

TITLE 11

Offenses and Nuisances

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Chapter 1

State Statutes Adopted

11-1-1 Offenses Against State Laws Subject to Forfeiture

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Sec. 11-1-1 Offenses Against State Laws Subject to Forfeiture.

The following statutes 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 of Star Prairie. With the exception of Sec. 938.342, Wis. Stats., the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code. The penalty for truancy and high school dropouts shall be governed by the provisions of Sec. 938.342, Wis. Stats., as adopted herein.

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Sec. 11-1-2 Penalties; Attempt; Parties to Acts.

- (a) **Penalty.** In addition to the general penalty provisions of this Code in Section 1-1-6 or any other penalty imposed for violation of any Section of this Title, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated juvenile who violates Section 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.
- (b) **Attempt.**
- (1) Whoever attempts to commit an act prohibited by Title 11 of the Code of Ordinances of the Village of Star Prairie may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.
 - (2) An attempt to commit an act prohibited by the ordinances in Title 11 requires that the actor have an intent to perform acts and attain a result which, if accomplished, would

constitute a violation of these ordinances and that he/she does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he/she formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

(c) **Parties to Acts Prohibited in Title 11.**

- (1) Whoever is concerned in the commission of an act prohibited by Title 11 of this Code of Ordinances, is a principle and may be charged with and convicted of the commission of said act although he/she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
- (2) A person is concerned in the commission of an act prohibited by these ordinances if he/she:
 - a. Directly commits the act; or
 - b. Intentionally aids and abets the commission of it; or
 - c. Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his/her mind and no longer desires that the act be committed and notifies the other parties concerned of his/her withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

Chapter 2

Offenses Against Public Safety and Peace

- 11-2-1** Regulation of Firearms, Paintball Devices, Explosives, and Other Missiles; Hunting Limitations
- 11-2-2** Open and Concealed Firearms and Dangerous Weapons
- 11-2-3** Safe Use and Transportation of Firearms and Bows
- 11-2-4** Sale and Discharge of Fireworks Restricted
- 11-2-5** Obstructing Streets and Sidewalks Prohibited
- 11-2-6** Loitering Prohibited
- 11-2-7** Noise Limitations; Noise Pollution Prevention; Jake Brakes Prohibited
- 11-2-8** Disorderly Conduct
- 11-2-9** Failure to Obey Lawful Order; Resisting an Officer
- 11-2-10** Possession of Controlled Substances; Marijuana; Toxic Inhalants
- 11-2-11** Synthetic Cannabinoid and Drugs
- 11-2-12** Crossing a Police Line
- 11-2-13** Harassment
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- 11-2-15** Gambling, Lotteries, Fraudulent Devices and Practices Prohibited
- 11-2-16** Obstructing Emergency or Rescue Personnel
- 11-2-17** Consumption of Products Not Labeled for Human Consumption

Sec. 11-2-1 Regulation of Firearms, Paintball Devices, Explosives and Other Missiles; Hunting Limitations.

(a) Discharge of Firearms Regulated.

- (1) **Discharge Prohibited.** No person shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description in his/her possession or under his/her control within the Village of Star Prairie, except as provided in this Section.
- (2) **Exceptions.** The following shall not constitute a violation of Subsection (a) above:
 - a. The maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board, upon the recommendation of the Chief

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of Police, or the firing or discharging of BB air guns or pneumatic pellet guns upon private premises by persons over sixteen (16) or under the direct personal supervision of a parent or legal guardian.

- b. A person working for a firm or under a plan authorized by the Village Board to harvest wildlife pursuant to a Wisconsin Department of Natural Resources-approved Wildlife Management Program, or engaged in permissible hunting under this Section.
- c. The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty, including but not limited to active operations, training exercises and ceremonies.
- d. The discharge of a firearm in defense of human life or the residence or place of business of the person discharging the firearm.
- e. The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Village Board.
- f. The firing or discharging of BB guns upon private premises by persons over sixteen (16) years of age or under the direct personal supervision of a parent or legal guardian.

(b) **Limited Firearms Hunting Authorized.**

- (1) ***Prohibitions; Wildlife Management Programs.*** Except as provided in Subsection (b)(2) below, no firearm hunting of any kind shall be allowed within the corporate boundaries of the Village of Star Prairie to protect the public health and safety. This provision does not apply to persons authorized by or firms hired by the Village of Star Prairie to conduct a wildlife harvest pursuant to DNR-approved Wildlife Management Programs. The Village Board's authorization must include the name of the individuals authorized to participate in the hunt and specific properties to be hunted upon within the Village limits. All hunters are subject to background checks by a law enforcement agency. All hunting regulations of the Wisconsin Department of Natural Resources shall be complied with. Property owner written consent and liability waivers must be on file with the Village Office if activity will wildlife management program activities will occur on private property. Open hunting seasons as defined by the Wisconsin Department of Natural Resources (DNR) shall not be effective within such municipal boundaries, except as provided in Subsections(b)(1) and (2).
- (2) ***Limited Firearms Hunting.*** Coinciding with the open hunting seasons defined by the Wisconsin Department of Natural Resources for hunting geese or deer, the Village Board may authorize the hunting of geese or deer within the Village of Star Prairie to limit numbers. In the interest of public safety, permit conditions may include, but not be limited to, limits on numbers of authorized hunters, the use of blinds, and designation of specific locations where the hunting of geese or deer is permitted. The purpose of this hunting exception is to assist in the management of resident geese and deer numbers within the Village of Star Prairie.

- (c) **Shooting Into Village Limits.** No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village of Star Prairie in a dangerous manner.
- (d) **Bow Hunting Authorized.** Hunting with a bow and arrow or crossbow is permitted at the times and in the manner prescribed by the Wisconsin Department of Natural Resources in the Village of Star Prairie subject to the following limitations:
 - (1) **Residence Proximity Limitation.** A person may not hunt with a bow and arrow or crossbow within one hundred (100) yards from a building used for human occupancy located on another person's property, unless the owner of the property on which such building is located has authorized the hunter to hunt with a bow and arrow or crossbow within one hundred (100) yards from the building.
 - (2) **Discharge Towards the Ground.** Hunting with a bow and arrow or crossbow shall only be permitted from a tree stand or elevated platform, and arrow or bolts shall be discharged toward the ground.
 - (3) **Bow Hunting on Public Property.** Bow hunting shall not be permitted on municipal, school, and public properties except where specifically authorized by the public body in control of such property. Village-owned public properties where hunting with a bow and arrow or crossbow is allowed shall be designated by ordinance.
- (e) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village of Star Prairie without first obtaining a permit to do so from the Village Board.
- (f) **Throwing, Discharging, Projecting and Shooting Prohibited.**
 - (1) **Prohibition.** Except as provided in Subsection (d) above, it shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow, or other means within one hundred (100) yards of any inhabited building or any public park.
 - (2) **Exceptions.** This Subsection shall not apply:
 - a. To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
 - b. To a supervised archery range approved by the Village Board, following a recommendation from the Chief of Police.
 - c. Within the interior of a single family dwelling.
 - d. To private archery practice provided such targets are placed in front of a building or an open agricultural field in such a manner as to prevent stray arrows from crossing or entering adjacent properties.
- (g) **Paintball Discharge Limited.** No person shall on any private property without the express permission of its owner or on any public property (including but not limited to public streets, sidewalks, parks, playgrounds, schools, open spaces, recreation facilities or any other public facility and/or grounds) discharge or cause to set off a paintball gun, except as provided as follows:

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- (1) **Business Exclusion.** This Subsection specifically excludes any business engaged in the operation of paintball games operating within the appropriate zoning district in which the discharge of paintball guns is carried out in an approved controlled environment.
- (2) **Exclusion on Private Property.** This Subsection specifically excludes the operation of a paintball gun on private property contingent upon the use of such paintball device being limited to a target which is protected by an appropriate barrier from other private property and prevents damage to same. Under no circumstance shall paintball guns be permitted to be aimed at other human beings and/or animals; this exclusion applies only to an appropriate target on private property.
- (h) **Definitions.** For purposes of this Section:
 - (1) **Building.** A permanent structure used for human occupancy and includes a manufactured home, as defined in Section 101.91(2), Wis. Stats.
 - (2) **Firearm.** Any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.
 - (3) **Paintball Device.** Any paintball gun/device which is designed or intended to expel a projectile containing paint, ink, or similar material which can cause injury to people or property.

State Law Reference: Sections 29.038 and 101.91(2), Wis. Stats.

Sec. 11-2-2 Open and Concealed Firearms and Dangerous Weapons.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Dangerous Weapon.** Any firearm, whether loaded or unloaded; any device designed as a weapon capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon as defined in Sec. 941.295(1c)(a), Wis. Stats.; 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. [Sec. 939.22, Wis. Stats.].
 - (2) **Electric Weapon.** Any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current. [Sec. 941.295(1c)(a), Wis. Stats.].
 - (3) **Firearm.** A weapon that acts by force of gunpowder.
 - (4) **Handgun.** True handguns designed to be fired one-handed, and does not include machine guns, rifles or shotguns. [Sec. 175.60(1)(bm), Wis. Stats.].

- (5) **Law Enforcement Officer.** 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 and/or ordinances he/she is employed to enforce.
- (6) **Qualified Out-of-State Law Enforcement Officer.** For purposes of this Section, a law enforcement officer to whom all of the following apply:
- The person is employed by a state or local government agency in another state;
 - The agency has authorized the officer to carry a firearm;
 - The officer is not the subject of any disciplinary action by the agency that could result in the suspension or loss of the person's law enforcement authority;
 - The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm; and
 - The person is not prohibited under federal law from possessing a firearm.
- (b) **Firearms and Dangerous Weapons Regulations.**
- (1) **Concealed Carry License/Permit Requirement.** Except as provided in Subsection (b)(3) below, no person shall carry on his or her person any concealed firearm(s) or other dangerous weapon(s) unless a valid license/permit as designated under Sec. 175.60, Wis. Stats., has been duly issued. The weapons that are eligible to be carried while concealed are: handguns; electric weapons; knives except switchblades; and billy clubs.
- (2) **Carrying Prohibited in Designated Municipal Buildings.** In addition to the provisions of Sec. 175.60, Wis. Stats., enumerating places where the open or concealed carrying of a firearm or dangerous weapon is prohibited, including exceptions thereto, it shall be unlawful for any person to enter and/or remain in the following municipal buildings in the Village of Star Prairie while carrying a dangerous weapon or a firearm:
- Star Prairie Village Hall.
 - Star Prairie Department of Public Works Building.
 - Star Prairie Municipal Water Utility buildings, pumping stations and water towers.
 - Star Prairie Municipal Sewer Utility treatment plant and Utility buildings.
 - The building currently leased from the Village by the United States Postal Service, at such time that this building no longer serves as the Star Prairie Post Office.
 - Any other duly posted Village of Star Prairie building or structure.
- (3) **Law Enforcement and Military Personnel Exceptions.** Subsections (b)(1) and (2) above do not apply to:
- A sworn law enforcement officer as defined in Sec. 175.60, Wis. Stats.
 - A former law enforcement officer who satisfied all of the following requirements:
 - The former officer has been issued a photographic identification document or identification or certification card;

2. The weapon carried is a firearm that is of the type described in the identification document; and
3. Within the preceding twelve (12) months, the former officer met the standards of the state in which he/she resides for training and qualification for active duty law enforcement officers to carry firearms.
- c. A qualified out-of-state law enforcement officer, but only if the weapon is a firearm but is not a machine gun or destructive device; the officer is not carrying a firearm silencer; and the officer is not under the influence of an intoxicant.
- d. Armed forces personnel acting in the line of duty.
- (4) **Signage.** Signs meeting the requirements of Sec. 943.13(2)(bm)1, Wis. Stats., shall be posted in prominent locations near all entrances of such buildings/places indicated that possession of a firearm in that building or place is prohibited.
- (5) **Miscellaneous Regulations.**
 - a. No person may carry any open or concealed firearm or dangerous weapon onto school property or within one thousand (1,000) feet of a school.
 - b. No person may carry any open or concealed firearm or dangerous weapon into any courtroom while in session.
 - c. No person may enter or remain in a public building which is properly signed and while in possession of any open or concealed firearm or dangerous weapon.
 - d. No person may carry any open or concealed firearm or dangerous weapon into a private business which is properly signed.
 - e. No person may carry any open or concealed firearm or dangerous weapon into any community-type event which lasts no longer than three (3) weeks, has controlled access points which are properly signed, and for which admission is charged.
 - f. No person may carry any open or concealed firearm or dangerous weapon into any establishment that serves alcohol for consumption on the premises and that person partakes in such consumption.
- (c) **Possession, Sale, and Manufacture of Certain Weapons Prohibited.**
 - (1) **Prohibition.** No person shall sell, manufacture, purchase, possess or carry metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, a "numchuk" (also called a "nunchaku") or any similar weapon, a "cestus" or similar material weighted with metal or other substance and worn on the hand, a "churkin" (also called a "suriken") or any similar object intended to injure a person when thrown, a "sucbai" or similar weapon, a "manrikigusari" or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person within the Village of Star Prairie.
 - (2) **Definitions.** For the purpose of this Section, the following definitions shall apply:
 - a. **"Numchuk" or "Nunchaku."** An instrument consisting of two (2) or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.

- b. "**Churkin.**" A round throwing knife consisting of several sharp points protruding from a rounded disc.
- c. "**Sucbai.**" A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
- (3) **Seized Weapons.** Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.
- (d) **Reckless Use of Weapons.**
 - (1) **Acts Prohibited.**
 - a. No person shall endanger another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow.
 - b. No person shall operate or go armed with a firearm, air gun, knife or bow and arrow while he/she is under the influence of an intoxicant.
 - c. No person shall intentionally point a firearm, air gun, knife or bow and arrow at or toward another person.
 - (2) **Reckless Conduct Defined.** "Reckless conduct" consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take chances of perpetrating an injury.

Sec. 11-2-3 Safe Use and Transportation of Firearms and Bows.

- (a) **Definitions.** In this Section:
 - (1) **Aircraft** has the meaning given under Sec. 114.002(3), Wis. Stats.
 - (2) **Encased** means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
 - (3) **Firearm** means a weapon that acts by force of gunpowder.
 - (4) **Highway** has the meaning given under Sec. 340.01(22), Wis. Stats.
 - (5) **Motorboat** has the meaning given under Sec. 30.50(6), Wis. Stats.
 - (6) **Roadway** has the meaning given under Sec. 340.01(54), Wis. Stats.
 - (7) **Unloaded** means any of the following:
 - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
 - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
 - c. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
 - (8) **Vehicle** has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.

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(b) Prohibitions; Motorboats and Vehicles; Highways and Roadways.

- (1) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
- (2) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
- (3) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
- (4) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet from the center of a road.
- (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture pursuant to Section 1-1-6.

(c) Exceptions.

- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:
 - a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
 - b. A member of the U.S. armed forces.
 - c. A member of the National Guard.
- (2) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
- (3) Subsections (b)(2) and (3) do not apply to the holder of a permit under Sec. 29.09, Wis. Stats., who is hunting from a standing automobile in accordance with that Subsection.

Sec. 11-2-4 Sale and Discharge of Fireworks Restricted.

No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village unless he/she shall be authorized by a fireworks permit as provided in Title 7, Chapter 6, of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Sec. 167.10(1), Wis. Stats., and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

State Law Reference: Sec. 167.10, Wis. Stats.

Sec. 11-2-5 Obstructing Streets and Sidewalks Prohibited.

- (a) **Obstructing Streets.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village of Star Prairie in such a manner as to:
- (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
 - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
 - (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- (b) **Obstructing Sidewalk Prohibited.** No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (c) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Star Prairie.
 - (3) **Obstruct.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
 - (4) **Sidewalk.** Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.
- (d) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

Sec. 11-2-6 Loitering Prohibited.

- (a) **Public Property Loitering Prohibited.**
- (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any law enforcement officer.

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- (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) No person shall loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious conduct or any unlawful act.
- (4) No person shall loiter in or about any school or public place at or near which children or students attend or normally congregate. As used in this Subsection, "loiter" means to delay, to linger or to idle in or about any said school or public place without a lawful purpose for being present.

(b) **Private Property Loitering Prohibited.**

- (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps or entrance of any business place of private residence without the expressed consent of the owner thereof, or at any time other than usual business hours. Under this Subsection, business place shall include public building at such times that the same shall be closed for the usual and normal business conduct thereat.
- (2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the expressed consent of the owner thereof, whether such be parked upon a public street, alley, parking lot, driveway or private premises.
- (4) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.

(c) **Loitering or Prowling Prohibited.**

- (1) 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/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement 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 law enforcement officer at the time, would have dispelled the alarm.

- (2) No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.
 - (3) No person shall lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.
 - (4) No person shall loiter in or about a restaurant, tavern or other public building. As used in this Subsection, "loiter" means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.
- (d) **Loitering by Underage Persons Where Alcohol Beverage is Dispensed.**
- (1) **Underage Persons and Intoxicants.** No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
 - (2) **Permitting Loitering Prohibited.** No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Star Prairie.
- (f) **Soliciting.** No person shall loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, that such person repeatedly beckons to stop or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or produce another to commit an act of prostitution. No arrest shall be made for a violation of this Subsection unless the law enforcement officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating

this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this Subsection:

- (1) **Public Place** is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.
- (2) **Known Prostitute or Panderer** means a person who, within five (5) years previous to the date of arrest for violation of this Section, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

Sec. 11-2-7 Noise Limitations; Noise Pollution Prevention; Jake Brakes Prohibited.

- (a) **Purpose.** Excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life. It is the intent of this Section to minimize the public's exposure to the physiological and psychological dangers of excessive noise, and protect, promote and preserve the public health, safety and welfare. It is the express purpose of this Section to control the level of noise in the Village of Star Prairie in a manner which promotes the reasonable use and enjoyment of property, conduct of business, sleep and repose of residents, and an environment free from unnecessary and excessive sound that constitutes noise pollution. This Section shall be liberally construed to carry out its public purposes.
- (b) **Definitions.** The following definitions shall be applicable in this Section, unless the context otherwise clearly indicates:
 - (1) **"A" Band Level.** The total sound level of all noise as measured with a sound level meter using the the "A" weighting network. The unit is the dB(A). Instrument response shall be set on "fast" for motor vehicle measurement and "slow" for all other measurements.
 - (2) **Ambient Noise Level.** The sound pressure level of the all-encompassing noise - associated with a given environment, being usually a composite of sounds with many sources and excluding the specific noise under investigation.
 - (3) **Band-Pressure Level.** The sound pressure level for the sound contained within the restricted band (a specified frequency).
 - (4) **Commercial Purpose.** The use, operation or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting attention the attention of the public to or advertising for, or soliciting patronage or customers to or for any event, performance, show, exhibition or entertainment, or for the purpose of demonstrating any such sound equipment.

- (5) **Cycle.** The complete sequence of values of a periodic quantity which occurs during a period of time.
- (6) **Decibel (dB).** A unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.
- (7) **Emergency Work.** Work made necessary to restore property to a safe condition following a public emergency or work required to protect persons or property from an imminent exposure to danger.
- (8) **Frequency.** The frequency of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the "cycle per unit" and shall be specified.
- (9) **Microbar.** A unit of pressure commonly used in acoustics and is equal to one (1) dyne per square centimeter.
- (10) **Motor Vehicle.** Is defined in Sec. 340.01(35), Wis. Stats. For purposes of this Section, "motor vehicle" includes, but is not limited to, all of the following:
 - a. **Aircraft** as defined in Sec. 29.001(16), Wis. Stats.
 - b. **All-Terrain vehicles** as defined in Sec. 340.01(2g), Wis. Stats.
 - c. **Antique vehicles** as described in Sec. 341.265, Wis. Stats.
 - d. **Automobiles** as defined in Sec. 340.01(4), Wis. Stats.
 - e. **Boats** as defined in Sec. 29.001(16), Wis. Stats.
 - f. **Camping trailers** as defined in Sec. 340.01(6m), Wis. Stats.
 - g. **Farm equipment** as defined in Sec. 100.47(1), Wis. Stats.
 - h. **Farm tractors** as defined in Sec. 340.01(16), Wis. Stats.
 - i. **Hobbyist or homemade vehicles** as defined in Sec. 341.268, Wis. Stats.
 - j. **Junk vehicles** as defined in Sec. 340.01(25j), Wis. Stats.
 - k. **Implements of husbandry** as defined in Sec. 340.01(24), Wis. Stats.
 - l. **Manufactured homes** as defined in Sec. 101.91(2), Wis. Stats.
 - m. **Mobile homes** as defined in Sec. 340.01(29), Wis. Stats.
 - n. **Mopeds** as defined in Sec. 340.01(29m), Wis. Stats.
 - o. **Motor bicycles** as defined in Sec. 340.01(30), Wis. Stats.
 - p. **Motor buses** as defined in Sec. 340.01(31), Wis. Stats.
 - q. **Motor homes** as defined in Sec. 340.01(33m), Wis. Stats.
 - r. **Motor trucks** as defined in Sec. 340.01(34), Wis. Stats.
 - s. **Motor vehicle** as defined in Sec. 340.01(35), Wis. Stats.
 - t. **Motorcycles** as defined in Sec. 340.01(32), Wis. Stats.
 - u. **Railroad trains** as defined in Sec. 340.01(48), Wis. Stats.
 - v. **Recreational vehicles** as defined in Sec. 340.01(48r), Wis. Stats.
 - w. **Road machinery** as defined in Sec. 340.01(52), Wis. Stats.
 - x. **Road tractors** as defined in Sec. 340.01(53), Wis. Stats.
 - y. **Salvage vehicles** as defined in Sec. 340.01(55g), Wis. Stats.

- z. *School buses* as defined in Sec. 340.01(56), Wis. Stats.
 - aa. *Self-Propelled Vehicles* of any type.
 - bb. *Semi trailers* as defined in Sec. 340.01(57), Wis. Stats.
 - cc. *Snowmobiles* as defined in Sec. 340.01(58), Wis. Stats.
 - dd. *Special interest vehicles* as defined in Sec. 341.266, Wis. Stats.
 - ee. *Trailers* as defined in Sec. 340.01(71), Wis. Stats.
 - ff. *Truck tractors* as defined in Sec. 340.01(73), Wis. Stats.
 - gg. *Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and go carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles* that require no registration or licensure by the State of Wisconsin.
- (11) **Noncommercial Purpose.** The use, operation or maintenance of any sound equipment for other than a commercial purpose, and shall include, but not be limited to, civic, patriotic, philanthropic, charitable and/or political purposes.
 - (12) **Period.** The smallest increment of time for which the function repeats itself.
 - (13) **Periodic Quantity.** Means the oscillating quantity, the values of which recur for equal increments of time.
 - (14) **Sound-Amplifying Equipment or Device.** Any device, equipment, musical instrument, loudspeaker, radio, television, digital or analog music player, public address equipment, electronics or machine for the amplification or intensification of music, the human voice, or any other sound. Not included in this definition are standard automobile or truck radios and audio equipment when used and heard only by the occupants of the vehicle in which the radio or audio equipment is installed. As used in this Section, this definition shall also not include warning devices on any emergency vehicle or vehicle used for traffic or worker safety purposes.
 - (15) **Sound Analyzer.** A device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.
 - (16) **Sound Level Meter.** An instrument sensitive to pressure fluctuations and meeting the standards of the American National Standards Institute (ANSI) SI.4-1983 or its successors. The instrument shall use the "A" weighted network.
 - (17) **Sound Pressure Level.** Measured in decibels of sound, shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.
 - (18) **Sound Truck.** Any motor vehicle, or any other vehicle regardless of method of motive power, whether stationary or in motion, having mounted thereon, or attached thereto, any sound-amplifying equipment.
 - (19) **Spectrum of a Function of Time.** The spectrum of a function of time shall mean a description of its resolution into components, each of a different frequency.
 - (c) **Decibel Measurement Criteria.** Unless otherwise indicated, any decibel (dB) measurement made pursuant to the provisions of this Section shall be based on the

reference sound pressure and measured with a sound level meter using the "A" weighting network. In this Section, the terms dB and dB(A) are synonymous unless otherwise stated.

(d) **Limitations on General Sources of Sound or Noise.**

(1) ***Loud and Unnecessary Noise or Sound Prohibited.***

- a. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise as regulated by this Section. No person shall cause, suffer, allow or permit the operation of any source of sound or noise in such manner as to create a sound level that equals or exceeds the sound level limits set forth in this Section or which occurs during designated times of sound or noise limitation. Noise and sound shall be so muffled or otherwise controlled as not to become objectionable, due to intermittence, duration, beat, frequency, periodic character, impulse character or shrillness
- b. It shall be unlawful for any person to use or operate, or permit to be used or operated, any sound-amplifying equipment or device in any public or private place in such manner that persons owning, occupying or using property in the neighborhood are unreasonably disturbed or annoyed by noise or sound levels that equal or exceed the sound level limits set forth in this Section.

- (2) ***General Noise Sound Levels Established.*** The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and use classification listed below. This includes, but is not limited to, sound from such activities as production, processing, entertainment, cleaning, servicing, maintenance, operating and/or repairing vehicles, goods, materials, products or devices. Sound pressures in excess of those established below, during the named time periods, shall constitute prima facie evidence that such sound is an excessive and unnecessary noise creating noise pollution:

Sound Pressure Level Limit dB(A)

Districts/Time	Residential	Commercial	Industrial
7 a.m. - 10 p.m. (Day)	65	65	75
10 p.m. - 7 a.m. (Night)	55	55	65

[**Note:** "Residential" includes the residential portion of a multi-use property. "Commercial" includes the non-residential portion of a multi-use property and public properties.]

- (3) ***Agricultural Parcels.*** The sound pressure limits established above for commercial parcels shall also apply to any parcel of land zoned agricultural..

- (4) **Where Measured.** Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public right-of-way, at a height of at least three (3) feet above the ground surface and at least three (3) feet away from walls, obstructions, barriers or sound reflective surfaces. Measurements shall be taken using a sound level meter which operates on the "A" weighting network.
- (5) **Different Land Use Categories.** Sound projecting from a property of one land use category onto property of another land use category having a lower sound level limit shall not exceed the limits for the property of the land use category onto which it is projected.
- (e) **Exceptions.** The sound level limitations of Subsection (d) above shall not apply to:
 - (1) **Emergency Work.** Sounds caused by emergency equipment and emergency work necessary in the interests of law enforcement or the protection of the safety, health or welfare of the community or individuals, or to restore property to a safe condition following a calamity.
 - (2) **Emergency Alarms.** Sounds created by fire and other emergency alarms.
 - (3) **State-Prescribed Noise Limits.** Situations where specific noise standards or limitations prescribed by the Wisconsin Statutes or Wisconsin Administrative Code are applicable.
 - (4) **Federal Noise Limits.** Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), by the Federal Emergency Management Agency (FEMA) or other government agencies to the extent that they comply with the noise requirements of the enabling legislation or regulation. Examples are sounds regulated by federal law that include sounds caused by aircraft, railroads and interstate motor carriers.
 - (5) **Sports and School Events.** Amplified or non-amplified sounds created by organized athletic, school or other group activities, when those activities are conducted on property generally used for that type of activity, such as athletic fields, parks, and schools, between the hours of 7:00 a.m. and 11:00 p.m.
 - (6) **Community Events; Public Fireworks Displays.** Sounds created by community/civic events, such as, but not limited to, public fireworks displays, street dances, fairs and festivals, between the hours of 7:00 a.m. and 11:00 p.m. Included in this exception is the reasonable utilization of amplifiers or loudspeakers in the course of noncommercial use at such events.
 - (7) **Solid Waste Collection.** Sounds made by Village-authorized solid waste and recyclables collectors engaged in collection activities.
 - (8) **Snow Removal.** Sounds made by the removal of snow or ice from public or private property provided equipment used for this purpose has operable mufflers meeting manufacturer's specifications.
 - (9) **Public Works Construction.** Excavations or repairs of streets or other public construction on behalf of a governmental entity at night when public welfare and convenience is served.

- (10) **Bells and Chimes.** Any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any clock, school or place of religious worship.
- (f) **Specific Noise and Sound Limitations.**
- (1) **Lawn and Yard Maintenance Equipment.** Sounds created by yard maintenance equipment, such as lawn mowers, power tools, home maintenance tools, leaf blowers, chainsaws, rototillers, and yard maintenance equipment, are exempt from the sound limits of Subsection (d) provided such equipment is operated with operable mufflers meeting manufacturer's specifications. Such equipment shall only be operated outside between the hours of 7:30 a.m. and 9:00 pm.
- (2) **Portable Sound Production Devices on Public Property.** Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space, public property or public right-of-way in such a manner as to be plainly audible at a distance of fifty (50) feet in any direction from the operator between the hours of 8:00 a.m. and 9:00 p.m. Between the hours of 9:00 p.m. and 8:00 a.m., such sound shall not be plainly audible at a distance of twenty-five (25) feet in any direction from the operator.
- (3) **Construction, Repair or Demolition of Buildings.** The construction (including excavation), demolition, alteration, or repair of any building, as well as the operation of any pile driver, heavy equipment, pneumatic hammer, motorized or electric hoist or any similar such equipment attended by loud or unusual noise shall only be conducted between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday or Sunday. Such operations shall be subject to the sound level limitations of Subsection (d) above.
- (4) **Schools, Hospitals, Religious Institutions and Libraries.** No person shall create any unnecessary noise on any street, sidewalk or public place adjacent to any school, library or religious institution while the same is in use; or adjacent to any hospital which noise unreasonably interferes with the operations of such facility or which unduly disturbs patients therein, provided signage is erected on such street, sidewalk or public place indicating the presence of a school, hospital, religious institution or library.
- (5) **Public Disturbances and Disorderly Conduct.** No person shall persistently yell, shout, hoot, whistle, sing or create other human-produced noise that is unnecessarily loud and disturbs the peace of persons residing beyond a property line between the hours of 10:00 p.m. and 7:00 a.m.
- (g) **Temporary Variance Permits.**
- (1) **Application.** The Chief of Police may grant a temporary permit which allows noncompliance with the limitations prescribed in this Section for the purpose of amplified sound or construction noise activities of short duration. Permits may be granted upon application provided an initial evaluation indicates that the permit will

not result in a condition injurious to public health, safety and general enjoyment of property. The application shall be submitted at least thirty (30) days prior to the event for which the permit is requested. The application shall contain the following information:

- a. Dates requested;
 - b. Time and place of operation;
 - c. Equipment and operation involved;
 - d. Necessity for such permit;
 - e. Steps to be taken to minimize noise; and
 - f. Name, address and contact information (landline, cellphone and fax numbers; email address) of the responsible person(s) who will be present at the site while the noise is being produced.
- (2) **Application Review Criteria.** The following factors will be considered in the evaluation of an application:
- a. **Temporary Amplified Sound Permits.**
 1. Distance of proposed activities from noise-sensitive property.
 2. Number and type of amplification devices to be used with the proposed activities.
 3. Anticipated direction of amplification devices.
 4. Anticipated length of proposed activities.
 5. Whether the activity will be held within or outside of a structure.
 6. The public purposes of this Section.
 - b. **Temporary Construction Noise Permits.**
 1. Distance from noise-sensitive property.
 2. Type of activity and equipment.
 3. Estimated noise level and duration.
 4. Noise mitigation measures to be employed.
 5. Health and safety benefits to be realized as a result of the completed project.
 6. A statement explaining how compliance with the standards of this Section would cause extraordinary loss or inconvenience to the applicant and be against the public interest.
 7. The public purposes of this Section.
- (3) **Application Determination; Revocation; Appeals.**
- a. Upon a determination that the granting of a temporary variance permit will not result in a condition injurious to public health or safety, the permit may be issued, with any requirements appropriate to the proposed activity site.
 - b. A Village enforcement official may revoke a temporary variance permit if it is found that any requirement of the permit has been violated.
 - c. Any person aggrieved by the disposition of an application and/or issuance of a temporary variance permit may appeal such disposition to the Village Board by

filing a written appeal request with the Village Clerk-Treasurer within fifteen (15) days of the issuance decision regarding the permit.

- d. The Village Board shall conduct a hearing on the appeal within forty-five (45) days of receipt of the appeal request. The decision of the Village Board on such appeal shall be final.
- (h) **Jake Brakes Prohibited.** No person shall use "jake brakes" — motor vehicle brakes that are in any way activated or operated by the compression of an engine of any such motor vehicle or any unit or part thereof — within the Village of Star Prairie, unless such activation was done in an emergency situation.

Sec. 11-2-8 Disorderly Conduct.

- (a) **Disorderly Conduct Prohibited.** No person within the Village of Star Prairie shall:
 - (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person;
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation;
 - (3) With intent to annoy another, make a telephone call, whether or not conversation ensues;
 - (4) Indecently expose his or her person;
 - (5) Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner.
- (b) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.

Sec. 11-2-9 Failure to Obey Lawful Order; Resisting an Officer.

- (a) **Lawful Orders.** It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.
- (b) **Resisting or Interfering with Officer Prohibited.** It shall be unlawful for any person to resist or in any way interfere with any police officer or member of the Police Department or any person called to assist such officer, or to threaten, resist or interfere with such officer or person or to advise or encourage any other person to resist or interfere with such officer or person in the discharge of his/her duty, or to in any way interfere with or hinder or prevent him/her from discharging his/her duty as such officer or assistant, or to offer or endeavor to do so, or to in any manner assist any person in the custody of any law enforcement officer to escape or to attempt to escape from such custody, or to try to persuade any person to escape from the custody of such officer, or to rescue or attempt to rescue any person so in custody or to fail to obey the order or direction of such officer while such officer is acting in his/her official capacity in carrying out his/her duties.

Sec. 11-2-10 Possession of Controlled Substances; Marijuana; Toxic Inhalants.

- (a) **Possession of Controlled Substances.** It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in schedule I and II which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his/her professional practice, or except as otherwise authorized by this Code of Ordinances.
- (b) **Possession of Marijuana.**
- (1) No person shall possess twenty-five (25) grams or less of marijuana, as defined in Sec. 961.01(14), Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 961, Wis. Stats.
 - (2) For purposes of this Section, "practitioner" means:
 - a. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
 - b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
 - (3) This Section does not apply to any person who is charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.
- (c) **Toxic Inhalants.**
- (1) **Definitions.** "Toxic inhalants" shall mean any glue, paint, gasoline, aerosol, adhesive cement, mucilage, plastic cement or any similar substance containing one or more of the following volatile substances:
 - a. Acetone;
 - b. Benzene;
 - c. Butyl alcohol;
 - d. Cyclohexanone;
 - e. Ethyl acetate;
 - f. Ethyl alcohol;
 - g. Ethylene dichloride;
 - h. Hexane;
 - i. Isopropyl alcohol;
 - j. Methyl alcohol;
 - k. Methyl celosove;
 - l. Acetate;
 - m. Methyl ethyl ketone;

- n. Methyl isobutyl ketone;
 - o. Pentachlorophenol;
 - p. Petroleum ether;
 - q. Trichlorethylene;
 - r. Tricresylphosphate;
 - s. Toluene;
 - t. Toluol; or
 - u. Any other chemical capable of producing intoxication when inhaled.
- (2) **Inhalation of Vapors or Fumes from Toxic Inhalants Prohibited.** No person shall inhale or otherwise introduce into his respiratory tract any toxic vapors or fumes which may be released from any toxic inhalants with the intent of becoming intoxicated, elated, excited, stupefied, irrational, paralyzed, or of changing, distorting, or disturbing his/her eyesight, thinking process, judgment, balance or muscular coordination.
- (3) **Limitations on Sales, Transfer, and Possession of Toxic Inhalants.** No person shall, for the purpose of violating or aiding another to violate any provision of this Subsection, possess, buy, sell, transfer possession or receive possession of any toxic inhalants.
- (d) **Additional Penalties.** In addition to the penalties in Section 1-1-6:
- (1) If any adult violates Subsections (b) or (c), the court shall, in addition to any other penalties that may apply to the offense, suspend or revoke the person's operating privilege for not less than six (6) months nor more than five (5) years. The court shall immediately take possession of any suspended or revoked license and forward it to the Wisconsin Department of Transportation, together with the record of conviction and notice of suspension or revocation.
 - (2) If any person who is under eighteen (18) years of age violates Subsections (b) or (c), such person shall be subject to the same penalties set forth in Subsection (d)(1) or participation in a supervised work program or both.
 - (3) If any person who is under eighteen (18) years of age violates Subsections (b) or (c), the court shall, in addition to any other penalties that may apply to the offense, suspend or revoke the person's operating privilege for not less than six (6) months nor more than five (5) years. The court shall immediately take possession of any suspended or revoked license and forward it to the Wisconsin Department of Transportation, together with the record of conviction and notice of suspension or revocation.

State Law Reference: Sec. 66.051(4) and Ch. 961, Wis. Stats.

Sec. 11-2-11 Synthetic Cannabinoid and Drugs Prohibited.

(a) **Purpose; Background.**

- (1) **Background – Synthetic Cannabinoid.** Products that are commonly known as synthetic cannabinoid, marijuana containing synthetic cannabinoids, synthetic THC, or substantially similar chemicals or products often in the form of incense, potpourri, plant

food, spice, special dietary supplements or herbal smoking blends, are commonly marketed or sold to the public under names such as, but not limited to: "K2", "K3" or "K4"; "K-2 Summit"; "K-2 Sex"; "Spice"; "Genie"; "Yucatan Fire"; "Dascents"; "Zohal"; "Sage"; "Pep Spice"; "Solar Flare"; "K.O. Knock-Out 2"; "Spice Gold"; "Spice Diamond"; "Spice Cannabinoid"; and "Fire and Ice".

- (2) **Background – Synthetic Drugs.** Like the marketing of synthetic cannabinoids as incense [such as, but not limited to, Spice or K2], synthetic drugs are also commercially available, and in some instances are marketed as bath salts under such names as Bliss, Vanilla Sky, White Lightning, Ivory Snow, Ivory Wave, Purple Wave, Red Dove, Hurricane Charlie or other names, or are packaged or marketed as potpourri, incense, plant food, spice, tobacco, or dietary supplements.
- (3) **Scientific Background.** The Village Board finds that the United States Drug Enforcement Agency in 2008 alerted law enforcement and public officials that synthetic cannabinoid products are structurally and pharmacologically similar to the active ingredient of marijuana (THC), a Schedule 1 controlled substance. While there are hundreds of synthetic compounds and their analogs, some are more common synthetic cannabinoids and synthetic drugs include, but are not limited to:
- a. **Salviadivinorum or Salvinorum A.** All parts of the plant presently classified botanically as *salvia divinorum*.
 - b. **JWH-018.** (1-Pentyl-3-(1-naphthoyl) indole is an analgesic chemical from the naphthoylindole family, which acts as a full agonist at both the CB1 and CB2 cannabinoid receptors, with some selectivity for CB2. It produces effects in animals similar to those of THC, a cannabinoid naturally present in cannabis, leading to its use in synthetic cannabis.
 - c. **JWH-073.** 1-butyl-3-(1-naphthoyl) indole is an analgesic chemical from the naphthoylindole family, which acts as a partial agonist at both the CB1 and CB2 cannabinoid receptors. It is somewhat selective for the CB2 subtype with affinity at this subtype approximately 5x the affinity at CB1. The abbreviation JWH stands for John W. Huffman, one of the inventors of the compound.
 - d. **JWH-200.** 1-[2-4(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole is an analgesic chemical from the phenylacetylindole family, which acts as a cannabinoid agonist at both the CB1 and CB2 receptors, with a K_i of 11nM at CB1 and 33nM at CB2. Unlike many of the older JWH series of compounds, this compound does not have a naphthalene ring, instead occupying this position with a 2'-methoxyphenyl group making JWH-250 a representative member of a new class of cannabinoid ligands.
 - e. **CP 47, 497.** 2-(3-hydroxycyclohexyl)-5-(2-methylcycatan-2-yl) phenol [some trade and other names: CP-47, 497] and 2-(3-hydroxycyclohexyl)-5-(2 methylnonan-2-yl) phenol [some trade names and other names: CP-47, 497, C8 homologue, cannabicyclohexanol] is a cannabinoid receptor agonist drug, developed by Prizer in the 1980's. It has analgesic effects and is used in scientific research. It is a potent CB1 agonist with a K_d of 2.1nM.
 - f. **JWH-081.** 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl) methanone is an analgesic chemical from the naphthoylindole family, which acts as a cannabinoid

agonist at both the CB1 and CB2 receptors. It is fairly selective for the CB1 subtype, with affinity at this subtype approximately 10x the affinity at CB2.

- g. **JWH-250.** (1-pentyl-1H-indol-3-yl)-2-(2methoxyphenyl)-ethanone is an analgesic chemical from the phenylacetylindole family, which acts as a cannabinoid agonist at both the CB1 and CB2 receptors, with a K_i of 11nM at CB2. Unlike many of the older JWH series compounds, this compound does not have a naphthalene ring, instead occupying this position with a 2'-methoxyphenylphenylacetyl group making JWH-250 a representative member of a new class of cannabinoid ligands.
 - h. **HU-210.** (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2methyloctan-2-yl)6a, 7, 10, 10a-tetrahydrobenzo[c] chromen-1-ol is structurally and pharmacologically similar to tetrahydrocannabinol.
- (4) **Federal Health and Law Enforcement Warning.** The Village Board notes that the National Drug Intelligence Center of the United States Department of Justice issued an immediate alert to law enforcement and public health officials of potential substance abuse problems and harmful side effects related to the use of these synthetic cannabinoid products in EWS 000006 dated May 18, 2010.
 - (5) **Statutory Status.** The Village Board finds that while these synthetic cannabinoids and synthetic drugs listed above may be prohibited controlled substance analogs under Chapter 961, Wis. Stats., the State of Wisconsin may not specifically list all varieties of synthetic cannabinoids and synthetic drugs as controlled substances in Chapter 961, Wis. Stats.
 - (6) **Municipal Determination.** The Village Board finds that, in order to promote the public health, safety and welfare, products containing synthetic cannabinoids or synthetic drugs, and their derivatives, analogues, homologues, salts, optical isomers and salts of optical isomers with substantially similar chemical structure and pharmacological activity intended to mimic the effects of marijuana or other controlled substance, such synthetic substance(s) should be prohibited in the Village of Star Prairie. Ingestion of synthetic drugs has been shown to produce dangerous side effects such as, but not limited, to:
 - a. Nausea;
 - b. Vomiting;
 - c. Hallucinations;
 - d. Blurred vision;
 - e. Delusions;
 - f. Headaches;
 - g. Agitation;
 - h. Anxiety;
 - i. Insomnia;
 - j. Convulsions;
 - k. Addiction;
 - l. Psychosis;
 - m. Elevated blood pressure;
 - n. Loss of consciousness;
 - o. Tremors;

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- p. Suicidal thoughts;
- q. Seizures;
- r. Paranoid behavior;
- s. Elevated or irregular heart rates; and
- t. Death.

(b) **Possession and Sale of Synthetic Cannabinoids Prohibited.** It shall be illegal for any person to possess, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give, or barter any material, chemical, compound, mixture or preparation that is intended to have the same or similar effects of the controlled substance marijuana including, but not limited to, synthetic cannabinoids, JWH-018, JWH-073, JWH-200, JWH-081, JWH-250, Hu-210; cannabicyclohexanol, cp 47, 497; or any similar structural analogs commonly found in, referred to, or marketed or sold under the names "K2", "K3", "K4", "Spice", "Genie", "Yucatan Fire", "Fake", "new or legal marijuana", or by any other name, label or description:

- (1) Salviadivinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
- (2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3 (2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other name(s); HU-210;
- (3) 1-Pentyl-3-(1-naphthoyl) indole or some trade or other name(s); JWH-018, Spice;
- (4) 1-Butyl-3-(1naphthoyl) indole or some trade or other name(s); JWH-073;
- (5) 1-(3{trifluoromethylphenyl}) piperazine or some trade or other name(s); TFMPP;
- (6) 1-[2-4(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole or some trade or other name(s); JWH-200;
- (7) 2-(3-hydroxycyclohexyl)-5-(2-methylocatan-2-yl) phenol or some trade or other name(s); CP-47, 497;
- (8) 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl) methanone or some trade or other name(s);
- (9) (1-pentyl 1H-indol-3-yl)-2-(2methoxyphenyl)-ethanone or some trade or other name(s); JWH;
- (10) Any similar structural analogs or synthetic cannabinoids specified in Section 961.14(4)(tb) through (ty), Wis. Stats., if not otherwise listed above.

(c) **Possession and Sale of Synthetic Drugs Prohibited.** It shall be illegal for any person in the Village of Star Prairie to possess, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give or barter any material, chemical, compound, mixture or preparation that is a synthetic drug, including, but not limited to the following:

- (1) Methylenedioxypyrovalerone, commonly known as "MDPV" or "bath salts".
- (2) 4-methylmethcathinone, commonly known as "mephedrone" or "4-MMC".
- (3) 4-bromo-2,5-dimethoxy-beta-phenylethylamine, commonly known as "Nexus" or "2C-B".
- (4) 4-iodo-2,5-dimethoxy-beta-phenylethylamine, commonly known as "2C-1".
- (5) Any other substance which has been listed as a synthetic drug in the Wisconsin Statutes or Village ordinances, including this Section, and their derivatives, analogues,

homologues, salts, optical isomers and salt of isomers with substantially similar chemical structure and pharmacological activity as a synthetic drug or other controlled substance.

- (d) **Use or Possession of Synthetic Cannabinoids or Synthetic Drugs.** It shall be unlawful for any person in the Village of Star Prairie to use, possess, attempt to possess, inject, ingest, insert rectally, burn, incinerate or ignite the any substance prohibited by this Section. For purposes of this Section, a person knowingly possesses such substances when the person knows the substance induces the effects described in this Section, regardless of whether the person knows whether a chemical compound specifically described in this Section is present in the product being used or possessed.
- (e) **Additional Statutory-Derived Prohibitions.** Section 961.14 and 961.41, Wis. Stats., are adopted and incorporated herein by reference. The following are prohibitions based upon those statutory regulations:
 - (1) The possession of any controlled substance (i.e. synthetic cannabinoids) specified in Section 961.14(4)(tb) through (ty), Wis. Stats., is prohibited.
 - (2) Any act prohibited by Section 961.41(3g)(em), Wis. Stats., pertaining to MDPV and mephedrone or a controlled substance analog of synthetic cannabinoids is prohibited.
 - (3) Any act prohibited by Section 961.41(3g)(d), Wis. Stats., pertaining to MDPV and mephedrone or a controlled substance analog of MDPV or mephedrone is prohibited.
- (f) **Medical or Dental Use Allowed.** Acts otherwise prohibited under this Section shall not be unlawful if done by or under the direction of prescription of a licensed physician, dentist or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal law.
- (g) **Definitions.** The following words, terms or phrases, when used in this Section, shall have the meanings ascribed to them as follows, except where the text clearly indicates a different meaning or the word, term or phrase is defined in the Wisconsin Statutes:
 - (1) **Analogue.** A chemical compound that is structurally similar to another but differs slightly in composition, such as in the replacement of an atom by an atom of a different element or in the presence of a particular functional group.
 - (2) **Homologue.** One of a series of compounds distinguished by the addition of a CH₂ group in successive members.

Sec. 11-2-12 Crossing a Police Line.

No individual shall cross a police or fire line that has been so designated by banner, signs or other similar identification.

Sec. 11-2-13 Harassment.

- (a) **Harassment.** No person, with intent to harass or intimidate another person, shall do any of the following; each instance shall be considered a separate violation:

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- (1) Strike, shove, kick or otherwise subject the person to physical contact or attempts or threatens to do the same.
- (2) Engage in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.
- (b) **Harassing or Obscene Telephone Calls.** Whoever commits any of the following acts shall be subject to the general penalty as provided in this Code of Ordinances:
 - (1) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
 - (2) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
 - (3) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
 - (4) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
 - (5) Knowingly permits any telephone under his/her control to be used for any purpose prohibited by this Section;
 - (6) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

Sec. 11-2-14 Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited.

No person shall have or permit on any premises owned or occupied by him/her any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

Sec. 11-2-15 Gambling, Lotteries, Fraudulent Devices and Practices Prohibited.

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the Village of Star Prairie, except as provided by state law. Any police officer of the Village may seize anything devised solely for gambling or found in actual use for gambling within the Village and dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling.

Sec. 11-2-16 Obstructing Emergency or Rescue Personnel.

- (a) **Definitions.** For the purposes of this Section, the following definitions apply to the terms as used herein:

- (1) **Ambulance.** An emergency vehicle, including any motor vehicle, boat or aircraft, whether privately or publicly owned, which is designated, constructed or equipped to transport patients.
- (2) **Ambulance Service Provided.** A person engaged in the business of transporting sick, disabled or injured persons by ambulance to or from facilities or institutions providing health services.
- (3) **Ambulance Attendant.** A person who is responsible for the administration of emergency care procedures, proper handling and transporting of the sick, disabled or injured persons, including but not limited to, ambulance attendants and ambulance drivers.
- (4) **Person.** Any individual, firm, partnership, association, corporation, trust, foundation, company, any governmental agency other than the U.S. government, or any group of individuals, however named, concerned with the operation of an ambulance.
- (5) **Authorized Emergency Vehicle** means any of the following:
 - a. Police vehicles, whether publicly or privately owned;
 - b. Conservation wardens' vehicles or foresters' trucks, whether publicly or privately owned;
 - c. Vehicles of a fire department or fire patrol;
 - d. Privately owned motor vehicles being used by deputy state fire marshals or by personnel of a full-time or part-time fire department or by members of a volunteer fire department while en route to a fire or on an emergency call pursuant to orders of their chief or other commanding officer;
 - e. Such emergency vehicles of municipal or county departments or public service corporations as are designated or authorized by the local authorities to be authorized emergency vehicles.
 - f. Such emergency vehicles of state departments as are designated or authorized by the heads of such departments to be authorized emergency vehicles;
 - g. Such ambulances, publicly owned, as are designated or authorized by local authorities to be authorized emergency vehicles;
 - h. Such ambulances which are privately owned and are operated by owners or their agents and which vehicles are authorized by the sheriff or others designated by the county board to be operated as emergency vehicles. The sheriff or others designated by the county board may make such authorization which shall be in writing and which shall be effective throughout the state until rescinded. The sheriff or others designated by the county board may designate any owner of ambulances usually kept in the county to operate such vehicles as authorized emergency vehicles. Such written authorization shall at all times be carried on each ambulance used for emergency purposes. The sheriff shall keep a file of such authorizations in his office for public inspection, and all other persons permitted to issue authorizations shall file a copy of all authorizations issued with the sheriff who shall keep them on file;
- (6) **Emergency Medical Personnel.** Any emergency medical personnel, ambulance attendant, peace officer or fire fighter, or other person operating or staffing an ambulance or an authorized emergency vehicle.

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- (7) ***Bonafide Emergency or Bonafide Request for Emergency Services.*** Those circumstances wherein the caller reasonably believes that person(s) and or property may be in actual or potential danger of injury, and in the case of person(s), in danger of illness.
- (b) **Prohibitions.** It is the intent of the Village of Star Prairie, in its adoption of this provision, to protect against the foregoing activities in a manner consistent with that provided by Sec. 941.37, Wis. Stats. The following acts are prohibited and perpetration thereof subjects the violator to penalty as provided by Section 1-1-6:
- (1) Knowingly obstructing any emergency medical personnel in the performance of duties relating to an emergency or rescue;
 - (2) Intentionally interfering with any medical personnel in the performance of duties relating to an emergency or rescue, when it is reasonable that the interference may endanger another's safety;
 - (3) Knowingly making any telephone call to any emergency medical personnel, police agency or fire department for any purpose other than to report a bona fide emergency or to make a bona fide request for emergency services.

Sec. 11-2-17 Consumption of Products Not Labeled For Human Consumption.

- (a) **Statement of Purpose; Findings of Fact.** The Village Board of the Village of Star Prairie finds the following facts to exist:
- (1) The consumption of products labeled not for human consumption is a public health hazard, creates public nuisance situations, and results in an increased need for public safety services.
 - (2) Health hazards associated with the consumption of such products and materials include:
 - a. Addiction;
 - b. Stimulation;
 - c. Psychosis;
 - d. Stroke;
 - e. Anxiety;
 - f. Agitation;
 - g. Nausea;
 - h. Vomiting;
 - i. Hallucinations;
 - j. Blurred vision;
 - k. Delusions;
 - l. Headaches;
 - m. Insomnia;
 - n. Convulsions
 - o. Elevated blood pressure;
 - p. Loss of consciousness;

- q. Tremors;
 - r. Suicidal thoughts;
 - s. Seizures;
 - t. Paranoid behavior;
 - u. Elevated or irregular heart rates; and
 - v. Other physical and mental disorders.
- (3) This Section is intended to compliment state and federal laws regulating products labeled not for human consumption, including, but not limited to, synthetic drugs. In the event of conflict, the most restrictive regulatory provision shall apply.
- (b) **Prohibitions; Exception.**
- (1) It is a violation of this Section:
 - a. For any person to intentionally consume any product labeled not for human consumption.
 - b. To intentionally aid another in the violation of this Section.
 - (2) It is not a violation of this Section if a person is acting under the written direction and supervision of a licensed medical doctor.
- (c) **Definition.** For purposes of this Section, "consume" or "consumption" shall include eating, smoking, drinking, inhalation or injection.

Chapter 3

Offenses Against Property

11-3-1	Destruction of Property Prohibited
11-3-2	Littering Prohibited
11-3-3	Abandoned Refrigerators Prohibited
11-3-4	Damage to Public Property
11-3-5	Retail Theft
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11-3-7	Trespass to a Dwelling or Land
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11-3-9	Theft Prohibited
11-3-10	Fraud on Residential Landlord Prohibited

Sec. 11-3-1 Destruction of Property Prohibited.

- (a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy, or unlawfully remove or interfere with any property belonging to the Village of Star Prairie, or to any private person, without the consent of the owner or proper authority, nor shall any person or organization place or permit to be placed any sign, poster, advertisement, notice, or other writing upon any utility ornamental light pole belonging to the Village without the consent of proper authority. Any signs, posters, advertisements, notices, or other writings so placed shall be removed by law enforcement authorities and the placing person or organization cited for violation of this Section.
- (b) **Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
- (c) **Penalty Provisions.**
 - (1) Any person eighteen (18) years of age or over who violates this Section is subject to a penalty as provided in Section 1-1-6, restitution to the injured party, and the costs of prosecution.
 - (2) Any person fourteen (14) years of age to seventeen (17) years of age shall be subject to a forfeiture not to exceed Twenty-five Dollars (\$25.00) and any other applicable penalty provided by Sec. 48.344, Wis. Stats., as that Section may exist, be amended or changed.

- (d) **Victim Remedies.** Any person or entity injured by a violation of this Section by a minor child shall be advised of the rights and remedies available under Sec. 895.035, Wis. Stats.

Sec. 11-3-2 Littering Prohibited.

- (a) **Littering Prohibited.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village of Star Prairie, or upon property within the Village owned by or any private person, or upon the surface of any body of water within the Village.
- (b) **Litter From Conduct of Commercial Enterprise.**
- (1) **Scope.** The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) **Litter to be cleaned up.** Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
 - (3) **Litter picked up at litterer's expense.** If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Village shall arrange to have the same picked up by Village crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.
- (c) **Depositing of Materials Prohibited.** It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Village Board or Director of Public Works to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.
- (d) **Handbills.**
- (1) **Scattering Prohibited.** It shall be unlawful to deliver any handbills or advertising material to any premises in the Village except by being handed to the recipient, placed

on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

- (2) **Papers in Public Places Prohibited.** It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

Sec. 11-3-3 Abandoned Refrigerators Prohibited.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his/her control in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his/her agent and is securely locked or fastened.

Sec. 11-3-4 Damage to Public Property.

- (a) **Damaging Public Property.** No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Village of Star Prairie.
- (b) **Breaking of Street Lamps or Windows.** No person shall break glass in any street lamps or windows of any building owned or occupied by the Village.
- (c) **Damaging Fire Hydrants and Water Mains.** No person shall, without the authority of Village authorities, operate any valve connected with the street or water supply mains, or open any fire hydrant connected with the water distribution system, except for the purpose of extinguishing a fire. No person shall injure or impair the use of any water main or fire hydrant.

Sec. 11-3-5 Retail Theft.

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant

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- without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection (d).
- (b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
 - (c) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a peace officer, or to his/her parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he/she shall not be interrogated or searched against his/her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the merchant or his/her employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
 - (d) If the value of the merchandise does not exceed One Hundred Dollars (\$100.00), any person violating this Section shall forfeit not more than One Thousand Dollars (\$1,000.00). If the value of the merchandise exceeds One Hundred Dollars (\$100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

State Law Reference: Sec. 943.50, Wis. Stats.

Sec. 11-3-6 Issuance of Worthless Checks.

- (a) **Violations.**
 - (1) Whoever issues any check or other order for the payment of money less than One Thousand Dollars (\$1,000.00) which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
 - (2) If the payee has attempted to cash the check and it is returned for nonpayment, the payee must notify the payor that failing to pay within five (5) days, the check can be turned over to the Star Prairie Police Department. Proof of notification should be attached to the check. The check should contain the following: payor's current address, telephone number, date of birth, and a driver's license number. The person accepting the check should have made positive identification (comparing drivers' license photo), at the time the check was accepted.
 - (3) The Police Department will attempt to notify the payor via mail, advising him/her if the payment is not made within twenty (20) days a citation will be issued. Notice of nonpayment will be sent to the payor, and be supported by an affidavit of service of

mailing or by a certificate of mailing obtained from the post office from which the mailing was made.

- (4) If the payee receives the payment before the citation is issued, the Police Department shall be notified and no further action will be taken. If the Police Department is not notified a citation will be mailed to the defendant.
 - (5) **If the citation has been received by the court, the defendant must appear in court.** If the defendant fails to appear, even though payment has been made on the worthless check, a warrant could be issued for his/her arrest. Payment to the payee **does not dismiss the citation.**
- (b) **Prima Facie Evidence.** Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
- (1) Proof that, at the time of issuance, the person did not have an account with the drawee; or
 - (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
 - (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.
- (c) **Exceptions.** This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.
- (d) **Returned Check Fee.** In the event a person issues a check to the Village, and does not have sufficient funds or credit such that the check is returned unpaid, such person shall pay the check or other order and shall also pay a fee of Twenty Dollars (\$20.00), representing the cost of additional administrative expense which results from non-payment of the original obligation.
- (e) **Penalties.**
- (1) In addition to any other penalties provided for under Section 1-1-6, a Municipal Judge may order a violator of this Section to pay restitution to a victim. In determining the method of payment the Court shall consider the financial resources and future ability of the violator to pay. The court shall provide for payment of an amount equal to the pecuniary loss caused by the offense. Upon the application of an interested party, the Court shall schedule and hold an evidentiary hearing to determine the value of the victim's pecuniary loss resulting from the offense. A victim may not be compensated under this Section and under Sec. 943.245, Wis. Stats.
 - (2) In this Section, "pecuniary loss" means:
 - a. All special damages, but not general damages, substantiated by evidence in the record, which a person could recover against the violator in a civil action arising out of the facts or events constituting the violator's criminal activities, including,

without limitation because of enumeration, the money equivalent of loss resulting from property taken, destroyed, broken or otherwise harmed and out-of-pocket losses, such as medical expenses; and

- b. Reasonable out-of-pocket expenses incurred by the victim resulting from the filing of charges or cooperating in the investigation and prosecution of the offense.

Sec. 11-3-7 Trespass to a Dwelling or Land.

- (a) **Trespass to Land.** No person shall enter or remain on any land after having been notified by the owner or occupant not to remain on the premises.
- (b) **Trespass to Dwelling.** No person shall intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

Sec. 11-3-8 Regulation of Smoking.

- (a) **State Statute Adopted.** The provisions of Chapter 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Section as is 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 Section. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Section.
- (b) **Smoking Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.** In recognition of a need to protect the health and comfort of the public and Village employees from the detrimental effects of smoking, pursuant to the authority granted to the Village by Sec. 101.123(2)(c), Wis. Stats., smoking as defined by Sec. 101.123(1)(h), Wis. Stats., is hereby prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Star Prairie, except in designated areas.
- (c) **State Statutes Adopted.** The provisions contained in Sec. 120.12(20), Wis. Stats., regulating smoking on school premises are adopted by reference and made a part of this Section as though set forth in full.

Sec. 11-3-9 Theft Prohibited.

- (a) **Acts.** Whoever does any of the following may be penalized as provided in Section 1-1-6 of this Code of Ordinances:

- (1) Intentionally takes and carries away, uses, transfers, conceals or retains possession of movable property of another without his/her consent and with intent to deprive the owner permanently of possession of such property.
 - (2) By virtue of his/her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his/her authority, and with intent to convert to his/her own use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his/her possession or custody by virtue of his office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his/her own use within the meaning of this Subsection.
 - (3) Having a legal interest in movable property, intentionally and without consent, take such property out of the possession of the pledgee or such other person having a superior right of possession with intent thereby to deprive the pledgee or other person permanently of the possession of such property.
 - (4) Obtains title to property of another by intentionally deceiving him/her with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
 - (5) Intentionally fails to return any personal property which is in his/her possession or under his/her control by virtue of a written lease or written rental agreement, within ten (10) days after the lease or rental agreement has expired.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Property.** All forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a choice in action or other intangible rights.
 - (2) **Movable Property.** Property whose physical location can be changed, without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on or affixed to or found in land.
 - (3) **Value.** The market value at the time of the theft or the cost to the victim of replacing the property within the reasonable time after the theft, whichever is less, if the property stolen is a document evidencing a choice in action or other intangible right; value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had a legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

- (4) **Property of Another.** Property in which the actor is a co-owner and property of a partnership of which the actor is a member unless the actor and the victim are husband and wife.

Sec. 11-3-10 Fraud on Residential Landlords Prohibited.

- (a) **Prohibited Acts.** Any person who, with intent to defraud, does any of the following shall be guilty of violating this Section:
- (1) Intentionally absconds without paying rent that has been contractually agreed upon in an oral or written lease with a landlord. Prima facie evidence of intentionally absconding will be established if a tenant fails to pay rent due prior to the vacating of the rental premise by the tenant, and the non-payment of said rent continues for a period of five (5) days after vacation of the premise; or
 - (2) Issues any check, money order or any other form of bank or monetary draft as a payment of rent, where such document lacks sufficient funds, where the account is closed, or where such draft is unredeemable in any other form or fashion. Prima facie evidence of intention to defraud will be established if a tenant fails, within five (5) days of a written demand by the landlord or agent, to pay in full the total amount of the draft presented as rent payment plus any bank charges to the landlord attributable to the unredeemability of the draft.
- (b) **Applicability.** This Section shall apply to rental agreements between residential landlords and tenants only. The words and terms used in this Section shall be defined and construed in conformity with the provisions of Chapter AG 134, Wis. Adm. Code, Chapter 704, Wis. Stats., and Sec. 990.001(1), Wis. Stats. The act of service by a landlord of a legal eviction notice or notice to terminate tenancy shall not, in itself, act as a bar to prosecution under this Section.
- (c) **Procedure.** An officer may issue a citation only when the complainant provides the following:
- (1) The name and current address of the tenant, a copy of the subject lease agreement, or sworn testimony of the terms of the subject oral lease.
 - (2) The amount of rent due, the date it was due, the date the tenant actually vacated the premise, and testimony that the rent remained unpaid for not less than five (5) days after vacating and that the tenant did not notify or attempt to notify the complainant of the tenant's new address, or that the tenant knowingly gave the complainant a false address.
 - (3) As to an unredeemable payment, the document used for attempting rent payment, the written demand for payment of the full amount plus bank charges, proof that the tenant received the written demand, and testimony that at least five (5) days have elapsed since the demand was received and no payment has been made.

State Law Reference: Chapter 704 and Sec. 990.001(1), Wis. Stats.; Ch. AG 134, Wis. Adm. Code.

Chapter 4

Offenses Involving Alcoholic Beverages

- 11-4-1** Outside Consumption
- 11-4-2** Sale to Underage or Intoxicated Persons Restricted
- 11-4-3** Underage Persons' Presence in Places of Sale; Penalty
- 11-4-4** Underage Persons; Prohibitions; Penalties
- 11-4-5** Defense of Sellers
- 11-4-6** Persons Who Have Attained the Legal Drinking Age;
False or Altered Identification Cards
- 11-4-7** Adult Permitting or Encouraging Underage Violation
- 11-4-8** Solicitation of Drinks Prohibited

Sec. 11-4-1 Outside Consumption.

(a) **Alcoholic Beverages in Public Areas.**

- (1) **Regulations.** It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, park, municipal building, library, cemetery or drives or other public area within the following described territory in the Village of Star Prairie or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, park, municipal building, library, public alley or public parking lot within the Village of Star Prairie.
- (2) **Private Property Held Out For Public Use.** It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Village unless the property is specifically named as being part of a licensed premises.
- (3) **Exceptions.**
 - a. The provisions of this Section may be waived by the Village Board for duly authorized events.
 - b. Any organization which has been issued a Temporary Fermented Malt Beverage and/or Temporary Wine License for a designated area and event pursuant to this Code of Ordinances, provided that the provisions of this Chapter and Title 7, Chapter 2, are fully complied with.

- c. The provisions of this Section regarding open consumption of fermented malt beverages or intoxicating liquor shall not apply within two hundred (200) feet of a parade route for which the Village of Star Prairie has granted a parade permit from one (1) hour prior to the scheduled start of said parade until one (1) hour after the end of said parade; except that the foregoing exemption does not extend to any vehicle or unit of the parade, however propelled, nor to any parade participant for that period of time during which the vehicle, unit of the parade or person is participating within the assembly and disembarkment points of the parade.
- (b) **Definitions.**
 - (1) As used in this Section, the term "alcoholic beverage" shall include all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (1/2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purposes.
 - (2) As used in this Section, the term "public area" shall be construed to mean any location within the Village which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.
 - (3) As used in this Chapter "underage person" shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

Cross Reference: Section 7-2-16.

Sec. 11-4-2 Sale to Underage or Intoxicated Persons Restricted.

- (a) **Sales of Alcohol Beverages to Underage Persons.**
 - (1) No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
 - (2) No license or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
 - (3) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.
- (b) **Penalties.** A person who commits a violation of Subsection (a) above is subject to a forfeiture of:

- (1) Not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within twelve (12) months of the violation; or
 - (2) Not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) if the person has committed a previous violation within twelve (12) months of the violation.
 - (3) In addition to the forfeitures provided in Subsections (1) and (2) above, a court shall suspend any license issued under this Chapter to a person violating this Subsection for:
 - a. Not more than three (3) days, if the court finds that the person committed a violation within twelve (12) months after committing one (1) previous violation;
 - b. Not less than three (3) days nor more than ten (10) days, if the court finds that the person committed a violation within twelve (12) months after committing two (2) other violations; or
 - c. Not less than fifteen (15) days nor more than thirty (30) days, if the court finds that the person committed the violation within twelve (12) months after committing three (3) other violations.
- (c) **Sale of Alcohol Beverages to Intoxicated Persons.**
- (1) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
 - (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
- (d) **Penalties.** Any person who violates Subsection (c) above shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than sixty (60) days or both.

State Law Reference: Sec. 125.07, Wis. Stats.

Sec. 11-4-3 Underage Persons' Presence in Places of Sale; Penalty.

- (a) **Restrictions.** An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:
- (1) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.

- (2) An underage person who enters or is on a Class "A" or "Class A" premises for the purpose of purchasing items other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
- (3) Hotels, drug stores, grocery stores, bowling alleys, service stations, vessels, cars operated by any railroad, regularly established athletic fields, stadiums or public facilities as defined in Sec. 125.51(5)(b)1.d, Wis. Stats., which are owned by a county or municipality.
- (4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chapters 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
- (5) Ski chalets, golf courses and golf clubhouses and private tennis clubs.
- (6) Premises operated under both a "Class B" alcoholic beverage or Class "B" fermented malt beverage license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a "Class B" alcoholic beverage or Class "B" fermented malt beverage license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- (7) An underage person who enters or remains on a "Class B" alcoholic beverage or Class "B" fermented malt beverage premises for the purpose of transacting business at an auction or market, if the person does not enter or remain in a room where alcohol beverages are sold, furnished or possessed.
- (8) An underage person who enters or remains in a room on "Class B" alcoholic beverage or Class "B" fermented malt beverage licensed premises separate from any room where alcohol beverages are sold or served for the purpose of engaging in marching or drilling with a group of other persons if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this Subsection. An underage person may enter and remain on "Class B" alcoholic beverage or Class "B" fermented malt beverage premises under this Subsection only if the municipality which issued the "Class B" alcoholic beverage or Class "B" fermented malt beverage license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this Subsection and the law enforcement agency responsible for enforcing the ordinance issues to the "Class B" alcoholic beverage or Class "B" fermented malt beverage licensee a written authorization permitting underage persons to be present under this Subsection on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

- (9) A person who is at least eighteen (18) years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.
- (10) An underage who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency, in advance, of the times underage persons will be allowed on the premises under this Subsection.
- (11) An underage person who enters or remains in a dance hall attached to Class "B" or "Class B" licensed premises if the dance hall is separate from any room where alcohol beverages are sold, if there is a separate entrance to the dance hall and if no alcohol beverages are furnished or consumed by any person in the dance hall where the underage person is present.
- (b) **Penalties.** A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of Subsection (a) is subject to a forfeiture of not more than One Thousand Dollars (\$1,000.00).

Sec. 11-4-4 Underage Persons; Prohibitions; Penalties.

- (a) Any underage person who does any of the following is guilty of a violation:
 - (1) Procures or attempts to procure alcohol beverages from a licensee or permittee.
 - (2) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
 - (3) Enters, knowingly attempts to enter or is on licensed premises in violation of Section 11-4-3(a).
 - (4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.
- (b) Except as provided in Sec. 125.07(4)bm, Wis. Stats., any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverage is guilty of a violation.
- (c) Any person violating Subsections (a) or (b) is subject to the following penalties:
 - (1) For a first violation, a forfeiture of not more than Fifty Dollars (\$50.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
 - (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not more than Two Hundred Dollars (\$200.00), suspension of the person's operating privilege as provided under Sec. 125.07(4)cg, Wis. Stats.,

- participation in a supervised work program under Subsection (d) or any combination of these penalties.
- (3) For a violation committed within twelve (12) months of two (2) or more previous violations, either a forfeiture of not less than Three Hundred Dollars (\$300.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
 - (4) For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or any combination of these penalties.
- (d) (1) If the Court orders a person to participate in a supervised work program under Subsection (d), the Court shall set standards for the program within the budgetary limits established by the Village Board. The program may provide the person with reasonable compensation reflecting the market value of the work performed, or it may consist of uncompensated community service work and shall be administered by the County Department of Public Welfare or a community agency approved by the court.
- (2) The supervised work program shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from an agency staff member or other qualified person. The program may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.
- (e) When a court revokes or suspends a person's operating privilege under Subsection (c), the Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.
- (f) A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 938.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under Sec. 938.344(3), Wis. Stats.
- (g) Subsections (a) and (b) do not prohibit an underage person employed by a licensee or permittee from possessing fermented malt beverages during the brewing process or for sale or delivery to customers.
- (h) Subsections (a) and (b) do not prohibit an underage person employed by a brewery, a winery or a facility for the rectifying or manufacture of intoxicating liquor or the

production of fuel alcohol from possessing alcohol beverages during regular working hours and in the course of employment.

Sec. 11-4-5 Defense of Sellers.

- (a) **Defenses.** In determining whether or not a licensee or permittee has violated Sections 11-4-2(a) or 11-4-3(a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages maybe considered. In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this Section:
- (1) That the purchaser falsely represented that he or she had attained the legal drinking age.
 - (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
 - (3) That the sale was made in good faith and in reliance on the representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.
 - (4) That the underage person supported the representation under Subsection (a)(1) above with documentation that he had attained the legal drinking age.
- (b) **Book Kept by Licensees and Permittees.**
- (1) Every retail alcohol beverage licensee or permittee may keep a book for the purpose of Subsection (a) above. The licensee or permittee or his or her employee may require any of the following persons to sign the book:
 - a. A person who has shown documentary proof that he or she has attained the legal drinking age if the person's age is in question.
 - b. A person who alleges that he or she is the underage person's parent, guardian or spouse and that he or she has attained the legal drinking age, if the licensee or permittee or his or her employee suspects that he or she is not the underage person's parent, guardian or spouse or that he or she has not attained the legal drinking age.
 - (2) The book may show the date of the purchase of the alcohol beverage, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchase and the purchaser's signature.

State Law Reference: Sec. 125.07(6) and (7), Wis. Stats.

Sec. 11-4-6 Persons Who Have Attained the Legal Drinking Age; False or Altered Identification Cards.

- (a) (1) Any person who has attained the legal drinking age, other than one authorized by Sec. 125.08 or 343.50, Wis. Stats., who makes, alters or duplicates an official

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identification card may be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned not less than ten (10) days nor more than thirty (30) days or both.

- (2) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned not more than ten (10) days or both.
- (b) Any underage person who does any of the following is subject to the penalties specified under Section 11-4-4(c) or (d):
 - (1) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this Subsection.
 - (2) Makes, alters or duplicates an official identification card.
 - (3) Presents false information to an issuing officer in applying for an official identification card.

State Law Reference: Sec. 125.09(3), Wis. Stats.

Sec. 11-4-7 Adult Permitting or Encouraging Underage Violation.

- (a) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.
- (b) No adult may intentionally encourage or contribute to a violation of Section 11-4-4(a) or (b).
- (c) A person who violates this Section is subject to a forfeiture of not more than One Thousand Dollars (\$1,000.00).

State Law Reference: Sec. 125.07(1)(a)3 and 4, Wis. Stats.

Sec. 11-4-8 Solicitation of Drinks Prohibited.

Any licensee, permittee or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the Village who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in Sec. 125.02(1), Wis. Stats., or any other drink from a customer on the premises, or any entertainer or employee who solicits such drinks from any customer is deemed in violation of this Section.

Chapter 5

Offenses by Juveniles

11-5-1	Curfew
11-5-2	Possession of Controlled Substances by Juveniles
11-5-3	Petty Theft by Juveniles
11-5-4	Receiving Stolen Goods
11-5-5	Village Jurisdiction Over Juveniles
11-5-6	Possession, Manufacture and Delivery of Drug Paraphernalia by a Minor Prohibited
11-5-7	Unlawful Sheltering of Minors
11-5-8	Purchase or Possession of Tobacco Products
11-5-9	Criminal Gang Activity Prohibited
11-5-10	Enforcement and Penalties

Sec. 11-5-1 Curfew.

- (a) **Curfew Established.** It shall be unlawful for any juvenile under age seventeen (17) to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building or any other public place in the Village of Star Prairie between the hours of 10:00 p.m. to 6:00 a.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, or between the hours of 12:00 midnight to 6:00 a.m. on Friday and Saturday, unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said juvenile, unaccompanied by parent, guardian or other person having legal custody is found upon any such public place during the aforementioned hours shall be prima facie evidence that said juvenile is there unlawfully and that no reasonable excuse exists therefor:
- (b) **Exceptions.**
- (1) This Section shall not apply to a juvenile:
- Who is performing an errand as directed by his parent, guardian or person having lawful custody.
 - Who is on his own premises or in the areas immediately adjacent thereto.
 - Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.

- d. Who is returning home from a supervised school, church or civic function, but not later than sixty (60) minutes after the ending of such function.
- (2) These exceptions shall not, however, permit a juvenile to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- (c) **Parental Responsibility.** It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under age seventeen (17) to allow or permit such person to violate the provisions of (a) or (b) above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any juvenile under age seventeen (17) to violate this Section.
- (d) **Detaining a Juvenile.** Pursuant to Chapter 938, Wis. Stats., law enforcement officers are hereby authorized to detain any juvenile violating the above provisions and other provisions in this Chapter until such time as the parent, guardian or person having legal custody of the juvenile shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the juvenile and shall sign a release for him or her, or such juvenile may be taken directly from the scene of his/her apprehension to his/her home. If such juvenile's parents or relative living nearby cannot be contacted to take custody of such juvenile and it is determined by the apprehending officer that the juvenile's physical or mental condition is such as would require immediate attention, the police officer may make such necessary arrangements as may be necessary under the circumstances for the juvenile's welfare.
- (e) **Warning and Penalty.**
 - (1) **Warning.** The first time a parent, guardian, or person having legal custody of a juvenile who is taken into custody by a law enforcement officer as provided in Subsection (d) above, such parent, guardian, or person having such legal custody shall be advised as to the provisions of this Section and further advised that any violation of this Section occurring thereafter by this juvenile or any other juvenile under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
 - (2) **Penalty.** Any parent, guardian, or person having legal custody of a juvenile described in Subsection (a) above who has been warned in the manner provided in Subsection (d)(1) herein and who thereafter violates this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this Section because of the disobedience of the juvenile, the action shall be dismissed and the juvenile shall be referred to the court assigned to exercise jurisdiction under Chapter 938, Wis. Stats. Any juvenile

under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00), together with the costs of prosecution.

Sec. 11-5-2 Possession of Controlled Substances by Juveniles.

It shall be unlawful for any juvenile to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 961, Wis. Stats.

Sec. 11-5-3 Petty Theft by Juveniles.

It shall be unlawful for any juvenile with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

Sec. 11-5-4 Receiving Stolen Goods.

It shall be unlawful for a juvenile to intentionally receive or conceal property he knows to be stolen.

Sec. 11-5-5 Village Jurisdiction Over Juveniles.

- (a) **Adoption of State Statutes.** Sections 938.02, and 938.17(2), Wis. Stats., are hereby adopted and by reference made a part of this Section as if fully set forth herein.
- (b) **Definition of Adult and Juvenile.**
 - (1) **Adult** means a person who is eighteen (18) years of age or older, except that for purposes of prosecuting a person who is alleged to have violated any civil law or municipal ordinance, "adult" means a person who has attained seventeen (17) years of age.
 - (2) **Juvenile** means a person who is less than eighteen (18) years of age, except that for purposes of prosecuting a person who is alleged to have violated a civil law or municipal ordinance, "juvenile" does not include a person who has attained seventeen (17) years of age.
- (c) **Provisions of Ordinance Applicable to Juveniles.** Subject to the provisions and limitations of Sec. 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against juveniles may be brought on behalf of the Village of Star Prairie and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.

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- (d) **No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.
- (e) **Additional Prohibited Acts.** In addition to any other provision of the Village of Star Prairie Code of Ordinances, no juvenile shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Chapter 125, Wis. Stats.
- (f) **Penalty for Violations of Subsection (d).** Any juveniles who shall violate the provisions of Subsection (d) shall be subject to the same penalties as are provided in Section 1-1-6 of these Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Cross-Reference: Section 11-4-7.

Sec. 11-5-6 Possession, Manufacture and Delivery of Drug Paraphernalia by a Minor Prohibited.

- (a) **State Statutes Adopted.** The provisions of Sections 961.571, 961.572, 961.573, 961.574, 961.575, and 961.576, Wis. Stats., and the definitions therein are adopted by reference.
- (b) **Definition.** In this Section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance, as defined in Chapter 961, Wis. Stats., in violation of this Section. It includes but is not limited to:
 - (1) Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - (2) Kits used, designed for use or primarily intended for use in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, or preparing controlled substances.
 - (3) Isomerization devices used, designed for use or primarily intended for use in increasing the potency of any species of plant which is a controlled substance.
 - (4) Testing equipment used, designed for use or primarily intended for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
 - (5) Scales and balances used, designed for use or primarily intended for use in weighing or measuring controlled substances.
 - (6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, designed for use or primarily intended for use in cutting controlled substances.

- (7) Separation gins and sifters used, designed for use or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
 - (8) Blenders, bowls, containers, spoons and mixing devices used, designed for use or primarily intended for use in compounding controlled substances.
 - (9) Capsules, balloons, envelopes or other containers used, designed for use or primarily intended for use in packaging small quantities of controlled substances.
 - (10) Containers and other objects used, designed for use or primarily intended for use in storing or concealing controlled substances.
 - (11) Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting controlled substances into the human body.
 - (12) Objects used, designed for use or primarily intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil, into the human body, including but not limited to:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - f. Miniature cocaine spoons and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chilams, chillums;
 - l. Bongs;
 - m. Ice pipes or chillers.
- (c) **Drug Paraphernalia** excludes: The following items are not considered to be drug paraphernalia:
- (1) Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body.
 - (2) Any items, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products.
- (d) **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered, without limitation, of such other considerations a court may deem relevant:
- (1) Statements by an owner or by anyone in control of the object concerning its use.
 - (2) The proximity of the object in time and space to a direct violation of this Section.
 - (3) The proximity of the object to controlled substances.
 - (4) The existence of any residue of controlled substance on the object.

- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
 - (6) Instructions, oral or written, provided with the object concerning its use.
 - (7) Descriptive materials accompanying the object which explain or depict its use.
 - (8) Local advertising concerning its use.
 - (9) The manner in which the object is displayed for sale.
 - (10) Whether the owner, or anyone in control of the object, is a legitimate supplier or like or related items to the community, such as a licensed distributor or dealer of tobacco products.
 - (11) The existence and scope of legitimate uses for the object in the community.
 - (12) Expert testimony concerning its use.
- (e) **Prohibited Uses.**
- (1) **Possession of Drug Paraphernalia.** No person may use, or possess with the sole intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Subsection.
 - (2) **Manufacture or Delivery of Drug Paraphernalia.** No person may deliver, or possess with intent to deliver, drug paraphernalia, knowing that it will be solely used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Subsection.
 - (3) **Delivery of Drug Paraphernalia By a Minor to Minor.** Any person who is under eighteen (18) years of age, who violates this Subsection (e) by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than the violator, is guilty of a special offense.
 - (4) **Exemption.** This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Chapter 961, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Chapter 961, Wis. Stats.
- (f) **Prohibited Advertisement of Drug Paraphernalia.** No person may place in any newspaper, magazine, handbill or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed for use or primarily intended for use as drug paraphernalia in violation of this Section.
- (g) **Penalties.** Any person who violates Subsection (e)(1), (2) or (3), shall, upon conviction, be subject to disposition under Sec. 938.344, Wis. Stats.

Sec. 11-5-7 Unlawful Sheltering of Minors.

- (a) No person shall intentionally shelter or conceal a juvenile under the age of eighteen (18) who:
 - (1) Is a "runaway child", meaning a juvenile who has run away from his or her parent, guardian or legal or physical custodian; or
 - (2) Is a child who may be taken into custody pursuant to Sec. 938.19, Wis. Stats.
- (b) Subsection (a) applies when the following conditions are present:
 - (1) The person knows or should have known that the child is a child described in either Subsection (a)(1) or (a)(2); and
 - (2) The child has been reported to a law enforcement agency as a missing person or as a child described in Subsection (a)(1) or (a)(2).
- (c) Subsection (a) does not apply to any of the following:
 - (1) A person operating a runaway home in compliance with Sec. 48.227, Wis. Stats.; or
 - (2) A person who shelters or conceals a child at the request or with the consent of the child's parent, guardian or legal or physical custodian except if the sheltering or concealment violates Sec. 946.71 or 946.715, Wis. Stats.; or
 - (3) A person who immediately notifies a law enforcement agency, county department of public welfare or social services, or the intake worker of the court exercising jurisdiction under Chapter 48, Wis. Stats., that he or she is sheltering or concealing such child and provides the person or agency notified with all information requested.

Sec. 11-5-8 Purchase or Possession of Tobacco Products.

- (a) **Definition of Tobacco Products.** For the purposes of this Section, "tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
- (b) **Purchase by Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.
- (c) **Possession By Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or legal guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.
- (d) **Statutes Adopted.** The provisions of Sections 48.983, 134.66 and 778.25(1)(a), Wis. Stats., are adopted by reference and incorporated herein.

Sec. 11-5-9 Criminal Gang Activity Prohibited.

- (a) **Authority.** This Section is adopted pursuant to the authority granted by Sec. 66.051 and Chapter 948, Wis. Stats.

- (b) **Definitions.** For purposes of this Section, the following terms are defined:
- (1) **Criminal Gang** means an ongoing organization, association or group of three (3) or more persons, whether formal or informal, that has as one of its primary activities, the commission of one (1) or more criminal or unlawful acts, or acts that would be criminal or unlawful if the actor were an adult, specified in Sec. 939.22(21)(a) to (s), Wis. Stats., or in any of the Municipal Code sections referred to in Subsection (b)(2) below; that has a common name or common identifying sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.
 - (2) **Pattern of Criminal Gang Activity** has the same meaning as the definition in Sec. 939.22(21), Wis. Stats., the list of offenses in Subsections (a) to (s) of that Section to Title 11 of this Code of Ordinances.
 - (3) **Unlawful Act** includes a violation of any of the Municipal Code sections referred to in Subsection (b)(2) above or any criminal act or act that would be criminal if the actor were an adult.
- (c) **Unlawful Activity.**
- (1) It is unlawful for any person to engage in criminal gang activity.
 - (2) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to commit or attempt to commit any violation of the provisions of this Section, or any one (1) or more of those sections of the Municipal Code referred to in Subsection (b)(2) above.
 - (3) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to participate in criminal gang activity.
 - (4) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to join a criminal gang.

Sec. 11-5-10 Enforcement and Penalties.

- (a) **Citation Process.** For violations of Sections 11-5-2 through 11-5-9, juveniles may be cited by the citation process on a form approved by the Village Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.
- (b) **Penalties.** Violations of Sections 11-5-2 through 11-5-9 by a person under the age of eighteen (18) shall be punishable according to Section 1-1-6 of this Code of Ordinances and Sections 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this Section shall prevent the juvenile officer, in his discretion, from referring cases directly to the District Attorney's office.

Chapter 6

Public Nuisances

11-6-1	Public Nuisances Prohibited
11-6-2	Public Nuisances Defined
11-6-3	Public Nuisances Affecting Health
11-6-4	Public Nuisances Offending Morals and Decency
11-6-5	Public Nuisances Affecting Peace and Safety
11-6-6	Abatement of Public Nuisances
11-6-7	Cost of Abatement
11-6-8	Enforcement; Penalty

Sec. 11-6-1 Public Nuisances Prohibited.

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

Sec. 11-6-2 Public Nuisance Defined.

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

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) In any way render the public insecure in life or in the use of property;
- (c) Greatly offend the public morals or decency;
- (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

Sec. 11-6-3 Public Nuisances Affecting Health.

The following acts, omissions, places, conditions and things are hereby 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 11-6-2:

- (a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) **Breeding Places for Vermin, Etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) **Garbage Cans.** Garbage cans which are not fly-tight.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- (g) **Water Pollution.** 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.
- (h) **Noxious Odors, Etc.** Any use of property, substances or things within the Village or within one and one-half (1-1/2) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench 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.
- (i) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- (j) **Animals at Large.** All animals running at large.
- (k) **Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood and other refuse.
- (l) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

Sec. 11-6-4 Public Nuisances Offending Morals and Decency.

The following acts, omissions, places, conditions and things are hereby 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 11-6-2:

- (a) **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.

- (b) **Gambling Devices.** All gambling devices and slot machines, except as permitted by state law.
- (c) **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Village.
- (d) **Continuous Violation of Village Ordinances.** Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) **Illegal Drinking.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

Sec. 11-6-5 Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are hereby 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 11-6-2:

- (a) **Signs, Billboards, Etc.** All signs and 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.
- (b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- (c) **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 an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- (d) **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.
- (e) **Tree Limbs.** All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (f) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (g) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Village.
- (h) **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.

- (i) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (j) **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 shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- (k) **Obstructions of Streets; Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, 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.
- (l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (m) **Abandoned Refrigerators.** All abandoned refrigerators, or freezer from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) **Flammable Liquids.** Repeated or continuous violations of the ordinances of the Village or laws of the State relating to the storage of flammable liquids.
- (o) **Unremoved Snow.** All snow and ice not removed shall be sprinkled with sand or other chemical removers, as provided in this Code.

Sec. 11-6-6 Abatement of Public Nuisances.

(a) Summary Abatement.

- (1) **Notice to Owner.** If the inspecting officer determines that a public nuisance exists within the Village and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than twenty-four (24) hours or greater than seven (7) days 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, maintaining or permitting the nuisance, as the case may be.
- (2) **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 officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

- (b) **Abatement by Court Action.** If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspector or sanitarian shall file a written report of such findings with the Village President who, upon direction of the Village Board, shall cause an action to abate such nuisance to be commenced in the name of the Village in St. Croix County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.
- (c) **Court Order.** Except where necessary under Subsection (a), no officer hereunder shall 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.
- (d) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

Sec. 11-6-7 Cost of Abatement.

In addition to any other penalty imposed by this Chapter 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, such cost shall be assessed against the real estate as a special charge.

Sec. 11-6-8 Enforcement; Penalty.

- (a) **Enforcement.** The Chief of Police, Fire Inspection, Director of Public Works and Building Inspector 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 action shall be taken under Section 11-6-6 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 is satisfied that a nuisance does, in fact, exist.
- (b) **General Penalty.** Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 1-1-6.

Chapter 7

Sexual Offender Restricted Zones and Residency Restrictions

11-7-1	Sexual Offender Restrictive Zones and Residency Restrictions — Purpose
11-7-2	Definitions
11-7-3	Residence Restrictions
11-7-4	Residence Restriction Exceptions
11-7-5	Original Domicile Restriction
11-7-6	Sex Offender Restricted Zones
11-7-7	Sex Offender Restricted Zone Exceptions
11-7-8	Appeals
11-7-9	Violations

Sec. 11-7-1 Sexual Offender Restrictive Zones and Residency Restrictions — Purpose.

This Chapter is a regulatory measure aimed at protecting the health and safety of children in the Village of Star Prairie from the risk that convicted sex offenders may reoffend in locations close to their residences or places where children congregate. The Village Board finds and declares that sex offenders are a serious threat to the public safety of children. The Village Board further finds that when convicted sex offenders reenter society there is legitimate concern about the risk of re-offense. Therefore, in addition to protections afforded by state law, the Village Board finds there is a need to protect children in the Village of Star Prairie in places where they congregate or play in public, near schools, day-care centers and other places children frequent.

Sec. 11-7-2 Definitions.

The following definitions are used in this Chapter, unless the context otherwise requires:

- (a) **Crime Against Children.** Any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having elements necessary for conviction, respectively:

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§ 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 a minor and not the offender's child
§ 944.01	Rape (prior statute)
§ 944.06	Incest
§ 944.10	Sexual intercourse with a child (prior statute). <i>Editor's Note: Repealed by L. 1975, c. 184, § 8, effective 3-27-1976. See now § 948.02, Wis. Stats.</i>
§ 944.11	Indecent behavior with a child (prior statute). <i>Editor's Note: Repealed by L. 1975, c. 184, § 8, effective 3-27-1976. See now § 948.02, Wis. Stats.</i>
§ 944.12	Enticing child for immoral purposes (prior statute); <i>Editor's Note: Repealed by 1987 Act 332, § 42, effective 7-1-1989. See now § 948.07, Wis. Stats.</i>
§ 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
§ 948.055	Causing a child to view or listen to sexual activity
§ 948.06	Incest with a child
§ 948.07	Child enticement
§ 948.075	Use of a computer to facilitate a child sex crime
§ 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 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 an included offense
§ 975.06	Sex crimes law commitment

- (b) **Person.** A person who has been convicted of or has been found delinquent of or 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 Sec. 301.45, Wis. Stats., for any offense against a child.
- (c) **Residence (Reside).** The place where a person sleeps, which may include more than one (1) location, and may be mobile or transitory.
- (d) **Sexually Violent Offense.** Shall have the meaning as set forth in Sec. 980.01(6), Wis. Stats., as amended from time to time.
- (e) **Youth Center.** Shall include churches and licensed day care centers.

Sec. 11-7-3 Residence Restrictions.

- (a) **Residence Restrictions Established.** A person shall not reside within two hundred (200) feet of the real property comprising any of the following:
 - (1) Any facility for children, which means:
 - a. A public or private school;
 - b. A group home, as defined in Sec. 48.02(7), Wis. Stats.;
 - c. A residential care center for children and youth, as defined in Sec. 48.02(15d), Wis. Stats.;
 - d. A shelter care facility, as defined in Sec. 48.02(17), Wis. Stats.;
 - e. A treatment foster home, as defined in Sec. 48.02(17q), Wis. Stats.;
 - f. A day-care center licensed under Sec. 48.65, Wis. Stats.;
 - g. A day-care program established under Sec. 120.13(14), Wis. Stats.;
 - h. A day-care provider certified under Sec. 48.651, Wis. Stats.; or
 - i. A youth center as defined above; and/or
 - (2) Any facility used for:
 - a. A public or private park, parkway, parkland, park facility, including River Island Park, Saratoga Park, and the Village Park and Ballfield.
 - b. A public library.
 - c. A public or private playground.
 - d. Athletic facilities used by children, not including golf courses.
 - e. Property used for a school forest.
 - f. A community center.
- (b) **Measurement of Distances.** The distance shall be measured from the closest boundary line of the real property supporting the residence of a person to the closest real property boundary line of the applicable above-enumerated use(s). If the one hundred and fifty (150) ft. line falls within a lot

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or parcel, the entire lot or parcel shall be within the residence restricted zone. A map depicting the above-enumerated uses and the resulting residency restriction distances, as amended from time to time, is on file in the Office of the Village Clerk-Treasurer for public inspection. The map is provided for informational purposes only. If this Section and the map conflict, this section controls.

Sec. 11-7-4 Residence Restriction Exceptions.

A person residing within two hundred (200) feet of the real property comprising any of the uses enumerated in Sec. 11-7-3(a) above does not commit a violation of this Chapter if any of the following apply:

- (a) **Serving a Sentence.** The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- (b) **Established Residency.** The person has established a residence prior to the effective date of this Chapter which is within two hundred (200) feet of any of the uses enumerated in Sec. 11-7-3(a) above, or such enumerated use is newly established after such effective date and it is located within such two hundred (200) feet of a residence of a person which was established prior to the effective date of this Chapter.
- (c) **Minor Status.** The person is a minor, under the age of eighteen (18), who is living with his/her parents or guardian, or a person who is not more than twenty (20) years of age, is living with his/her parents or guardian, and is currently enrolled in and is attending high school.
- (d) **Municipal Court Appearance Required.** The person is required to appear in Star Prairie Municipal Court.

Sec. 11-7-5 Original Domicile Restriction.

In addition to and notwithstanding the foregoing, but subject to Sec. 11-7-4 above, no person and no individual who has been labeled a "special bulletin notification (SBN)" and is still on parole, extended supervision or monitoring shall be permitted to reside in the Village of Star Prairie, unless such person was domiciled in the Village of Star Prairie at the time of the offense.

Sec. 11-7-6 Sex Offender Restricted Zones.

- (a) **Unlawful Acts.** It shall be unlawful for any person to do any of the following:
 - (1) Enter or be physically present within the boundaries of any school, park, day-care facility, or other use defined in Sec. 11-7-3(a).
 - (2) Loiter within two hundred (200) feet of the boundary of any such school, park, day-care facility or other use defined in Sec. 11-7-3(a). "Loiter" shall include, but not be limited to, lingering in a apparent aimless way, spending time idly, walking or moving slowly and indolently with frequent stops and pauses, or not moving at all, 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 children in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement 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 impractical, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the person the opportunity to dispel any alarm which would explain his or her presence and conduct at the locations identified above. No person shall be convicted of an offense under this Section if the law enforcement 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 law enforcement officer at the time, would have dispelled the alarm.

- (3) Use photography, video equipment or any kind of surveillance equipment at any location defined in Sec. 11-7-3(a).
- (b) **Restricted Zones Map.** A map depicting the locations of the real property supporting the above-enumerated uses, and the resulting sex offender restricted zone, as amended from time to time, is on file in the Office of Village Clerk-Treasurer for public inspection. The map is provided for informational purposes only. If this Section and the map conflict, the section controls.

Sec. 11-7-7 Sex Offender Restricted Zone Exceptions.

A person does not commit a violation of Sec. 11-7-6 above and the enumerated uses may allow such person on the property supporting such use if any of the following:

- (a) **Place of Worship.** The property supporting an enumerated use under Sec. 11-7-3(a) also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following:
 - (1) Entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
 - (2) Written advance notice is made from the person to an individual in charge of the church, and written approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the person; and
 - (3) The person shall not participate in any religious education programs which include individuals under the age of eighteen (18). The written approval shall state the dates for which it is in effect.
- (b) **Place Lawfully Attended by Children.** The property supporting an enumerated use under Sec. 11-7-3(a) 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:
 - (1) Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and
 - (2) Written advance notice is made from the person to an individual in charge of the use upon the property, and written approval from an individual in charge of the use upon the property, and written approval from an individual in charge of the use upon the property as designated

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by the owner of the use upon the property is made in return, of the attendance by the person. The written approval shall state the dates for which it is in effect.

- (c) **Polling Place.** The property supporting an enumerated use under Sec. 11-7-3(a) also supports a polling location in a local, state or federal election, subject to the following conditions:
 - (1) The person is eligible to vote; the designated polling place for the person is an enumerated use; and
 - (2) 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.
- (d) **School.** The property supporting an enumerated use under Sec. 11-7-3(a) 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.
- (e) **Application to Be at Other Properties.** With respect to other private properties/entities/organizations that support an enumerated use:
 - (1) Written advance notice and application is made from the person to an individual in charge of the use upon the property, and written 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. The written approval shall state the dates for which it is in effect.
 - (2) The person's entrance and presence upon the property occurs only as provided in the written approval.

Sec. 11-7-8 Appeals Process.

Appeals for exceptions outside those enumerated above are to be referred to the Chief of Police to be processed as follows:

- (a) **Temporary Exceptions.** The Chief of Police is authorized to grant temporary exceptions to the sex offender restricted zone restrictions established in Sec. 11-7-6 to allow a person to be within a sex offender restricted zone temporarily for events such as a family reunion in a park, special event at or within a restricted zone involving person's child or spouse, or other similar type situations.
- (b) **Other Exceptions; Review Committee.** For all other applications for exceptions, the Chief of Police shall call a special meeting of a committee to review the application. The Committee shall be made up of:
 - (1) Chief of Police.
 - (2) Wisconsin Department of Corrections representative.
 - (3) Representative from the Public Safety Committee.
 - (4) President of the Village of Star Prairie.
 - (5) Community member at large.
- (c) **Standards for Granting Exceptions.** To grant an exception, the Committee must find that:
 - (1) There are circumstances unique to the person that would not be common among other persons subject to this Chapter, and that application of the Chapter to the person would cause an extreme hardship to that person because of these unique circumstances.

- (2) Granting the exception will not be detrimental to the public health, safety or welfare of the community or to the neighborhood for which the exception is sought.
- (3) Granting the exception will not violate the spirit and the general and specific purposes of this Section.
- (4) To be approved, an exception must receive an affirmative vote of four (4) of the Committee members.
- (5) All exceptions granted are to be documented. The document to be maintained by the Police Department.
- (6) A copy of all exceptions granted will be available from the Village of Star Prairie Police Department.

Sec. 11-7-9 Violations.

- (a) **Residence Restriction Violations.** If a person violates Sec. 11-7-3(a), above, by establishing a residence or occupying residential premises within two hundred (200) feet of those premises as described therein, without any exception(s) as also set forth above, the Village Attorney, upon referral from the Chief of Police and the written determination by the Chief of Police that, upon all of the facts and circumstances and the purpose of this Chapter, such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, shall bring an action in the name of the Village in the Circuit Court for St. Croix County to permanently enjoin such residency as a violation of this Chapter and as a public nuisance. In addition to the aforesaid injunctive relief, such person shall be subject to the general penalty provisions set forth under Sec. 1-1-6 of this Code of Ordinances with the following minimum penalties:
 - (1) A forfeiture of at least Two Hundred and Fifty Dollars (\$250.00) plus any applicable court costs for a first violation.
 - (2) A forfeiture of at least Five Hundred Dollars (\$500.00) plus any applicable court costs for a second or subsequent violation.
 - (3) Each day a violation continues shall constitute a separate offense. In addition, the Village may undertake all other legal and equitable remedies to prevent or remove a violation of this Section.
- (b) **Sex Offender Restricted Zone Violations.** If a person violates Sec. 11-7-6 above, by being present within a sex offender restricted zone:
 - (1) A forfeiture of at least One Thousand Dollars (\$1,000.00), a mandatory court appearance, plus any applicable court costs for a first violation.
 - (2) A violation of at least Two Thousand Five Hundred Dollars (\$2,500.00), a mandatory court appearance, plus any applicable court costs for a second or subsequent violation.

