

Chapter 359

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton 10-6-1987 (Title 9, Chs. 1 and 3 and Secs. 9-2-1 through 9-2-8 and 9-2-10 through 9-2-13, of the 1987 Code of Ordinances). Amendments noted where applicable.]

ARTICLE I State Statutes Adopted

§ 359-1. Offenses against state laws subject to forfeiture.

- A. 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, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of the Village of Hixton. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (1) Section 97.627, Causing fires by tobacco smoking.
 - (2) Section 167.10, Fireworks regulated.
 - (3) Section 175.25, Storage of junked automobiles.
 - (4) Section 939.05, Parties to crime.
 - (5) Section 939.22, Words and phrases defined.
 - (6) Section 940.10, Homicide by negligent operation of vehicle.
 - (7) Section 940.19(1), Battery.
 - (8) Section 940.291, Law enforcement officer; failure to render aid.
 - (9) Section 941.10, Negligent Handling of Burning Material.
 - (10) Section 941.12, Interfering with fire fighting.
 - (11) Section 941.13, False alarms.
 - (12) Section 941.20(1), Endangering safety by use of dangerous weapon.
 - (13) Section 948.60, Possession of a dangerous weapon by a person under 18.
 - (14) Section 941.23, Carrying Concealed Weapon.
 - (15) Section 941.235, Carrying Firearm in Public Building.

- (16) Section 948.51, Hazing.
- (17) Section 941.35, Emergency Telephone Calls.
- (18) Section 941.36, Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes.
- (19) Section 943.01(1), Criminal Damage to Property.
- (20) Section 943.06, Molotov Cocktails.
- (21) Section 943.11, Entry Into Locked Vehicle.
- (22) Section 943.125, Entry Into Locked Coin Box.
- (23) Section 943.13, Trespass to Land.
- (24) Section 943.14, Criminal Trespass to Dwellings.
- (25) Section 943.15, Entry onto a construction site or into a locked building, dwelling or room.
- (26) Section 943.20, Theft.
- (27) Section 943.21, Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station.
- (28) Section 943.22, Use of Cheating Tokens.
- (29) Section 943.23(2), Operating Vehicle Without Owner's Consent.
- (30) Section 943.24(1), Issuance of Worthless Checks.
- (31) Section 943.34(1), Receiving Stolen Property.
- (32) Section 948.63, Receiving Property From a Child.
- (33) Section 943.37, Alteration of Property Identification Marks.
- (34) Section 943.38(3), Forgery.
- (35) Section 943.41, Financial transaction card crimes .
- (36) Section 943.50, Retail theft; theft of services.
- (37) Section 944.20, Lewd and Lascivious Behavior.
- (38) Section 944.21, Obscene material or performance.
- (39) Section 944.23, Making Lewd, Obscene or Indecent Drawings.
- (40) Section 944.30, Prostitution.
- (41) Section 944.31, Patronizing Prostitutes.
- (42) Section 944.33, Pandering.
- (43) Section 944.34, Keeping Place of Prostitution.

- (44) Section 945.01, Definitions (relating to gambling).
- (45) Section 945.02, Gambling.
- (46) Section 945.04, Permitting Premises to be Used for Commercial Gambling.
- (47) Section 946.40, Refusing to Aid Officer.
- (48) Section 946.41, Resisting or Obstructing Officer.
- (49) Section 946.42(2), Escape.
- (50) Section 946.69, Falsely assuming to act as a public officer or employee or a utility employee.
- (51) Section 946.70, Impersonating peace officers, fire fighters, or other emergency personnel.
- (52) Section 946.72(2), Tampering with Public Records and Notices.
- (53) Section 947.01, Disorderly Conduct.
- (54) Section 947.012, Unlawful Use of Telephone.
- (55) Section 947.013, Harassment.
- (56) Section 947.015, Bomb Scares.
- (57) Section 947.02, Vagrancy.
- (58) Section 947.06, Unlawful assemblies and their suppression.
- (59) Section 948.11, Exposing a child to harmful material or harmful descriptions or narrations.
- (60) Section 951.01, Definitions (pertaining to animals).
- (61) Section 951.015, Construction and Application.
- (62) Section 951.02, Mistreating Animals.
- (63) Section 951.03, Dognapping or Catnapping.
- (64) Section 951.04, Leading Animal from Motor Vehicle.
- (65) Section 951.05, Transportation of Animals.
- (66) Section 951.06, Use of Poisonous and Controlled Substances.
- (67) Section 951.07, Use of Certain Devices Prohibited.
- (68) Section 951.08, Instigating Fights Between Animals.
- (69) Section 951.09, Shooting at Caged or Staked Animals.
- (70) Section 951.10, Sale of Baby Rabbits, Chicks and Other Fowl.
- (71) Section 951.11, Artificially Colored Animals; Sale.

- (72) Section 951.13, Providing proper food and drink to confined animals.
- (73) Sections 961.571 through 961.576, Uniform Controlled Substances Act.
- (74) Section 167.31, Safe use and transportation of firearms and bows.

ARTICLE II
Offenses Against Property

§ 359-2. Destruction of property prohibited.

- A. Destruction of property. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Village and belonging to the Village or its departments or to any private person, without the consent of the owner or proper authority.
- B. Parental liability. Pursuant to § 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 \$5,000, except as otherwise provided in § 895.035, Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- C. Unlawful removal of property. It shall be unlawful for any person to take and carry away the property of another without the owner's consent with the intention to do so.

§ 359-3. 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, or upon property within the Village owned by any private person, or upon the surface of any body of water within the Village.
- B. Litter from conduct of commercial enterprise.
 - (1) Scope. The provisions of this subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within 12 hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
 - (3) Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection B(2) within the time specified, the Village shall arrange to have the same picked up by Village crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of 20% 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. Dumping of refuse and grass in gutters. No person shall deposit any refuse, leaves or grass clippings in any gutter along any public street, road, alley or highway.
- 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 entranceway 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.

§ 359-4. Abandoned refrigerators prohibited.

No person shall leave or permit to remain outside of any dwelling, building or other structure under his/her control, any abandoned or discarded appliances, or any appliance "for sale", for a period exceeding thirty (30) days during any calendar year. The thirty-day limitation set forth in the Section shall apply per property, not per appliance (i.e. each property may only have appliances outside and for sale for thirty cumulative days each year, whereby each day that an appliance is outside and for sale shall count as one day against the thirty-day allowable time). If an appliance is outside for any part of a day, it shall count as one full day against the property's thirty-day limit. The thirty-day limitation shall run from January 1st through December 31st, re-setting on January 1st of each year. If any refrigerator, ice box, 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, is displayed for sale on a premises, the owner or the owner's agent shall securely lock and fasten the container.

§ 359-5. 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 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 presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the

accused person. Compliance with this subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

- D. If the value of the merchandise does not exceed \$100, any person violating this section shall forfeit not more than \$200. If the value of the merchandise exceeds \$100, this section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.¹

§ 359-6. Storage of junk, etc., regulated.

No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris, which substantially depreciates property values in the neighborhood except or upon permit issued by the Village Board. The Chief of Police or Building Inspector may require by written order any premises violating this section to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

§ 359-7. Damaging or tampering with coin machines.

- A. No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the Village.
- B. In this section, coin machine means any device or receptacle designed to receive money or anything of value. The term includes a depository box, parking meter, vending machine, pay telephone, money-changing machine, coin-operated phonograph and amusement machine if they are designed to receive money or other thing of value.

§ 359-8. 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.
- B. Breaking of street lamps or windows. No person shall break glass in any street lamps or

¹. Editor's Note: Original Sec. 9-3-6 of the 1987 Code of Ordinances, Issuance of worthless checks, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 943.24, Wis. Stats., which is adopted by reference in § 359-1.

windows of any building owned or occupied by the Village.

§ 359-9. Disturbing cemetery property.

No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants or vines from any cemetery lot or property; nor shall any person deface, injure or mark upon any cemetery markers, headstones, monuments, fences or structures; nor shall any person other than the owner injure, carry away or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot.

§ 359-10. Violations and penalties.

In addition to the general penalty of this Code in § 1-3 or any other penalty imposed for violation of any section of this chapter, 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 minor child who violates § 359-2 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 the Village of Hixton shall prevent law enforcement officers from referring violations of the provisions of this article to the District Attorney's office in the interest of justice.

ARTICLE III
Offenses Against Public Safety and Peace

§ 359-11. Regulation of firearms and explosives.

- A. Discharge and possession of firearms regulated. No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, or bow and arrow, within the Village or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun or bow and arrow, in his possession or under his control unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to state law.
- B. Shooting into Village limits. No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village.
- C. Shooting ranges. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Village Board where proper safety precautions are taken.
- D. Explosive devices. No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village without first obtaining a permit to do so from the Village Board.
- E. Hunting prohibited. Hunting is prohibited within the corporate limits of the Village of Hixton.
- F. Definitions. For purposes of this section, a "firearm" is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether

the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

§ 359-12. Carrying concealed weapons prohibited; certain weapons prohibited.

A. Concealed weapons prohibited.

- (1) No person shall within the Village wear or in any manner carry under his clothes or conceal upon or about his person any deadly or dangerous weapon, provided this subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.
- (2) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, 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.

B. Concealed weapons in public establishments. No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.

C. Specific concealed weapons prohibited. No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the Village.

D. Possession, sale and manufacture of certain weapons prohibited.

- (1) No person shall sell, manufacture, purchase, possess or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Sucbai" or similar weapon within the Village of Hixton.
- (2) For the purpose of this section, the following definitions shall apply:

CHURKIN — A round throwing knife consisting of several sharp points protruding from a rounded disc.

NUMCHUK or NUNCHAKU — An instrument consisting of two or more sticks, clubs or rods connected by a rope, cord, wire or chain.

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) 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.²

§ 359-13. Throwing or shooting of arrows, stones and other missiles prohibited.

It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, arrow, stone, snowball or other missile within the Village of Hixton, provided, however, upon written application to the Village Board, a person may be granted permission by the Village Board to construct and maintain supervised archery ranges if, in the opinion of the Village Board, the construction or maintenance of such ranges will not endanger the public health and safety.

§ 359-14. 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 the Village of Hixton:

- A. Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- B. 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;
- C. Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- D. Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- E. Knowingly permits any telephone under his control to be used for any purpose prohibited by this section;
- F. 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.

§ 359-15. Sale and discharge of fireworks restricted.

No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village unless he shall be authorized by a fireworks permit as provided in Chapter 246, Fireworks, of this Code of the Village of Hixton. The term "fireworks" as used in this section shall be defined as provided in § 167.10(1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.

§ 359-16. Obstructing streets and sidewalks prohibited.

- A. Obstructing streets. No person shall stand, sit, loaf or loiter or engage in any sport or

2. Editor's Note: Original Sec. 9-2-3 of the 1987 Code of Ordinances, Safe use and transport of firearms, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 167.31, Wis. Stats., which is adopted by reference in § 359-1.

exercise on any public street, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

- B. Blocking sidewalk prohibited. No person shall block any sidewalk 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. 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 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.
- D. 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:

BLOCK — 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 walk.

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.

§ 359-17. Loitering prohibited.

No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself 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 to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

§ 359-18. Disorderly conduct.

A. Disorderly conduct prohibited. No person within the Village of Hixton 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 other than a bona fide athletic contest.
- B. Disorderly conduct with motor vehicle. No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine or by emitting unnecessary and loud muffler noise.
- C. 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, stairways or elevators of public or commercial buildings, or to indecently expose his person.

§ 359-19. Possession of controlled substances.

- A. Controlled substances. It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes.
- B. Possession of marijuana. No person shall possess any amount of marijuana, tetra-hydrocannabinoids or any derivative thereof, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a licensed physician or pharmacist for a valid medical purpose.

§ 359-20. Unauthorized presence on school property prohibited.

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

- D. All entrances to the school buildings shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited." All school grounds shall be posted with a notice stating "Entry Upon School Grounds by Unauthorized Persons Prohibited."

§ 359-21. Failure to obey lawful order.

It shall be unlawful for any person to fail to obey the direction or order of a law enforcement officer while such police officer is acting in an official capacity in carrying out his or her duties.