEIVING STOLEN

PROPERTY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.34(1)(a) and §943.34(2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.98 FRAUD ON HOTEL OR RESTAURANT KEEPER, RECREATIONAL ATTRACTION,

TAXICAB OPERATOR, OR GAS

STATION. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.21 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.99 FRAUDULENT RETURN OF

MERCHANDISE. It shall be unlawful for any person to return merchandise to a merchant for the purpose of claiming a cash refund or credit if the person intentionally deceives the merchant by doing any of the following:

(1) Represents that such person purchased the merchandise when the person did not purchase it.

(2) Represents that the merchandise was purchased from a particular merchant when it was not purchased from that merchant. Represents that the merchandise was purchased for a particular price when it was purchased for a lower price.

(3) Gives the merchant a false name or address.

11.100 TRESPASS TO LAND.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.13 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.101 TRESPASS TO DWELLINGS.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.14, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments,

revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.102 CRIMINAL TRESPASS TO A MEDICAL FACILITY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.145 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.103 ENTRY ONTO A CONSTRUCTION SITE OR INTO A LOCKED BUILDING, DWELLING, OR ROOM. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.15 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.104 ENTRY INTO A LOCKED VEHICLE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.11 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.105 ENTRY INTO LOCKED COIN BOX. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.125 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or

modifications of this statute incorporated herein are intended to be made part of this chapter.

11.106 CRIMINAL DAMAGE TO RAILROADS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.07 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.107 DAMAGE TO PROPERTY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.01(1), (2m), (3), and (4) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.108 GRAFFITI. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.017(1), (4), and (5) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.109 UNLAWFUL USE OF TELEPHONE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.012 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.110 UNLAWFUL USE OF COMPUTERS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.0125 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.111 SEXTING BY MINORS PROHIBITED.

(1) Definitions.

(a) Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. A mother's breastfeeding of her baby does not under any circumstance constitute "nudity", irrespective of whether or not the nipple is covered during or incidental to feeding.

(b) Harmful to minors means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

1. Predominantly appeals to a prurient, shameful, or morbid interest;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
3. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

(c) Minor means any person under the age of 18 years.

(2) A minor commits the offense of sexting if he or she knowingly:

(a) Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person by another minor which depicts nudity; as defined above, and is harmful to minors, as defined above.

(b) Possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined above, and is harmful to minors, as defined above. A minor does not violate this paragraph if all of the following apply:

1. The minor did not solicit the photograph or video.
2. The minor took reasonable steps to report the photograph or video to a school or law enforcement official.
3. The minor did not transmit or distribute the photograph or a video to a third party other than a law enforcement official.

(c) Uses a computer, or any device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text, correspondence, or message of a sexual nature when it:

1. Predominantly appeals to a prurient, shameful, or morbid interest;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors; and
3. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

(d) Solicits the transmission or distribution of any text, correspondence, message, photograph, or video from another minor that would itself be prohibited under this section of the Municipal Code.

11.112 TAMPERING WITH PUBLIC RECORDS AND NOTICES.

Except as otherwise specifically provided in

this chapter, the statutory provisions in Wis. Stats. §946.72(2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.113 FORNICATION. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.15 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.114 SEXUAL GRATIFICATION. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.17 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.115 LEWD AND LASCIVIOUS BEHAVIOR. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.20 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.116 OBSCENE MATERIAL OR PERFORMANCE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.21(1), (2), (3), (4), and (6) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any

future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.117 MAKING LEWD, OBSCENE, OR INDECENT DRAWINGS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.23 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.118 PROSTITUTION. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.30 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.119 PATRONIZING PROSTITUTES. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.31 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.120 PANDERING. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.33(1) and (3) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.121 HARASSMENT. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.013(1), (1m), (1r), and (2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

(a) The act occurs while the actor is subject to an order or injunction under Wis. Stats. §813.12, §813.122, or §813.125 that prohibits or limits his or her contact with the victim.

11.122 VAGRANCY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.02 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.123 EXPOSING A CHILD TO HARMFUL MATERIAL OR HARMFUL DESCRIPTIONS OR NARRATIONS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.11(1) and (2)(b) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.124 SEXUAL ASSAULT (FOURTH DEGREE). Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.225(3m), (4), (5), and (6) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any

future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.125 INVASION OF PRIVACY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.08 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.126 CHILD PROTECTION RESTRICTIONS.

(1) Findings and Intent.

(a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims that are never reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(b) 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 wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence. Due to the high rate of recidivism, and the unpredictability and severity of these crimes, it is the intent of this ordinance to limit the availability of situations where the potential for such

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crimes is increased in the interest of protecting the children of our community.

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

(a) *Child* means a person under the age of eighteen (18) as defined in Wis. Stats Ch.

48.02(2) and Ch. 990.01(20) for purposes of this ordinance.

(b) *A Crime Against Children* shall include any of the following offenses set forth within the Wisconsin statutes, as may be amended and the laws of this or any other state or federal government, having like elements necessary for conviction:

940.225(1)	First Degree Sexual Assault
940.225(2)	Second Degree Sexual Assault
940.225(3)	Third Degree Sexual Assault
940.22(2)	Sexual Exploitation by Therapist
940.30	False Imprisonment – Victim was Minor and Not the Offender’s Child
940.302(2)	Human Trafficking (if 940.302(2)(a)1b applies)
940.31	Kidnapping – Victim was Minor and Not the Offender’s Child
944.02	Rape (prior statute, see now 940.225)
944.06	Incest
944.10	Sexual Intercourse with a Child (prior statute, see now 948.02)
944.11	Indecent Behavior with a Child (prior statute, see now 948.02)
944.12	Enticing Child for Immoral Purposes (prior statute, see now 948.07)
948.02(1)	First Degree Sexual Assault of a Child
948.02(2)	Second Degree Sexual Assault of a Child
948.025	Engaging in Repeated Acts of Sexual Assault of the Same Child
948.05	Sexual Exploitation of a Child
948.051	Trafficking of Child
948.055	Causing a Child to View or Listen to Sexual Activity
948.06	Incest with a Child
948.07(1) thru (4)	Child Enticement
948.075	Use of a Computer to Facilitate a Child Sex Crime
948.085	Sexual Assault of a Child Placed in Substitute Care
948.08	Soliciting a Child for Prostitution
948.095	Sexual Assault of a Student by School Instructional Staff
948.11(2)(a) or (am)	Exposing a Child to Harmful Material-Felony sections
948.12	Possession of Child Pornography
948.13	Convicted Child Sex Offender Working with Children
948.30	Abduction of Another’s Child
971.17	Not Guilty by Reason of Mental Disease of a Listed Sex Offense
975.06	Sex Crimes Law Commitment
980.01	Sexually Violent Person Commitment

Including court ordered registration for violations of:

Village of Suamico

940	Crimes against Life and Bodily Security
944	Crimes against Sexual Morality
948	Crimes against Children
971.17	Not Guilty by Reason of Mental Disease
943.01 to 943.15	Certain Crimes against Property
942.08	Invasion of Privacy (aka peeping Tom)

(c) *Loiter or Loitering* means whether in a crowd, group or as an individual, to stand idly about, loaf, prowl, congregate, wander, linger aimlessly, proceed slowly or with many stops, to delay or dawdle, for the purpose or in a manner likely to interact or attempting to interact with children (excepting children of the offender), or engaging in activities that would interest children (excepting the children of the offender) or acting in a manner that otherwise has no legitimate purpose.

(d) *Minor* means a person under the age of seventeen (17) as defined in Wis. Stats. Ch. 990.01(20).

(e) *Residence (reside)*. A place at which a home or place of abode is maintained for a period of over four (4) days (consecutive or nonconsecutive) in any month. Where a voluntary concurrence of a physical presence and an intent to remain in a fixed place of habitation are present, the place will be presumed to be a residence. A residence may be more than one (1) location and may be mobile or transitory.

(f) *Sex Offender* is a person who has been convicted of, or has been found delinquent of, has been found not guilty by reason of disease or mental defect of a “sexually violent offense” and/or a “crime against children”, or has been required by any court to register under Wis. Stat. 301.45 for any offense against a child.

(g) *Sexually Violent Offense* shall have the meaning as set forth in Wisconsin Statute 980.01(6), as may be amended.

(3) Sexual Offender and Sexual Predator Residence, Prohibition; Penalties; Exceptions.

(a) *Prohibited Location of Residence*. It is unlawful of a sex offender to establish a residence within two thousand five hundred feet (2,500’) of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village as a place where children are known to congregate.

(b) *Prohibited Activity*. It is unlawful for a sex offender to participate in a holiday event involving children under eighteen (18) years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.

(c) *Measurement of Distance*.

1. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village where children are known to congregate.

2. The Village Clerk shall maintain an official map showing prohibited locations as defined by this ordinance. The Clerk shall update the map at least annually to reflect any changes in the location of prohibited

zones. These shall be designated on the map as child safety zones.

(d) Exceptions. A designated offender residing within a prohibited area as described in Section (2)(a) does not commit a violation of this section if any of the following apply:

1. The person established the residence and reported and registered pursuant to Wis. Stat. 301.45 before the effective date of this ordinance.

2. The person is a minor or ward under guardianship and is not required to register under Wis. Stat. 301.45 or 301.46.

3. The school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village as a place where children are known to congregate within two thousand five hundred feet (2,500') of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. 301.45.

(4) Property Owners Prohibited from Renting Real Property to Certain Sexual Offenders and Sexual Predators; Penalties.

(a) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this ordinance, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in Section (3)(a).

(b) A property owner's failure to comply with provision of this section shall constitute a violation of this section, and shall subject the property owner to the code enforcement provision in Section 11.199 as provided in this ordinance.

(5) Child Safety Zones.

(a) No sex offender shall loiter in or within fifty feet (50') of any of the following places:

1. a public park, parkway, parkland, park facility;

2. a public swimming pool;

3. a public library;

4. a recreational trail;

5. a public playground;

6. a school for children;

7. athletic fields used by children;

8. a movie theatre;

9. a daycare center;

10. any specialized school for children, including, but not limited to a gymnastics academy, dance academy, or music school;

11. a public or private golf course or range;

12. aquatic facilities open to the public; and

13. any facility for children (which means a public or private school, a group home, as defined in §48.02(7), Wis. Stats, a residential care center for children and youth, as defined in §48.02(15d), Wis. Stats, a shelter care facility, as defined in §48.02(17), Wis. Stats, a foster home, as defined in §48.02(6), Wis. Stats, a treatment foster home, as defined in §48.02(17q), Wis. Stats., a day care center licensed under §48.65, Wis. Stats, a day care program established under §120.13(14), Wis. Stats., a day care provider certified under §48.651(m), Wis. Stats, or a youth center, as defined in §961.01(22), Wis. Stats.).

(b) The Village shall maintain an official map showing child safety zones, updating that list at annually. The child safety zone maps will be available at the Village's offices and on the Village's official website. The maps shall be for informational purposes only. The absence of a location on the map shall not be a defense to prosecution where the alleged violator is within fifty feet (50') of a place listed above and circumstances make it clear

that the violator had actual notice of that proximity.

(c) A person does not commit a violation of this Section 11.126(5) and the enumerated uses may allow such person on the property supporting such use if any of the following apply:

1. The property supporting an enumerated use under 11.126(5) (a) also supports a church, synagogue, mosque, temple or other house of religious worship (collectively “place of worship”) subject to the following conditions:

a. Entrance and presence is limited to that portion of the premises that is a place of worship and either:

1. occurs only during hours of worship or other religious programs/services; or

2. The person is present for counseling or worship purposes with the prior or contemporaneous knowledge and consent of an individual in charge of the place of worship or such counseling or worship.

2. The property supporting an enumerated use under 11.126(5) also supports a use lawfully attended by a person’s natural or adopted child(ren), which child’s use reasonably requires the attendance of the person as the child’s parent upon the property, subject to the following conditions:

a. Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and

b. Notice is made from the person to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the person.

3. The property supporting an enumerated use under 11.126(5) also supports a polling location in a local, state or

federal election, subject to the following conditions:

a. The person is eligible to vote;
b. The designated polling place for the person is an enumerated use; and
c. The person enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate; and the person vacates the property immediately after voting.

4. The property supporting an enumerated use under 11.126(5) also supports an elementary or secondary school lawfully attended by a person as a student under which circumstances the person who is a student may enter upon that property supporting the school at which the person is enrolled, as is reasonably required for the educational purposes of the school.

5. The property also supports a court, government office or room for public governmental meetings, subject to all of the following conditions:

a. The sex offender is on the property only to transact business at the government office or place of business, other than a public library, or attend an official meeting of a governmental body; and

b. The sex offender leaves the property immediately upon completion of the business or meeting.

(6) Appeal.

(a) *Sexual Offender/Predator Residence Board.* The above requirements may be waived upon approval of the Sex Offender Residence Board through appeal by the affected party. Such appeal shall be made to the Village Clerk’s Office, who shall forward the request to the Sex Offender Residence Board, which shall receive reports from the Police Department on such appeal. The Board shall convene and consider the public interest as well as the affected party’s presentation and concerns. In making its determination under this

provision the Sex Offender Residence Board may consider any or all of the following factors that may be applicable in the particular appeal:

1. The circumstances of the case(s) that have led to the designation as a sexual offender including:
 - a. Relationship of appellant and victim
 - b. Presence of use of force
 - c. Presence of enticement
 - d. Proximity in time
 - e. Time out of incarceration
2. Credibility of applicant
3. Remorse
4. Proximity of proposed residence to child congregation area
5. Support network of applicant
6. Support network and relationship of those at the proposed residence
7. Counseling and treatment.

After deliberation, the Board shall forward its decision in writing to the Village of Suamico Inspection Division and/or the Suamico Police Department for their information and action. A written copy of the decision shall be provided to the affected party.

(b) Membership. The Health & Safety Committee shall serve as the Sex Offender Residence Board.

(7) Penalty, Severability, and Enforcement.

(a) Penalty. Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture of not less than twenty-five dollars (\$25) and not more than two thousand five hundred dollars (\$2,500) per violation. Failure or refusal to pay forfeiture may result in imprisonment for a period of not more than ninety (90) days for each offense. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

(b) If a person violates any provision of Chapter 11.126, by establishing a residence or occupying residential premises within two thousand five hundred feet (2,500') of those premises as described therein, without any exception(s) as also set forth above, each twenty-four (24) hour period of residence shall be considered a separate period of violation and the Village Attorney, may bring an action in the name of the Village in the Circuit Court for Brown County to permanently enjoin such residency as a public nuisance. If a person violates any provision of this chapter, in addition to the aforesaid injunctive relief, such person shall be subject to the general penalty provisions in Subsection (1). In addition, the Village of Suamico may undertake all other legal and equitable remedies to prevent or remove a violation of Chapter 11.126.

(c) Severability. The several sections of this ordinance are declared to be severable. If a court of competent jurisdiction deems any provision of this ordinance invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of the same. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the court's decision, portions remaining in the ordinance shall retain the full force and effect thereof.

(d) Enforcement. Enforcement of this chapter shall be the responsibility of the Board or its designee, and/or Police Department.

Sunset Provision: This ordinance shall remain in full force and effect upon its passage and publication according to law unless and until the state legislature enacts preemptive legislation on this topic at which

time this ordinance shall sunset without further action of the Village Board.

11.127 SMOKING PROHIBITED IN CERTAIN AREAS. It is recognized that smoking is not only hazardous to the health of those who smoke, but also to the health of non-smokers when in the presence of those who are smoking. Therefore the purpose of this ordinance is to protect the public health, comfort, safety and welfare by prohibiting smoking in certain areas.

(1) Definitions. For purposes of this section, the following terms have the meanings indicated:

(a) Bar. Means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to taverns, nightclubs, cocktail lounges, and cabarets.

(b) Business. Means a sole proprietorship, partnership, joint venture, corporation or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered, and private clubs.

(c) Concession Area. Means a place where food, drink or other refreshments are purchased directly from a concession stand.

(d) Employee. Means a person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go to work or be at any time in any place of employment, and a person who volunteers his or her services for a non-profit entity.

(e) Employer. Means a person, business, partnership, association, trust,

firm, corporation, including a municipal corporation, for-profit or non-profit entity, or governmental agency under the Village's authority that has control over a place of employment.

(f) Enclosed Area. Is defined as a structure or area that has a roof and more than two (2) substantial walls. A "substantial wall" is a wall with no opening or with an opening that either does not allow air in from the outside or that is less than twenty-five percent (25%) of the wall's surface area. All operable windows must be opened to their full extent at all times of occupancy as a smoking area.

(g) Health Care Facility. Means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, psychological conditions, including but not limited to hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, or other similar types places.

(h) Place of Employment. Means any area under the control of an employer including, but not limited to, work areas, private offices, elevators, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, stairways, a lobby, and vehicles. A private residence shall not be considered a place of employment unless it is used as a child care, adult daycare or health care facility.

(i) Private Residence. Means premises owned, rented or leased for temporary or permanent habitation, including lobbies, hallways and other common areas in any apartment building, condominium, retirement facility, nursing home or other multiple-unit residential facility.

(j) Public Place. Means any area into which the public is invited or permitted, regardless of whether a fee is charged, including elevators, reception areas, waiting

rooms, cafeterias, restrooms, lobbies, hallways and other common areas in any retail building, mixed-use commercial building, apartment building, condominium, retirement facility, nursing home or other multiple-unit residential facility. A private residence located within a mixed-use commercial building is not public place unless it is used as a child care, adult daycare or health care facility.

(i) *Service Line.* Means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to ATM lines, concert lines or waiting for public transportation. The term “service line” does not include lines in which people wait in their vehicle such as a drive-through or car wash line.

(j) *Smoking.* Means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other lighted tobacco product in any manner or in any form.

(2) Prohibition of Smoking.

(a) *Public Places.* Smoking is prohibited in any enclosed area of a public place, service lines or designated Village property. Nothing in this ordinance shall be interpreted as a limitation on the right of a property owner to prohibit smoking in any area where smoking is not prohibited by the ordinance.

(b) *Place of Employment.* It shall be unlawful for any person to smoke cigarettes or tobacco products in any enclosed area of a place of employment.

(c) *Prohibited Areas.* Smoking is prohibited in the following places: concession areas of restaurants, service lines, bus shelters, theatres, daycare centers, educational facilities, restaurants, taverns, private clubs, retail establishments, common areas of multiple unit residential properties, lodging establishments, inpatient health care facilities, government buildings, outdoor

seating areas such as stadiums, bleachers or outdoor auditoriums for spectators of sports events, outdoor theaters, amphitheaters, public conveyances (mass transit vehicles and school buses), pavilions, gymnasiums, swimming pools, skating rinks, bowling center, or similar areas used by spectators at other public events.

Smoking is prohibited in all enclosed places other than those listed, that are places of employment or public places.

(e) *Village Parks.* Smoking is prohibited in any enclosed area in Village parks.

(f) *Paraphernalia Prohibited.* Ashtrays, matches, and other smoking paraphernalia shall not be located in areas where smoking is prohibited.

(3) Exceptions. The following areas shall not be subject to the smoking restrictions of this ordinance:

(a) Private residences are exempt from this ordinance unless they are used as a child care facility, adult care facility, or health care facility.

(b) A room used by only one (1) person in an assisted living facility as his or her residence.

(c) A room in an assisted living facility in which two (2) or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

(4) Posting of Signs.

(a) Every public place, place of employment, or any other area where smoking is prohibited by the ordinance shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment shall post a conspicuous sign likely to be seen by any occupant clearly stating that smoking is prohibited. Use of the international “No

Smoking” symbol, a pictorial representation of a burning cigarette in a red circle with a red bar across the cigarette, shall be construed as a clear statement that smoking is prohibited. The posting of signs is an affirmative duty upon the owner or operator of a public place, but failure of the owner or operator of a public place to post signs shall not be a defense to prosecution of a violation of this ordinance. All such signs shall reference this subsection of the Suamico Village Code.

(b) Each sign and the language contained therein shall be clearly visible from a distance of at least ten feet (10’). Every vehicle that constitutes a place of employment under this ordinance shall have at least one (1) conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.

(c) It shall be unlawful for any person to remove, deface, or destroy any sign required by this ordinance, or to smoke in any place where any such sign is posted.

(5) Retail Sales of Cigarettes. Nothing in this ordinance shall prohibit retail sales of pre-packaged cigarettes and cigars upon obtaining a license pursuant to Chapter 5 of the Suamico Code of Ordinances.

(6) Enforcement. The Police Department, Fire Department, Village Zoning Administrator or their designee shall have the power, under law, to enter upon the premises named in this ordinance to ascertain whether the premises are in compliance with this ordinance.

(a) The proprietor, employer or other person in charge of premises regulated hereunder, upon either observing or being advised of a violation, shall make reasonable efforts to prevent smoking in prohibited areas by approaching smokers who fail to voluntarily comply with this ordinance and requesting that they extinguish their cigarette or tobacco product and refrain from smoking. If the person refuses to comply,

the proprietor, employer or other person in charge may ask the person to leave the premises, and to contact the Police Department if the person does not leave after being requested to do so.

(b) Any person who desires to register a complaint under this ordinance may contact the Police Department.

(c) Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture of not less than twenty-five dollars (\$25) and not more than two thousand five hundred dollars (\$2,500) per violation. Failure or refusal to pay the forfeiture may result in imprisonment for a period of not more than ninety (90) days for each violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

(7) Clean Indoor Air.

(a) Intent and Construction. The Village of Suamico finds that it is in the interest of the health, safety and welfare of the community to adopt by reference 2009 Wisconsin Act 12, and subsequent amendments, additions and recodifications. This ordinance shall not be construed to mean that progressive discipline of Village employees for violations of laws, rules, and regulations is only authorized where explicitly provided by ordinance.

(b) Penalty. The penalties provided by 2009 Wisconsin Act 12 shall be in addition to the penalties provided for violation of Chapter 11.199 when a person has violated both laws. In addition to the penalties provided by this ordinance and 2009 Wisconsin Act 12, any Village employee who violates any provision of this ordinance or 2009 Wisconsin Act 12, may also be subject to progressive discipline by his or her employer.

11.128 SYNTHETIC CANNABINOID PROHIBITED.

(1) Possession Use and Sale are Illegal. It shall be illegal for any person to possess or attempt to possess a control substances specified in Section 961.14(4)(tb) to (ty) Wisconsin Statutes as further defined in 2011 Wisconsin Act 31.

(2) First Offense Violation Only. Now withstanding the foregoing, any person who is charged with possession of a controlled substances specified in Section 961.14(4)(tb) and (ty) following a conviction for a controlled substance in this state shall not be prosecuted under this ordinance pursuant to Section 66.0107(1)(bn) Wisconsin Statutes.

(3) Penalties. Any person violating this section shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than two thousand five hundred dollars (\$2,500) exclusive of cost and upon failure to pay the same shall be confined in the county jail for not more than ninety (90) days.

11.129 MISUSE OF 911 EMERGENCY TELEPHONE SERVICE.

(1) Purpose. The primary purpose of this ordinance is to prevent the misuse of the emergency 911 number. Further, it is meant to encourage parents or the legal guardian of a minor, to maintain control over the actions of the minor and prevent the misuse of the 911 emergency number.

(2) Misuse. The intentional calling of the 911 emergency number and knowingly giving a false report, or no report, or as a prank when no emergency exists and no valid request is made for emergency services.

(3) General Provisions.

(a) It shall be a violation of this ordinance for anyone to intentionally call the 911 emergency number to knowingly give false information, no information as a prank,

or when no valid request for emergency services exist.

1. It shall also be a violation to knowingly encourage, aid or permit another to make a call as defined above.

2. It shall also be a violation of this ordinance for anyone to hook up their alarm system to the 911 number.

3. Each call shall be considered a separate violation.

(b) A parent or legal guardian of a minor may be found liable for any injury or damage, which may result from the misuse of the 911 number and penalties may be imposed under Wis. Stats. §895.035.

(c) This ordinance does not attempt to restrict emergency calls, but only to prevent the misuse of the 911 number.

(1) Penalty. Any person violating the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than \$25 nor more than \$2,500, together with the costs of prosecution, and upon default of payment be imprisoned in the county jail not less than 2 days nor more than 90 days.

(a) Parents or a legal guardian may be held liable for the acts of minors subject to the above penalties, if they know or should have known that the absence of control of their minor may or could result in the misuse of 911.

11.130 DEFAMATION. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.01 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

11.131 GIVING FALSE INFORMATION FOR PUBLICATION. Except as otherwise specifically provided in this

chapter, the statutory provisions in Wis. Stats. §942.03 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statute incorporated herein are intended to be made part of this chapter.

11.132 OPENING LETTERS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.05 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statute incorporated herein are intended to be made part of this chapter.

11.133 REPRESENTATION DEPICTING NUDITY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.09(1), (3m), and (5) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statute incorporated herein are intended to be made part of this chapter.

11.134 USE OF A DRONE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.10 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statute incorporated herein are intended to be made part of this chapter.

11.199 PENALTY, SEVERABILITY, AND ENFORCEMENT.

(1) Penalty. Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture of not less

than twenty-five dollars (\$25) and not more than two thousand five hundred dollars (\$2,500) per violation. Failure or refusal to pay forfeiture may result in imprisonment for a period of not more than ninety (90) days for each offense. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

(2) Severability. If a court of competent jurisdiction deems any provision of this ordinance invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of the same. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the court's decision, portions remaining in the ordinance shall retain the full force and effect thereof.

(3) Enforcement. Enforcement of this chapter shall be the responsibility of the Board or its designee, and/or Police Department.

Village of Suamico

Chapter 11

- Ordinance 2008-08 Deleting Section 11.124 False Alarms
Adopted 5-5-08*
- Ordinance 2008-15 Restoring Curfew Provisions to Chapter 11; Section 11.81 Juvenile
Curfews and Section 11.82 Daytime Curfew
Adopted 6-2-08*
- Ordinance 2008-23 Creating Section 11.126 Child Protection
Adopted 8-4-08*
- Ordinance 2009-08 Amending Chapter 11, Subchapter II General Nuisances of the Municipal
Code to Amend Chapter 11.35.5 Chronic Nuisance Property
Adopted 5-4-09*
- Ordinance 2009-22 Amending Chapter 11.126 Child Protection Restrictions of the Municipal
Code of the Village of Suamico
Adopted 10-5-09*
- Ordinance 2010-01 Amending Chapter 11 Public Nuisances/Peace and Order, Subchapter IV
Health & Safety
Adopted 1-4-10*
- Ordinance 2010-08 Replacing Chapter 11.126 Child Protection Restrictions entirely
Adopted 3-29-10*
- Ordinance 2010-12 Amending Chapter 11.127(2) Definitions (f) Enclosed Area
Adopted 6-7-10*
- Ordinance 2011-01 Creating Chapter 11.128 Synthetic Cannabinoid Prohibited
Adopted 1-3-11*
- Ordinance 2011-10 Repealing and Recreating Chapter 11.128 Synthetic Cannabinoid Prohibited
Adopted 10-3-11*
- Ordinance 2011-11 Amending Section 11.39 and 11.42 of the Code Relating to Discharge of
Firearms and Carrying Firearms in Public Buildings
Adopted 10-3-11*
- Ordinance 2012-07 Amendment to Chapter 11.39 Discharge of Firearms Regulated
Adopted 6-4-12*
- Ordinance 2012-10 Creating Chapter 11.19.5 Keeping of Chickens
Adopted 6-18-12*
- Ordinance 2014-09 Amending Chapter 11.09 Bee Keeping
Adopted 6-16-14*
- Ordinance 2014-14 Creating Chapter 11.129 Misuse of 911 Emergency Telephone Service
Adopted 10-6-14*
- Ordinance 2015-05 Amending Chapter 11 Public Nuisances/Peace and Order
Adopted 6-15-15*
- Ordinance 2016-03 Amending Chapter 11 Public Nuisances—Peace and Order of the Village
Code
Adopted 4-4-16*
- Ordinance 2016-04 Amending and/or Creating Sections in Chapter 11 Public Nuisances/Peace
and Order of the Village Code
Adopted 3-21-16*

Village of Suamico

Ordinance 2017-10 Amending Chapter 11

Adopted 8-7-17

*Ordinance 2019-02 Creating 11.78 Possession/Use of Tobacco and Vapor Products by Minors
and 11.79 Restrictions on Sale or Gift of Cigarettes, Tobacco or Vapor Products*

Adopted 3-18-19

*Ordinance 2020-01 Repealing 11.111 Sending Obscene or Sexually Explicit Electronic
Messages and Replacing with 11.111 Sexting by Minors Prohibited*

Adopted 1-20-20