

Chapter 260

PEACE AND GOOD ORDER

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Offenses Against State Laws [Adopted as Title 9, Ch. 1, of the 1987 Village Code]

- § 260-1. Offenses subject to forfeiture. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

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 § 1-4, General penalty, 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.

Section Number	Title
97.627	Causing fires by tobacco smoking
134.71	Pawnbrokers and secondhand article and jewelry dealers
167.10	Regulation of fireworks
167.31	Safe use and transportation of firearms and bows
175.25	Storage of junked automobiles
939.05	Parties to crime
939.22	Words and phrases defined
940.19(1)	Battery; substantial battery; aggravated battery
940.291	Law enforcement officer; failure to render aid
941.01	Negligent operation of vehicle
941.10	Negligent handling of burning material
941.12	Interfering with fire fighting
941.13	False alarms
941.20(1)	Endangering safety by use of dangerous weapon
941.23	Carrying concealed weapon
941.235	Carrying firearm in public building
941.35	Emergency telephone calls
941.36	Fraudulent tapping of electric wires or gas or water meters or pipes
943.01(1)	Damage to property
943.06	Molotov cocktails
943.11	Entry Into locked vehicle
943.125	Entry into locked coin box
943.13	Trespass to land
943.14	Criminal trespass to dwellings
943.15	Entry onto a construction site or into a locked building, dwelling or room
943.20	Theft

Section Number	Title
943.21	Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station
943.22	Use of cheating tokens
943.23(2)	Operating vehicle without owner's consent
943.24(1)	Issue of worthless check
943.34(1)	Receiving stolen property
943.37	Alteration of property identification marks
943.38(3)	Forgery
943.41	Financial transaction card crimes
943.50(h)(a)	Retail theft; theft of services
944.20	Lewd and lascivious behavior
944.21	Obscene material or performance
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
945.04	Permitting premises to be used for commercial gambling
946.40	Refusing to aid officer
946.41	Resisting or obstructing officer
946.42(2)	Escape
946.69	Falsely assuming to act as a public officer or employee or a utility employee
946.70	Impersonating peace officers, fire fighters, or other emergency personnel
946.72(2)	Tampering with public records and notices
947.01	Disorderly conduct
947.012	Unlawful use of telephone
947.013	Harassment
947.015	Bomb scares

Section Number	Title
947.02	Vagrancy
947.06	Unlawful assemblies and their suppression
948.11	Exposing a child to harmful material or harmful descriptions or narrations
948.51	Hazing
948.60	Possession of a dangerous weapon by a person under 18
948.63	Receiving property from a child
951.01	Definitions
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	Abandoning animals

§ 260-2. Citations.

All violations of ordinances (except traffic violations under Chapters 113, 294, 328, 335 and 340 of this Code) shall be issued on Village of Black Creek ordinance violation citations pursuant to § 66.0113, Wis. Stats.

ARTICLE II

Offenses Against Public Safety and Peace
[Adopted as Title 9, Ch. 2, of the 1987 Village Code]

§ 260-3. Regulation of firearms and explosives.

- A. Discharge and possession of firearms regulated. No person, except a sheriff, 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 of Black Creek or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun or bow and arrow in his possession or under his control, other than a handgun, pursuant to § 941.23, Wis. Stats., unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to state law. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- 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, after an advisory recommendation from the Chief of Police, 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 Chief of Police.
- E. Hunting prohibited. Hunting is prohibited within the corporate limits of the Village of Black Creek without written authorization from the Chief of Police. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- F. Definitions. For purposes of this section:
- FIREARM — Any instrumentality from or with which a shot, bullet, or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring, or other similar mechanical device, or gunpowder.

§ 260-4. Carrying concealed and certain other weapons prohibited. [Amended 9-12-2011]

- A. Concealed weapons prohibited.
- (1) No person shall within the Village wear or in any manner carry under his/her clothes, or conceal upon or about his/her 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 under § 175.60(15m), Wis. Stats., nor pursuant to § 941.23, Wis. Stats.. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- (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 on any public school grounds under § 175.60(15m), Wis. Stats. 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. Nothing in this subsection shall prevent the carrying of a concealed weapon as permitted by § 941.23(2), Wis. Stats., into a public establishment that is not properly posted as prohibiting the same. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- C. Specific concealed weapons prohibited. No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of his duties shall carry or wear concealed about his person any pistol, revolver, firearm, slingshot, cross knuckle of lead, brass or other metal, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the Village except those in accord with §§ 175.60(15m) and 941.23, Wis. Stats. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- D. Possession, sale and manufacture of certain weapons prohibited.
- (1) No person shall sell, manufacture, purchase, possess, or carry a nunchuck (also called a "nunchaku") or a "churkin" or a "sucbai" or similar weapon, within the Village.
- (2) For the purpose of this section, the following definitions apply:
- CHURKIN — A round throwing knife consisting of several sharp points protruding from a rounded disc.
- NUNCHUK 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.¹

1. Editor's Note: Original Sec. 9-2-3 of the 1987 Village Code, Safe use and transportation of firearms and bows, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now the adoption of § 167.31, Wis. Stats., in § 260-1 of this chapter.

§ 260-5. 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; provided, however, upon written application to the Chief of Police and 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.

§ 260-6. Harassing or obscene telephone calls.

Whoever does any of the following acts shall be subject to the general penalty as provided in § 1-4, General penalty, 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.

§ 260-7. 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 167, Fireworks, of this Code. 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.

§ 260-8. Obstructing streets and sidewalks prohibited.

- 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 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.

§ 260-9. 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 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 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 alarm.

§ 260-10. Loud and unnecessary noise prohibited. [Amended 6-13-2011]

- A. Loud and unnecessary noise prohibited. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- 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, 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 unreasonable loud or harsh sound by means of any signaling device and 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, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound 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, 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 aid of any mechanical device.
- (4) Animals and birds. The keeping of any animal or bird causing 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 upon request of proper Village authorities.
- (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (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, the Building Inspector shall have the authority, upon determining that the loss of 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, hospitals. The creation of any excessive noise on any street 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.
- (9) Exceptions. The provisions of this section shall not apply to:

- (a) Any vehicle of the Village while engaged in necessary public business,
- (b) 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 renders it impossible to perform such work during the day.
- (c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

C. Permits for amplifying devices.

- (1) Permit required. The use of loudspeakers or amplifying devices on the streets or in the parks of the Village is prohibited, unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.
- (2) Grounds or reasons for denial or allowance. The Chief of said Police Department shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.
- (3) Time restrictions. The Chief of the Police Department shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 10:00 p.m., nor shall a permit be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance. Exceptions to be granted by Board approval.

D. Stationary noise limits.

- (1) Maximum permissible sound levels.

- (a) Noise from a stationary source shall not exceed the following standard 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 5 db 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 D(1)(a) above if the subject noise consists primarily of 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. to 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.

§ 260-11. Disorderly conduct.

- A. Disorderly conduct prohibited. No person within the Village 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.

§ 260-12. Possession of controlled substances.

It shall be unlawful for any person to possess a controlled substance contrary to the Uniformed Controlled Substances Act, Ch. 961, Wis. Stats.

§ 260-13. 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 except 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."

§ 260-14. Failure to obey lawful order.

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

§ 260-15. Use of compression brakes prohibited. [Added 9-14-1998]

- A. It shall be unlawful for any truck equipped with compression brakes (jake brakes) to use said brakes within the Village limits. This includes the use of said brakes to slow the vehicle in order to meet the proper speed restrictions within the Village.
- B. The only exception to this section would be the use of the compression brake (jake brake) in the case of an extreme emergency where loss of life, personal injury, or property damage would result without the use of such brakes.

ARTICLE III

Offenses Against Property

[Adopted as Title 9, Ch. 3, of the 1987 Village Code]

§ 260-16. Destruction of property prohibited.

- A. Destruction of property. 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 Black Creek School District, 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 \$1,000.
- 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.

§ 260-17. 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 the Black Creek 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.
 - (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 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 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.

§ 260-18. Abandoned refrigerators prohibited.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his 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.

§ 260-19. 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 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. Violations of this section shall be subject to §§ 943.50 and 943.51, Wis. Stats. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 260-20. Storage of discarded property 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.

§ 260-21. Issuance of worthless checks. [Amended 6-9-2003]

- A. Whoever issues any check or other order for the payment of money less than \$1,000 which, at the times 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; or
 - (2) Proof that at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order; or
 - (3) Proof that when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five 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. Fines are assessed according to State of Wisconsin Uniform State Deposit Schedule.

§ 260-22. Theft of library material.

- A. Definitions. For the purposes of this section, certain words and terms are defined as follows:

ARCHIVES — A place in which public or institutional records are systematically preserved.

LIBRARY — Any public library, library of an educational or historical organization or society, or museum and specifically the public libraries of the Village.

LIBRARY MATERIAL — Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audio-visual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

- B. Possession without consent prohibited. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by § 1-4, General penalty, of this Code. The failure to return library material after its proper return date, after written notice from the library and Village Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last known address of the person with the overdue material; the notice date shall be the date of mailing.

- C. Concealment. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- D. Detention based on probable cause. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer, who may conduct a lawful interrogation of the accused person. Compliance with this section entitles the official, agent or 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.
- E. Damaging material prohibited. No person shall mar, deface or in any other way damage or mutilate any library material.
- F. Return demanded. No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the library.

§ 260-23. 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.

§ 260-24. 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, flowerbed, 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 windows of any building owned or occupied by the Village.

§ 260-25. 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, flowerpots, urns or other objects which have been placed on any cemetery lot.

§ 260-26. Violations and penalties.

In addition to the general penalty of this Code in § 1-4, General penalty, 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 § 260-16 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 shall prevent the Police Department from referring violations of the provisions of this chapter to the District Attorney's office in the interest of justice.