

## CHAPTER 6

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#### **6.01 DISORDERLY CONDUCT**

No person shall within the Village, in either a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. Disorderly conduct includes causing, or provoking, or engaging in any fight, brawl, riot or noisy altercation.

#### **6.02 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.**

The following Statutes following the prefix "6" defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 10.04 of this Code.

- 6.943.20 Theft: Forfeitures for violation of Sections 943.20 shall be as follows:
- (a) If the value of the property does not exceed \$2,500.00 the forfeiture shall be not less than \$20.00 nor more than \$200.00.
  - (b) If the value of the property exceeds \$2,500.00 but not more than \$5,000.00 the forfeiture shall be not less than \$50.00 nor more than \$5,000.00.

- (c) If the value of the property exceeds \$5,000.00, the forfeiture shall be not less than \$250.00 nor more than \$5,000.00.

6.943.21 Fraud on Hotel or Restaurant Keeper, Recreational Attraction, Taxicab Operator or Gas Station: Any person who shall violate Section 943.21 shall, upon conviction, forfeit not less than \$20.00 nor more than \$500.00. In addition, the court may order restitution for any violation of Section 943.21 and, in the case of any repeat violation of Section 943.21(1m)(d), may suspend the operating privilege of the violator as provided under Section 943.21(3m).

6.943.24 Issue of Worthless Check: Any person who shall violate Section 943.24 shall, upon conviction, forfeit not less than \$50.00 nor more than \$500.00.

6.943.50 Retail Theft: Any person who shall violate Section 943.50 shall, upon conviction, forfeit the amounts shown as follows:

- (a) If the value of the merchandise does not exceed \$2,500.00, a forfeiture of not less than \$20.00 nor more than \$200.00.
- (b) If the value of the merchandise exceeds \$2,500.00 but not \$5,000.00, a forfeiture of not less than \$100.00 nor more than \$500.00.
- (c) If the value of the merchandise exceeds \$5,000.00, a fine of not less than \$250.00 nor more than \$1,000.00.

### **6.03 UNREASONABLY LOUD, EXCESSIVE AND UNNECESSARY NOISE PROHIBITED**

(1) Purpose. It is hereby declared, as a matter of public policy of the Village of Boaz, that:

- (a) The making, creation or maintenance of noise of various kinds and by various means that is unreasonably loud, injurious to health, indecent, offensive or an obstruction to the free use of property within the corporate limits of the Village of Boaz has so increased as to constitute a public nuisance; and
- (b) The making, creation or maintenance of noise of various kinds and by various means that is unreasonably loud, injurious to health, indecent, offensive or an obstruction to the free use of property and is prolonged in its time, place and use, adversely affects and is a detriment to the comfort, repose, health, peace and safety of the residents of and visitors to the Village; and

- (c) This section is designed to secure and promote the comfort, repose, health, peace and safety of the residents of and visitors to the Village.

(2) Definitions.

- (a) **Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.
- (b) **Structure:** Anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having a fixed location on or in the ground. Structures include buildings, mobile homes, walls, parking areas and public and private infrastructure.

(3) **Unlawful Noise.** Except as otherwise provided in this Chapter, it shall be unlawful for any person to make, create or maintain any noise that is either unreasonably loud, injurious to health, indecent, offensive or an obstruction to the free use of property within the Village of Boaz or which adversely or substantially affects, annoys, disturbs injures or endangers the comfort, repose, health and peace and safety of others within the Village of Boaz. Accordingly, the following acts, among others, are declared to be unlawful noises in violation of this Chapter:

- (a) **Construction or Repair of Buildings or Structures.** The erection, demolition, alteration or repair of any building, or the excavation therefor, at any times other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. There shall be an exception to this constituting unlawful noise in the case of an emergency or urgent necessity in the interest of public health and safety, but then only with a permit from the Village Clerk, which permit may be granted for a period not to exceed three (3) days while the emergency or urgent necessity continues and which permit may be renewed for an additional period up to three (3) additional days while the emergency or urgent necessity continues. Upon application made at the time the permit for the work is issued or during the progress of the work, if the Village Clerk determines that unlawful noise shall not be made, created or maintained by the erection, demolition, alteration or repair of any building, or the excavation therefor, between the hours of 7:00 p.m. and 7:00 a.m., or at any time on Sunday, he or she may grant permission for such work to be done between the hours of 7:00 p.m. and 7:00 a.m., or on Sunday.
- (b) **Music and Electronic Devices.** Playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, or other machine or electronic device for producing or reproducing sound in such a manner as to make, create or maintain an unlawful noise, or at any time with volume louder than is necessary for

convenient hearing of the person or persons who are in the room, vehicle or chamber in which such machine or electronic device is operated. The operation of such set, instrument, machine or electronic device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible in the immediate vicinity of the Building, Structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.

- (c) Exhaust. The discharge into the open air of any unlawful noise created by the exhaust of any internal combustion engine, or any type of engine or power unit on a motorcycle or other motor vehicle or craft of any kind, except through a muffler or other device that will effectively reduce and prevent unlawful noise therefrom. A motor vehicle must be equipped with a muffler or other noise dissipation device that is in good working order and is in constant operation to prevent unlawful noise.
- (d) Special Use Vehicles and Equipment. The operation of off-road vehicles, ATV's, snowmobiles and other special use vehicles shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m.

(4) Unlawful Noise from a Building or Structure.

It shall be unlawful for any person to permit persons creating unlawful noise or persons of disorderly character to assemble in any Building or Structure owned, occupied, or controlled by him or her. A person who recklessly, knowingly, or intentionally engages in conduct which makes unlawful noise and continues to do so after being directed or requested to stop commits a nuisance.

(5) The following are exempted from the provisions of this section:

- (a) Noise or sounds emitted from any authorized emergency vehicle.
- (b) Parades, festivals, carnivals, fairs, celebrations, concerts, artistic performances or any other event authorized by the Village.
- (c) Noise arising from or created by athletic or sporting practices or events.
- (d) Sounds associated with the normal conduct of legally established non-transient businesses when such sounds are customary and within the normal range appropriate for such use and do not constitute unlawful noise.

(6) Entry onto Private Property.

- (a) Any duly authorized Village officers or representatives in the course of their duties in enforcing this section shall have the right to enter onto private property, provided that they have probable cause that a violation of this

section is occurring or has occurred, but they shall not enter into any Structure or Building without permission or authorization to do so.

- (b) For the purpose of determining compliance with the provisions of this section, the Village President or his or her authorized representatives are hereby authorized to make inspections of all sources of noise whenever necessary to determine the quantity and character of such noise. If any person refuses or restricts entry and free access to any part of a Building or Structure, or refuses inspection of any activity, device, facility, motor vehicle, or process where inspection is sought, such officer of the Village or their authorized representatives may seek from the Richland County Circuit Court a warrant for inspection requiring that such person permit entry and free access without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.

(7) Penalties.

If any duly authorized Village officer or representative has probable cause that a violation of this section is occurring or has occurred, the Village officer or representative shall first give a verbal warning to the person believed to be violating this section. After issuance of the verbal warning from the Village officer or representative, the Village officer or representative may write a citation for a subsequent or continuing violation of the provisions of this section. A person violating the provisions of this section or an order issued under authority of this section after receipt of a verbal warning shall, upon conviction, be guilty of a violation. A violation of this section shall carry a forfeiture, which forfeiture shall be an amount, fixed by the court in its discretion, not less than Fifty Dollars (\$50.00) and not more than Two Hundred Fifty Dollars (\$250.00) per violation.

(8) Deposit Schedule.

- (a) To ensure uniformity and equal treatment of all persons who violate any provision of this section, the following Schedule of Deposits shall be the used to establish the deposit amount for forfeitures for other violations of this section.

**(Add all court costs and surcharges to amounts listed)**

| <u>FIRST OFFENSE WITHIN<br/>12 MONTHS</u> | <u>SECOND AND<br/>SUBSEQUENT OFFENSES<br/>WITHIN 12 MONTHS</u> |
|---|--|
| \$50.00                                   | \$100.00   |

- (b) Continued Violations. Each violation and each day or part of a day a violation continues or occurs shall constitute a separate offense.

- (c) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

(9) Severability.

If any part of this section shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this section.

#### **6.04 WEAPONS IN PUBLIC BUILDINGS**

(1) Definitions. The following definitions shall apply to the terms used in this section:

- (a) "Public building" shall mean any building owned, occupied or controlled by the Village of Boaz.
- (b) "Special event" means an event that is open to the public, is organized by the Village of Boaz, is for a duration of not more than 3 weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.
- (c) "Weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon, as defined in Wis. Stat. sec. 941.295(1c)(a); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm including any knife with a blade length of greater than three (3) inches.

(2) Prohibitions. Other than as provided in sub. (4), it shall be unlawful for any person:

- (a) While carrying a weapon, to enter or remain at a special event organized by the Village if the Village has notified the actor not to enter or remain at the special event while carrying a weapon.
- (b) To enter or remain in any part of a public building, if the Village has notified the actor not to enter or remain in the building while carrying a weapon.

(3) Notice and Signs.

- (a) For the purposes of this section, the Village has notified an individual not to enter or remain in a part of the public building while carrying a weapon

if the Village has posted a sign that is located in a prominent place near all of the entrances to the public building and any individual entering the building can be reasonably expected to see the sign.

- (b) For the purposes of this section, the Village has notified an individual not to enter or remain at the special event organized by the Village while carrying a weapon if the Village has posted a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign.
- (c) Signs shall be not less than five inches by seven inches in size and shall state that weapons are prohibited in the building or at the special event.

(4) Exceptions. The prohibitions in sub. (2) do not apply to the following:

- (a) A law enforcement officer as defined under Wis. Stat. sec. 175.49(1)(g); or
- (b) A peace officer other than a commission warden who is not a state-certified commission warden; or
- (c) A person engaged in food preparation or other activity (e.g., Civil War reenactment, dramatic production) authorized by the Board if the weapon (such as a knife) is a reasonably necessary tool or prop for the person engaged in such food preparation or other activity authorized by the Board.
- (d) To a person who leases residential or business premises in a public building or, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the building used as a parking facility.
- (e) To a person attending a special event, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the special event grounds or building used as a parking facility.
- (f) To a person who rents all or part of a public building for the purpose of holding an auction or estate sale and who is auctioning or selling the personal property of a household or decedent, provided that any weapon or firearm sold is removed from the premises promptly after sale and, in the case of any firearm, said firearm is at all times unloaded.

(5) Penalty Provision. Any person who violates this section shall be subject to a forfeiture of not less than \$25.00 nor more than \$250.00. The bond amount shall be \$50.00.

## **6.05 USE OF FIREWORKS**

(1) No person shall sell, possess or use fireworks, as that term is defined in s. 167.10, Stats., in the Village.

(2) The prohibition of sub. (1) shall not apply to the Village, or to any group or entity which has been issued a user's permit by the Village President pursuant to s. 167.10(3), Stats.

#### **6.06 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED**

(1) No person shall throw or shoot any object, arrow, stone, snowball, BB, pellet, or other missile or projectile by hand or by means of an air gun, BB gun, pellet gun or sling shot, bow and arrow, crossbow or any similar device which projects a missile at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public or private place within the Village, including any target practice. Any air gun, BB gun or pellet gun shall be carried in a case or securely closed in a holster or wrapping and shall be unloaded.

(2) Section (1) shall not apply to a person hunting with a bow and arrow or a crossbow except:

- (a) No person may hunt with a crossbow or bow and arrow within 100 yards of a building located on another person's land unless the person who owns the land on which the building is located allows the hunter to hunt within 100 yards of the building. For purposes of this subsection, "building" means a permanent structure used for human occupancy and includes a manufactured home.
- (b) No person may hunt with a crossbow or bow and arrow in any Village park or other property owned by the Village.
- (c) No person hunting with a crossbow or bow and arrow may discharge the arrow or bolt from the respective weapon other than toward the ground.

#### **6.07 DISCHARGE OF FIREARMS AND OTHER WEAPONS**

(1) No person, except a sheriff, constable, police officer or their deputies shall fire or discharge any firearm, rifle, spring or air gun of any description within the Village of Boaz.

(2) Any person violating this section shall, upon conviction thereof, forfeit no less than \$50.00 nor more than \$500.00, together with the costs of prosecution and any and all applicable Court costs, assessments and fees imposed by law. The deposit for a first violation shall be \$50.00 and for a second or further violation within one year of the date of a prior conviction for the same offense shall be \$100.00 together with costs. In default of payment of the forfeiture imposed and



costs, the violator may have his or her operator's license suspended for up to five (5) years or until such forfeiture and costs are paid.

#### **6.08 OBSTRUCTION OF STREETS PROHIBITED.**

No person shall obstruct any public street, sidewalk, bridge or public ground within the Village in such a manner as to prevent the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place or business, church, public hall, or meeting place.

#### **6.09 DESTRUCTION OF PROPERTY PROHIBITED.**

No person shall intentionally injure, deface or damage any property of another within the Village without the consent of the owner or proper authority.

#### **6.10 KEEPING OF SWINE**

(1) No person may own, harbor or keep swine on any property in the Village of Boaz except as follows:

- (a) Any person owning or occupying a property of at least one (1) acre but less than two (2) acres in size may own, harbor or keep one (1) swine on the property.
- (b) Any person owning or occupying a property of at least two (2) acres in size may own, harbor or keep up to two (2) swine on the property.

(2) For purposes of this section, the following definitions shall apply:

- (a) "Swine" means any pig, boar or hog, whether wild or domestic, excluding the subspecies of *sus scrofa* commonly known as pot-bellied pigs weighing less than 80 pounds.
- (b) "Property" means parcels of land contiguous to one another and owned or occupied by the same person or a person and/or legal entities in which the same person has a legal interest (e.g., partnership, trust, limited liability company or similar entities). The presence of roads or driveways does not affect contiguity.

(3) Any person, firm, or corporation who violates, disobeys, neglects, omits or refuses to comply with this section shall, upon conviction, forfeit not less than \$50.00 nor more than \$250.00 together with the cost of prosecution and, in default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the County Jail of Richland County until said forfeiture and costs are paid not to exceed 30 days for each violation. Each day that a violation continues to

exist shall constitute a separate offense. Any violation of this section shall be deemed a public nuisance and may be enforced as such in any manner provided by law.

#### **6.11 ANIMALS RUNNING AT LARGE**

No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the Village.

#### **6.12 LITTERING PROHIBITED**

(1) No person shall throw, deposit or abandon any garbage, refuse, waste material or other property or substance upon the streets, alleys, highways, public parks or other property of the Village; or upon the surface of any body or stream of water within the Village; or upon any private property within the Village without the consent of the owner of such property.

(2) No person shall place, deposit or abandon any garbage, refuse, waste material or other property or substance in any refuse container of another within the Village.

#### **6.13 TRESPASSING PROHIBITED**

(1) No person shall intentionally enter a dwelling of another, without the consent of someone lawfully on the premises, under circumstances tending to create or provoke a breach of the peace.

(2) No person shall enter on the land of another without the express or implied consent of the owner or occupant.

(3) No person shall enter or remain on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

(4) No person shall operate, stand or park any motor vehicle, all-terrain vehicle or snowmobile on any land of another without the consent of the owner or occupant. For purposes of this section, no person shall be deemed to have implied consent to operate, stand or park any motor vehicle, all-terrain vehicle or snowmobile on the land of another, except that a person does have implied consent to operate, stand or park a motor vehicle on an established, unposted driveway of a business or residence for purposes of conducting business or conferring with someone lawfully at or in the residence. "Land of Another" includes all land owned by the Village of Boaz, except highways, streets, alleys and designated parking areas.

(5) A person has received notice not to enter or remain on premises within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. Land is posted if it meets the requirements of Section 943.13, Stats., or, in cases of parcels less than 10 acres in area, if there is any clearly visible and legible sign on the premises indicating that trespassing is prohibited.

## **6.14 PARK REGULATIONS**

(1) Regulations. The following regulations are established for use of the Boaz Community Park:

- (a) The Park is hereby closed from 11 p.m. until 5 a.m. every day of the week except for special event days as approved by the Village Board.
- (b) The speed limit in the Park shall be 15 miles per hour.
- (c) Theft or damage to any Park property is prohibited.
- (d) Trail bikes, dune buggies, motorcycles, etc. shall not be operated inside the Park boundaries. Horse unloading and riding shall be done north of the Community Building and in the horse arena.
- (e) No person shall discharge or cause a discharge of any missile, including paintballs, pellet gun, slingshot, bow and arrow, firearm or other weapon within Park or, except as may otherwise be allowed by law, within 200 yards of said Park. The launch of model rockets is permitted.
- (f) No person shall light any fire in the Boaz Community Park, unless the fire is ignited in the receptacles such as grills and contained fire rings provided for that purpose, or in those portable grills brought to the Park by Park users where those grills are made for the purpose of containing fires and preparing food.
- (g) The parking of heavy trucks requires pre-approval of the Village Board
- (h) Park events are scheduled by appearing at a meeting of the Village Board.

(2) Penalties. Any person violating any provision of this section shall, upon conviction, forfeit to the Village no more than \$100.00 and costs incurred by the Village in the prosecution of the violation of this section.

## **6.15 CURFEW**

(1) No child, fourteen years of age or under, shall be, and no parent or guardian shall permit his or her child or ward of such age to be on or upon any of the streets, alleys or public places in the Village of Boaz between the hours of 10:00 p.m. and 5:00 a.m., on Friday and Saturday nights or between the hours of 9:30 p.m. and 5:00 a.m. on other nights and no child who has attained the age of fifteen but not attained the age of eighteen shall be, and no parent or guardian shall permit his or her child or ward of such age to be in or upon any of the streets, alleys

or public places in the Village of Boaz between the hours of 12:00 midnight and 5:00 am. on Friday and Saturday nights or between the hours of 10:30 p.m. and 5:00 a.m. on other nights unless such child is accompanied by a parent, guardian or some other person of lawful age having legal custody of such child. This subsection shall not be construed to prohibit such child from performing an errand or duty as directed by his or her parent or guardian of urgent necessity or from pursuing the duties of his or her employment in an expeditious and orderly manner or from going to and from his or her place of employment, school for school activities or approved organizational activities, home or church by the most direct route. The fact that a child is in a motor vehicle shall not exempt the child, or his or her parent or guardian from the provisions of this section.

(2) Any such child shall have reasonable time after school activities, church activities or work, not to exceed one-half hour after the termination of such activity, to be within the definition of the term “going home.”

(3) Any person under the age of 18 who shall violate this section shall, upon conviction, forfeit not more than \$50.00. Any parent or guardian who shall violate this section shall forfeit not more than \$50.00 for the first conviction, not more than \$100.00 for the second conviction, and not more than \$150.00 for the third and any subsequent conviction.

## **6.16 PENALTIES**

Any person convicted of violating any provisions of this Chapter, except as expressly provided elsewhere in this Chapter, shall pay a forfeiture of \$150.00 plus the costs of the action.