

# ORDINANCE NO. 2021-04

## Town of Avon Rock County, Wisconsin

### “Town of Avon Disorderly Conduct Ordinance”

#### SECTION 1 – TITLE & PURPOSE

The title of this ordinance is the “Town of Avon Disorderly Conduct Ordinance”. The purpose of this ordinance is to prohibit disorderly conduct in the Town of Avon (“Town”).

#### SECTION 2 – AUTHORITY

The Town Board of the Town of Avon (“Town Board”) has the general authority under its village powers, s. 60.22(3), Wis. Stats., to adopt this ordinance.

#### SECTION 3 – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the Town Board to regulate disorderly conduct in the Town.

#### SECTION 4 – COVERAGE

##### A. Disorderly Conduct

1. Pursuant to s. 947.01, Wis. Stats., no person shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. Any person engaging in such conduct is guilty of a Class B misdemeanor.
2. Unless other facts and circumstances indicate a criminal or malicious intent, a person is not in violation of, and may not be charged with a violation of, disorderly conduct for loading a firearm, or for carrying or going armed with a firearm or knife, without regard to whether the firearm is loaded or the firearm or knife is concealed or openly carried.

##### B. Resisting or Obstructing an Officer

1. Pursuant to s. 946.41, Wis. Stats., no person shall knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority. Any person engaging in such behavior is guilty of a Class A misdemeanor.
2. “Officer” means a peace officer or other public officer or public employee having the authority by virtue of the officer’s or employee’s office or employment to take another into custody.

#### SECTION 5 – PENALTIES & ENFORCEMENT

A. Any person who violates any provision set forth in this ordinance shall, upon conviction, pay a forfeiture of not more than \$1000, plus the costs of prosecution, including court costs and reasonable attorney fees, for each offense.

B. Town of Avon citations may be issued by the Town of Avon constable, as well as any member of the Town Board. The Town Board may also designate certain Town of Avon, Rock County, or other municipal officials, with their written approval, to issue citations.

#### SECTION 6 – RELATIONSHIP TO OTHER LAWS

The adoption and authorization under this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this ordinance.

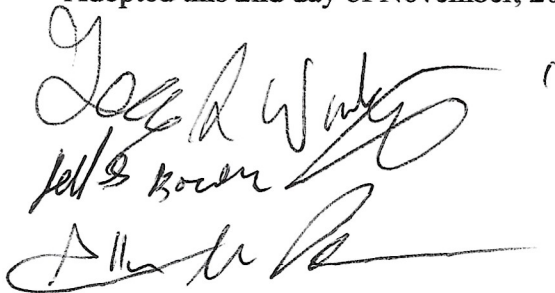
#### SECTION 7 – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

#### SECTION 8 – EFFECTIVE DATE

This ordinance is effective on publication or posting. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 2nd day of November, 2021.



[Signatures of board]



Attest: [Signature of clerk]