

Chapter 219

JUNKYARDS

§ 219-1. Permit required.

§ 219-3. Issuance of permit; revocation.

§ 219-2. Application for permit.

§ 219-4. Maintenance of premises.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 7, Ch. 11 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 187.
Hazardous materials — See Ch. 202.

Nuisances — See Ch. 252.
Abandoned vehicles — See Ch. 331.

§ 219-1. Permit required.

No person or persons, association, partnership, firm or corporation shall keep or maintain in the Village of Ontario a junk shop, junkyard or other place for the deposit and keeping of old iron, brass, or other metal, used motor vehicles or parts thereof or other articles which, from their worn condition, are practically useless for the purpose for which they were made and which are commonly classed as junk, without first having obtained a permit to do so from the Village Board of the Village of Ontario.

§ 219-2. Application for permit.

Any person desiring to keep and maintain such shop, yard or other place as herein defined shall make application in writing to the Village Board, which application shall be filed with the Village Clerk-Treasurer and shall be accompanied by a fee as set by the Village Board.¹ Such application shall be signed by the applicant and shall set forth the name and residence of the applicant, the correct and accurate description of the premises for which the permit is asked, a statement of the business to be carried on and an enumeration as nearly as may be of the articles and merchandise to be handled therein. If the applicant is not the owner of the premises for which such permit is asked, such application shall be accompanied by a signed statement of permission from said owner for such use.

§ 219-3. Issuance of permit; revocation.

The Village Board may, in its discretion and upon receiving such application and fee, issue a permit to keep and maintain such shop, yard or other place, and the person receiving such permit may establish such shop, yard or other place and operate the same at the location described in said permit for the term of one year from the date thereon, but said permit may be canceled or revoked by the Village Board upon giving 30 days' notice of such cancellation or revocation to the holder of such permit, after public hearing.

1. Editor's Note: See Ch. A390, Fees.

§ 219-4. Maintenance of premises.

Each of the premises upon which such shop, yard or other place as herein defined is kept or maintained shall be enclosed by a proper fence or other structure not less than eight feet in height, constructed so that no dust or other material may pass through the same. Said enclosure shall be maintained in good condition at all times. No article which is commonly classed as junk shall be kept by the holder of such permit without the limits of such enclosure, and no article shall be kept or piled within such enclosure in such manner that it protrudes above the same.

Chapter 240

MOBILE HOMES

§ 240-1. Monthly parking fee.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 7, Ch. 6 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Floodplain zoning — See Ch. 350.
Subdivision of land — See Ch. 364.

Zoning — See Ch. 370.

§ 240-1. Monthly parking fee.

- A. There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Village of Ontario a monthly parking fee as determined in accordance with § 66.0435(3), Wis. Stats., which is hereby adopted by reference and made part of this chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile home owner. Licensees shall pay to the Village Clerk-Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this chapter and such regulations as the Clerk-Treasurer may reasonably promulgate.
- B. Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Clerk-Treasurer and Assessor on such homes added to their park or land within five days after arrival of such home on forms furnished by the Clerk-Treasurer in accordance with § 66.0435(3)(c) and (e), Wis. Stats.
- C. Occupants or owners of nonexempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Village Clerk-Treasurer as provided in Subsection A. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied nonexempt mobile home therein and to remit such fees to the Village Clerk-Treasurer as provided in Subsection A.
- D. Owners of nonexempt, occupied mobile homes, upon receipt of notice from the Clerk-Treasurer of their liability for the monthly parking permit fee, shall remit to the Clerk-Treasurer a cash deposit as set by the Village Board to guarantee payment of such fees when due to the Village.¹ It shall be the full and complete responsibility of the licensees of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and remit such deposits to the Clerk-Treasurer. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the Village, the Clerk-Treasurer shall apply said

1. Editor's Note: See Ch. A390, Fees.

cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

Chapter 252

NUISANCES

§ 252-1. Rules and regulations.

§ 252-2. Deposit of deleterious substances prohibited.

§ 252-3. Outside storage of firewood.

§ 252-4. Public nuisances prohibited.

§ 252-5. Public nuisance defined.

§ 252-6. Public nuisances affecting health.

§ 252-7. Public nuisances offending morals and decency.

§ 252-8. Public nuisances affecting peace and safety.

§ 252-9. Abatement.

§ 252-10. Recovery of costs.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as §§ 6-1-2, 6-1-5 and 6-1-10 and Title 9, Ch. 6 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 117.

Brush, grass and weeds — See Ch. 131.

Open burning — See Ch. 142.

Hazardous materials — See Ch. 202.

Junkyards — See Ch. 219.

Peace and good order — See Ch. 267.

Property maintenance — See Ch. 273.

Smoking — See Ch. 300.

Abandoned vehicles — See Ch. 331.

§ 252-1. Rules and regulations.

The Board of Health may make reasonable and general rules for the enforcement of the provisions of this chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Board shall be subject to the general penalty provided for in this Code.¹

§ 252-2. Deposit of deleterious substances prohibited.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

1. Editor's Note: See Ch. 1, § 1-3.

§ 252-3. Outside storage of firewood.

- A. No person shall store firewood in the front yard of a residential property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery.
- B. Firewood should be neatly stacked and may not be stacked closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. "Fence" as used in this section shall not include hedges and other vegetation.
- C. All brush, debris and refuse from the processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- D. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this chapter.
- E. Not more than 15% of the side or rear yard may be used for storage of firewood at any one time.

§ 252-4. Public nuisances prohibited.

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

§ 252-5. 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.

§ 252-6. 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 § 252-5:

- 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 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. Privy vaults and garbage cans. Privy vaults and garbage cans which are not flytight.
- F. Noxious weeds. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed eight inches.
- 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 emitting 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.

§ 252-7. 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 § 252-5:

- 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.
- 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 by 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.

§ 252-8. 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 § 252-5:

- 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 their color, location, brilliance or manner of operation interfere with the effectiveness of any such devices, signs or signals.
- 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 any public sidewalk, street or other public place and present a safety hazard.
- 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 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 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 iceboxes 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 or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.²

§ 252-9. Abatement.

- A. Enforcement. Village law enforcement officers and the Chief of the Fire Department 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 this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does, in fact, exist.³
- B. Summary abatement. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- C. Abatement after notice. If the inspecting officer shall determine 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, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisance to be removed as provided in Subsection B.
- 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.

2. Editor's Note: See Ch. 309, Streets and Sidewalks, § 309-8.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 252-10. Recovery of costs.

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, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

Chapter 263

PARKS AND RECREATION

§ 263-1. Park regulations.

§ 263-2. Closing hours.

**§ 263-3. Radio-controlled model
airplanes.**

**§ 263-4. Use of metal detectors and
digging on public property.**

**§ 263-5. Softball tournaments at Village
Square Park.**

**[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 4,
Ch. 5 of the 1986 Code. Amendments noted where applicable.]**

GENERAL REFERENCES

Animals — See Ch. 117.

Bicycles and play vehicles— See Ch. 125.

Fireworks — See Ch. 191.

Alcoholic beverages — See Ch. 210.

Nuisances — See Ch. 252

Peace and good order — See Ch. 267.

Snowmobiles — See Ch. 304.

§ 263-1. Park regulations.

- A. Purpose and definition. In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village from injury, damage or desecration, these regulations are enacted. The term "park," as hereinafter used in this chapter, shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Village.
- B. Specific regulations.
- (1) Littering prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
 - (2) Sound devices. No person shall operate or play any amplifying or public address system unless specific authority is first obtained from the Village Board.
 - (3) Pets. No person shall permit any dog, cat or other pet owned by him to run at large in any park.
 - (4) Bill posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Village Board.
 - (5) Throwing stones and missiles prohibited. No person shall throw stones or other missiles in or into any park.
 - (6) Removal of park equipment prohibited. No person shall remove benches, seats, tables or other park equipment from any park.

- (7) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Village Board.
- (8) Making of fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (9) Protection of park property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flowerbed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park or any of the facilities of the municipal swimming pool.
- (10) Motorized vehicles. No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted.
- (11) Snowmobiles. No person shall operate a snowmobile in a Village park, except in designated areas.
- (12) Speed limit. No person shall operate any vehicle in a Village park in excess of 15 miles per hour unless otherwise posted.
- (13) Glass beverage bottles in parks prohibited. No person shall possess any glass beverage bottle within the limits of the parks of the Village.
- (14) Reckless driving in parks prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.
- (15) Parking in parks. No person shall park any motor vehicle in any park in the Village, except in a designated parking area.
- (16) Horses; horse-driven vehicles. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Village Board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-drawn vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others.
- (17) Camping. Camping in all Village parks is prohibited.

§ 263-2. Closing hours. ¹

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

The Village Board may establish a closing hour for all parks and playgrounds, and after posting such closing hour it shall be unlawful to enter in or be upon any park or playground after the hour designated.

§ 263-3. Radio-controlled model airplanes.

No person shall fly a radio-controlled model airplane in any park in the Village of Ontario, except in areas specifically designated and posted for such purpose.

§ 263-4. Use of metal detectors and digging on public property.

Absent authorization by the Village Board, the use of metal detectors and digging for buried objects on Village property, except beaches where no vegetation is present, are prohibited.

§ 263-5. Softball tournaments at Village Square Park. ²

- A. All tournaments shall be approved by the Committee on Recreation of the Village Board prior to their scheduling.
- B. The charge for the use of the lights for a tournament will be determined by having the meter read before and after the tournament.
- C. The date for the rain date of a tournament must be scheduled at the same time as the tournament dates.
- D. The fence must be taken down within 48 hours of the last game of a tournament. The person or persons booking the tournament are responsible for the fence.
- E. A fee as set by the Village Board will be charged for the use of the lights for a league game or practice. This is not a charge for the use of the square but to cover the cost of the lights.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Chapter 267

PEACE AND GOOD ORDER

ARTICLE I

State Statutes Adopted

§ 267-1. Offenses against state laws subject to forfeiture.

§ 267-10. Possession of marijuana.

§ 267-11. Unauthorized presence on school property.

§ 267-12. Curfew.

§ 267-13. Failure to obey lawful order.

ARTICLE II

Offenses Against Public Safety and Peace

§ 267-2. Firearms.

§ 267-3. Weapons.

§ 267-4. Throwing or shooting of arrows, stones and other missiles.

§ 267-5. Harassing or obscene telephone calls.

§ 267-6. Obstructing streets and sidewalks.

§ 267-7. Loitering.

§ 267-8. Loud and unnecessary noise.

§ 267-9. Disorderly conduct.

§ 267-14. Destruction of property.

§ 267-15. Littering.

§ 267-16. Open cisterns, wells, basements or other dangerous excavations.

§ 267-17. Abandoned refrigerators.

§ 267-18. Retail theft.

§ 267-19. Issuance of worthless checks.

§ 267-20. Damaging or tampering with coin machines.

§ 267-21. Damage to public property.

§ 267-22. Violations and penalties.

ARTICLE III

Offenses Against Property

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 9, Chs. 1, 2 and 3 of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 117.

Open burning — See Ch. 142.

Fireworks — See Ch. 191.

Alcoholic beverages — See Ch. 210.

Nuisances — See Ch. 252.

Snowmobiles — See Ch. 304.

Vehicles and traffic — See Ch. 335.

ARTICLE I

State Statutes Adopted

§ 267-1. Offenses against state laws subject to forfeiture.¹

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,

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Chapter 1, § 1-3, of this Code. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.

167.10	Fireworks regulated
175.25	Illegal storage of junked vehicles
254.76	Causing fires by tobacco smoking
939.05	Aiding and abetting
939.22	Words and phrases defined
940.10	Homicide by negligent operation of vehicle
940.19(1)	Battery
941.10	Negligent handling of burning materials
941.12	Interfering with or failing to assist in fire fighting
941.13	False alarms and interference with fire fighting
941.20(1)	Reckless use of weapon
941.23	Carrying concealed weapon
941.235	Carrying a firearm in a public building
941.24	Possession of switchblade knife
941.35	Emergency telephone calls
941.36	Fraudulent tapping of electric wires or gas or water meters or pipes
943.01(1)	Criminal damage to property
943.06	Molotov cocktails
943.11	Entry into locked vehicle
943.13	Criminal trespass to land
943.14	Criminal trespass to dwellings
943.20	Theft of property
943.212	Fraud on innkeeper
943.23	Operating vehicle without owner's consent
943.24	Worthless checks
943.34	Receiving stolen property
943.37	Alteration of property identification marks
943.38(3)	Forgery
943.41	Credit card crimes
943.50	Retail theft
943.61	Theft of library material
944.20	Lewd and lascivious behavior
944.21	Lewd, obscene, or indecent matter, pictures and performances
944.23	Making lewd, obscene or indecent drawings
944.30	Prostitution

- 944.31 Patronizing prostitutes
- 944.33 Pandering
- 944.34 Keeping place of prostitution
- 945.01 Definitions relating to gambling
- 945.02 Gambling
- 945.03 Commercial gambling
- 945.04 Permitting premises to be used for commercial gambling
- 946.40 Refusing to aid officer
- 946.41 Resisting or obstructing officer
- 946.42 Escape
- 946.65 Obstructing justice
- 946.69 Falsely assuming to act as public officer or employee
- 946.70 Impersonating peace officer
- 946.72 Tampering with public records and notices
- 947.01 Disorderly conduct
- 947.012 Unlawful use of telephone
- 947.013 Harassment
- 947.015 Bomb scares
- 947.06 Unlawful assemblies
- 948.11 Exposing a child to harmful material or harmful descriptions or narrations
- 948.60 Possession of a dangerous weapon by a person under 18
- 951.01 Definition
- 951.015 Construction and application
- 951.02 Mistreating animals
- 951.03 Dognapping or catnapping
- 951.04 Leading animal from motor vehicle
- 951.05 Transportation of animals
- 951.06 Use of poisonous and controlled substances
- 951.07 Use of certain devices prohibited
- 951.08 Instigating fights between animals
- 951.09 Shooting at caged or staked animals
- 951.10 Sale of baby rabbits, chicks and other fowl
- 951.11 Artificially colored animals; sale
- 951.13 Providing proper food and drink to confined animals
- 951.14 Providing proper shelter
- 951.15 Animals; neglected or abandoned; police powers
- 961.38 Prescriptions
- 961.573(1) Possession of drug paraphernalia
- 961.575(1) Delivery of drug paraphernalia to a minor

ARTICLE II
Offenses Against Public Safety and Peace

§ 267-2. Firearms.

- A. No person, except a sheriff, police officer or other law enforcement officer, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, except as provided in § 267-4, within the Village or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun in his possession or under his control unless it is unloaded and enclosed or encased within a carrying case or other suitable container.
- B. 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. 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. No person under the age of 16 years shall have in his possession any firearm, rifle or ammunition therefor, unless accompanied by a parent or legal guardian, unless the juvenile has complied with and been certified with the standards set down by the Department of Natural Resources in the Hunters Safety Course offered to juveniles 14 years old and older.
- E. Possession of firearms in public buildings and business establishments.

- (1) Definitions. As used in this Subsection E, the following terms shall have the meanings indicated:

FIREARM — Any rifle, shotgun, handgun, spring gun, airgun or bow and arrow device.

LAW ENFORCEMENT OFFICER — Any person employed by the state or any political subdivision of the state for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

- (2) No person, except a law enforcement officer, within the scope of his duties, shall have in his or her possession, carry or bear any firearms within any publicly owned building or business establishment open to the public within the Village, including establishments with intoxicating liquor and/or fermented malt beverage licenses.²
- (3) This Subsection E 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.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 267-3. Weapons.

- A. Concealed weapons. No person, except a sheriff, constable, police officer or other law enforcement officer, shall carry or wear concealed about his person any pistol, revolver, firearm, slingshot, crossknuckle of lead, brass or other metal, bowie knife, switchblade, dirk or dagger, or any other dangerous or deadly weapon within the Village. In all cases of conviction hereunder, any and all dangerous weapons found on the person of the convicted shall be confiscated and become the property of the Village and may be destroyed by order of the court.
- B. Possession, sale and manufacture of certain weapons prohibited.
- (1) No person shall sell, manufacture, purchase, possess or carry a numchuk (also called a "nunchaku"), a churkin or a sucbai or similar weapon within the Village of Ontario.
 - (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 Laboratories for destruction.

§ 267-4. Throwing or shooting of arrows, stones and other missiles.

It shall be unlawful for any person to discharge or throw any dangerous missile, object, arrow, stone, snowball or other missile in or at any dwelling or building or any public park, playground, street, enclosure or other public place within the Village; provided, however, upon written application to the Village Board, a person may be granted permission by the Village Board to construct and maintain approved archery ranges if in the opinion of the Village Board the construction of such ranges will in no way endanger the public health and safety.

§ 267-5. Harassing or obscene telephone calls.

Whoever commits any of the following acts shall be subject to the penalty as provided in Chapter 1, § 1-3, of this Code:

- 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.³

§ 267-6. Obstructing streets and sidewalks.

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

3. Editor's Note: Original § 9-2-5, Sale and discharge of fireworks restricted, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 191, Fireworks.

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.⁴

§ 267-7. Loitering.

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 make it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section 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.

§ 267-8. Loud and unnecessary noise.

- A. Prohibited acts. It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the Village such as produces annoyance, inconvenience, discomfort, or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety, health, or morals of the public. [Amended 5-9-1994]
- B. Types of loud and unnecessary noises. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
 - (1) Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.
 - (2) Radios, phonographs and similar devices. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound

4. Editor's Note: Original § 9-2-7, Regulation of display and sale of instruments used for inhaling or ingesting controlled substances, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 191, Fireworks.

in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

- (3) Loudspeakers and amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (4) Animals and birds. The keeping of any animal or bird which causes frequent or long-continued unnecessary noise.
- (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
- (6) Exhausts. It shall be unlawful for any person to operate any mechanical device operated by gasoline, steam or otherwise without having the same equipped and using thereon a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device. **[Amended 5-9-1994]**
- (7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, that the Clerk-Treasurer shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
- (8) Schools, courts, churches and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.

C. Exceptions. The provisions of this section shall not apply to:

- (1) Any vehicle of the Village while engaged in necessary public business.
 - (2) Excavations or repairs of streets or other public construction by or on behalf of the Village, county or state at night when public welfare and convenience render it impossible to perform such work during the day.
 - (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
- D. Definition. As used in this section, the word "person" shall extend and be applied to the lessor or landlord of any land, building or premises, his agent, the lessee, the occupant or person in charge of such building or premises, as well as to individuals. **[Added 5-9-1994]**
- E. Citations. The landlord or lessor shall be given notice on at least two occasions of violations of this section by the tenant(s) or occupant(s), and upon the second and subsequent violation by the tenant, occupant or group of tenants at the same dwelling unit within a one-year period, the landlord or lessor may be cited for permitting or allowing a nuisance. The landlord or lessor shall be notified of all citations issued to their tenants or occupants for noise violations and shall only be subject to a penalty if such tenant(s) or occupant(s) has been convicted of violations of this section occurring within a one-year period, nor shall the landlord or lessor be subject to a penalty if the landlord or lessor shows that all reasonable means have been taken and a sincere effort made to prevent continuous noise violations by his tenants or occupants. **[Added 5-9-1994]**
- F. Nuisance described. For the purpose of this section, a nuisance is described as allowing continuous loud noises, music or parties; dogs barking; minors causing excessive noise; or domestic disputes which tend to disrupt the common welfare of a neighborhood or community. **[Added 5-9-1994]**
- G. Stationary noise limits.
- (1) Maximum permissible sound levels.
 - (a) Noise from a stationary source shall not exceed the following standards for maximum sound-pressure levels measured at the property line:

Zone	Noise Rating - Daytime (db)	Noise Rating - Nighttime (db)
Residential	60	50
Commercial	70	70
All other zones	75	75

- (b) Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor, and the subject noise shall exceed the ambient noise by five decibels in any octave band to be designated excessive.

- (c) Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection G(1)(a) above if the subject noise consists primarily of a pure tone or if it is impulsive in character.
- (2) Construction noise. Construction equipment in any zone may be operated between the hours of 7:00 a.m. and 7:00 p.m., provided that said equipment does not exceed a maximum sound-pressure level of 80 dB(a) measured at the property line of the location at which said equipment is in use.
- (3) Noise in residential districts. In residential zones, the person in violation of this section shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officer.
- (4) Operation of certain equipment. Lawn mowers, chain saws, powered garden equipment, electric insect killing/repelling devices and other nonconstruction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.
- (5) Exemptions. Operation of emergency equipment shall be exempt from this section. Snowblowers not operated on a commercial basis shall be exempt from this section when used to gain access to a Village street. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Village.
- (6) Methods of measuring noise.
 - (a) Equipment. Noise measurement shall be made with a sound-level meter.
 - (b) Location of noise meter. Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions, and all other sound-reflective surfaces.
- (7) Control of nighttime noise emitted from residential air conditioners.
 - (a) No person shall install, operate, or use any residential air conditioner which creates a noise level in a sleeping room in any dwelling unit located on any adjacent premises in excess of five decibels above the ambient noise level at the location being measured.
 - (b) Upon receiving a complaint, law enforcement officers may conduct a noise survey through the use of a sound-level meter. The sound-pressure level should be measured in a sleeping room in the complainant's premises with the sound-level measuring microphone placed three feet from an open window nearest to the source of the noise and not less than three feet above the floor of the room in which the measurement is made.
- (8) Appeals. The Village Board may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts

have been made to correct the problem shall be considered grounds for granting an exemption to this section for existing industries.

§ 267-9. Disorderly conduct.

A. Disorderly conduct prohibited. No person, within the Village of Ontario, shall:

- (1) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to 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.⁵

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; upon any private property in open view of the public; or in the halls, stairways or elevators of public or commercial buildings.

§ 267-10. Possession of marijuana. ⁶

- A. For the purpose of this section, the terms "marijuana" and "practitioner" shall be defined as provided in § 961.01, Wis. Stats.
- B. It is unlawful for any person to possess 25 grams or less of marijuana, unless the marijuana was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice or except as otherwise authorized by Ch. 961, Wis. Stats.

§ 267-11. Unauthorized presence on school property.

- A. It shall be unlawful for any person, except as provided in Subsection B hereof, to be present in, loiter or enter into any public school building or 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.

5. Editor's Note: Original § 9-2-10(b), Disorderly conduct with motor vehicle, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 335, Vehicles and Traffic.

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (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 such 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."

§ 267-12. Curfew.

- A. It shall be unlawful for any person under 17 years of age to be on foot or bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place in the Village of Ontario between the hours of 10:30 p.m. and 5:00 a.m., 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 child, unaccompanied by a 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 child is there unlawfully and that no reasonable excuse exists therefor.⁷
- B. Exceptions.
 - (1) This section shall not apply to a child:
 - (a) Who is performing an errand as directed by his parent, guardian or person having lawful custody.
 - (b) Who is on his own premises or in the area immediately adjacent thereto.
 - (c) Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
 - (d) Who is returning home from a supervised school, church or civic function.
 - (2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C. It shall be unlawful for any parent, guardian, or other person having the lawful care, custody and control of any person under the age of 17 years to allow or permit such person to violate the provisions of Subsections A and 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 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 person under the age of 16 years to violate this section.⁸
- D. It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under the age of 16 to loiter, loaf, or idle in such place during the hours prohibited by this section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this section shall find persons under the age of 17 years loitering, loafing or idling in such place of business, he shall immediately order such person to leave, and if such person refuses to leave said place of business, the operator shall immediately notify the Police Department and inform it of the violation.⁹
- E. Every law enforcement officer is hereby authorized to detain any minor violating the above provisions, until such time as the parent, guardian or person having legal custody of the minor shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Vernon County Sheriff's Department for the purpose of taking the custody of the minor and shall sign a release for him or her. If no response is received, the Sheriff's Department shall take whatever action is deemed necessary, in the best interest of the minor.
- F. Warning. The first time a minor is detained by a law enforcement officer, as provided in Subsection E, the parent, guardian or person having legal custody of such minor shall be advised, personally, if known, or by registered mail, as to the provisions of this section and further advised that any violation of this section occurring thereafter by this minor or any other minor under his or her care or custody shall result in a penalty being imposed as hereinafter provided.¹⁰
- G. General penalty.
- (1) Any parent, guardian or person having legal custody of a child described in Subsections A and E who has been warned in the manner provided in Subsection F and who thereafter violates any of the provisions of this section shall be subject to a penalty as provided in Chapter 1, § 1-3, of this Code. After a second violation within a six-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

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Ch. 48, Wis. Stats.

- (2) Any child who violates this section after being detained and released under Subsection E shall be dealt with under Ch. 48, Wis. Stats.

§ 267-13. 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.¹¹

ARTICLE III
Offenses Against Property

§ 267-14. Destruction of property.

- A. No person shall wilfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Village and belonging to the Village or its departments, the school district or any private person without the consent of the owner or proper authority.
- B. 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 \$1,000.

§ 267-15. Littering.

- 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; upon property within the Village owned by the school district or any private person; or upon the surface of any body of water within the Village.
- B. 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.

11. Editor's Note: Original § 9-2-16, Child enticement, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (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 personnel 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, 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 matter 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 or vehicle 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 matter 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.

§ 267-16. Open cisterns, wells, basements or other dangerous excavations.

No person shall have or permit on any premises owned or occupied by him 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.

§ 267-17. Abandoned refrigerators.

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

§ 267-18. 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 law enforcement officer, who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee effecting 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. Penalty. If the value of the merchandise does not exceed \$500, any person violating this section shall forfeit not more than \$200. If the value of the merchandise exceeds \$500, this section shall not apply, and the matter shall be referred to the County District Attorney for criminal prosecution.¹²

§ 267-19. Issuance of worthless checks.

- A. Whoever issues any check or other order for the payment of money less than \$500 which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this section.
- B. 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;
 - (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 days after receiving notice of nonpayment or dishonor to pay the check or other order; or

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Original § 9-3-6, Storage of junk, etc., regulated, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 273, Art. 1, Junked Vehicles and Appliances.

- (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 days after receiving notice of nonpayment or dishonor to pay the check or other order.
- C. This section does not apply to a postdated check or to a check given in past consideration, except a payroll check.
- D. Any person violating any provisions of this section shall forfeit not less than \$100 if the worthless check is for an amount equal to or less than \$150 and shall forfeit not less than \$150 if the worthless check is an amount greater than \$150 and less than \$500, together with the costs of prosecution, and in default of payment shall be imprisoned in the Vernon County Jail until forfeiture and costs are paid, but not to exceed 60 days.¹³

§ 267-20. 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; 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.

§ 267-21. Damage to public property.

- A. Prohibited acts. All persons are hereby prohibited from breaking or otherwise injuring any tree, shrub or plant; breaking, soiling or defacing any fountain, statue or other ornamental structure; or in any way injuring, soiling, damaging or defacing any public building or public property in any public park, square, sidewalk or ground in the Village, whether the same shall be owned or held in trust by said Village or held in trust for the use of any district of said Village.
- B. Breaking of streetlamps or windows. No person shall break glass in any streetlamps or windows of any building owned or occupied by the Village.¹⁴

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

14. Editor's Note: Original § 9-3-10, Disturbing cemetery property, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 149, Cemeteries.

§ 267-22. Violations and penalties.

In addition to the general penalty in Chapter 1, § 1-3, of this Code or any other penalty imposed for violation of any section of this article, 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 § 267-14 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes.