

TITLE 11

Offenses and Nuisances

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Title 11 ► Chapter 1

State Statutes Adopted

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

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

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

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

- (a) **Penalty.** In addition to the general penalty provisions of this Code in Section 1-1-6 or any other penalty imposed for violation of any Section of this Title, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated juvenile who violates Section 11-3-1 may also be held liable for the cost

of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent law enforcement authorities from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

(b) **Attempt.**

- (1) Whoever attempts to commit an act prohibited by Title 11 of the Code of Ordinances of the Village of Bristol may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.
- (2) An attempt to commit an act prohibited by the ordinances in Title 11 requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he/she does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he/she formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

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

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

Title 11 ► Chapter 2

Offenses Against Public Safety and Peace

11-2-1	Regulation of Firearms, Paintball Devices, Explosives, and Other Missiles
11-2-2	Certain Weapons Prohibited
11-2-3	Safe Use and Transportation of Firearms and Bows
11-2-4	Sale and Discharge of Fireworks Restricted
11-2-5	Obstructing Streets and Sidewalks Prohibited
11-2-6	Loitering and Unlawful Assemblies Prohibited
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11-2-18	Sexual Offender Residency Restrictions

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

- (a) **Statutes Adopted.** Statutory provisions describing and defining regulations with respect to the use of firearms, but including any provisions therein relating to penalty to be imposed for the violation of said statutes, which said penalty provisions are expressly excluded from this Section, are hereby adopted and by reference as if set forth verbatim herein.
- (b) **Discharge of Firearms.**
- (1) **Single Projectile.** No person shall fire or discharge any rifle, pistol or shotgun loaded with a single slug or single ball in the Village of Bristol within seven hundred (700) yards of any building or residence without the express permission of the property owners, or on legally posted land forbidding hunting or trespassing.

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- (2) **Multiple Projectiles.** No person shall fire or discharge any shotgun loaded with scatter shot or fine shot loads nor shall any person discharge or fire any BB gun or air rifle within one hundred fifty (150) yards of any building or residence in the Village of Bristol without the express permission of the property owners, or on legally posted land forbidding hunting or trespassing.
- (3) **Exceptions.** The following shall not constitute a violation of the above regulations:
 - a. Nothing in this Section shall prevent the use of firearms on a target range in compliance with pertinent zoning and Village regulations where precautions have been taken so as not to endanger lives or properties.
 - b. A person working for a firm or under a plan designated by the Village Board to harvest wildlife pursuant to a Wisconsin Department of Natural Resources-approved Wildlife Management Program.
 - c. The discharge of a firearm by a law enforcement officer or military personnel acting within the line of official duty, including but not limited to active operations, training exercises and ceremonies.
 - d. The discharge of a firearm in defense of human life or the residence or place of business of the person discharging the firearm.
 - e. The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Village Board.
- (c) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village without first obtaining a permit to do so from the Village Board.
- (d) **Throwing or Shooting of Arrows, Stones, or Other Missiles Prohibited.**
 - (1) **Prohibition.** It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow or other means within one hundred fifty (150) yards of any inhabited dwelling or building or any public park, square or enclosure.
 - (2) **Exceptions.** This Subsection shall not apply:
 - a. To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
 - b. To a supervised archery range approved by the Village Board.
 - c. Within the interior of a single family dwelling.
 - d. To private archery practice provided such targets are placed in front of a building or an open agricultural field in such a manner as to prevent stray arrows from crossing or entering adjacent properties, provided that such person first has been granted permission by the Village Board, in writing, to construct and maintain an approved archery range if in the opinion of the Village Board, the construction of such range will in no way endanger the public health and safety.
- (e) **Paintball Discharge Limited.** No person shall on any private property without the express permission of its owner or on any public property (including but not limited to public

streets, sidewalks, parks, playgrounds, schools, open spaces, recreation facilities or any other public facility and/or grounds) discharge or cause to set off a paintball gun, except as provided as follows:

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

Cross-Reference: Section 12-1-5, Park Hours.

Sec. 11-2-2 Carrying Certain Weapons Prohibited.

- (a) **Weapons in Public Establishments.** No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display, or sales establishment, unless such dangerous weapon is so stored and secured consistent with state law. This Subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This Subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell, or trade firearms to or from a retailer.
- (b) **Possession, Sale, and Manufacture of Certain Weapons Prohibited.**
 - (1) No person shall sell, manufacture, purchase, possess or carry metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, a "numchuk" (also called a "nunchaku") or any

similar weapon, a "cestus" or similar material weighted with metal or other substance and worn on the hand, a "churkin" (also called a "suriken") or any similar object intended to injure a person when thrown, a "suchbai" or similar weapon, a "manrikigusari" or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person within the Village of Bristol.

- (2) For the purpose of this Section, the following definitions shall apply:
 - a. **"Numchuk" or "Nunchaku."** An instrument consisting of two (2) or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.
 - b. **"Churkin."** A round throwing knife consisting of several sharp points protruding from a rounded disc.
 - c. **"Suchbai."** 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.
- (c) **Reckless Use of Weapons.**
- (1) **Acts Prohibited.**
 - a. No person shall endanger another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow.
 - b. No person shall operate or go armed with a firearm, air gun, knife or bow and arrow while he/she is under the influence of an intoxicant.
 - c. No person shall intentionally point a firearm, air gun, knife or bow and arrow at or toward another person.
 - (2) **Reckless Conduct Defined.** "Reckless conduct" consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take chances of perpetrating an injury.

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

- (a) **Definitions.** In this Section:
- (1) **Aircraft** has the meaning given under Sec. 114.002(3), Wis. Stats.
 - (2) **Encased** means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
 - (3) **Firearm** means a weapon that acts by force of gunpowder.

- (4) **Highway** has the meaning given under Sec. 340.01(22), Wis. Stats.
 - (5) **Motorboat** has the meaning given under Sec. 30.50(6), Wis. Stats.
 - (6) **Roadway** has the meaning given under Sec. 340.01(54), Wis. Stats.
 - (7) **Unloaded** means any of the following:
 - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
 - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
 - c. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
 - (8) **Vehicle** has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.
- (b) **Prohibitions; Motorboats and Vehicles; Highways and Roadways.**
- (1) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
 - (2) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
 - (3) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
 - (4) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet from the center of a road.
 - (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture pursuant to Section 1-1-6.
- (c) **Exceptions.**
- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:
 - a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
 - b. A member of the U.S. armed forces.
 - c. A member of the National Guard.
 - (2) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
 - (3) Subsections (b)(2) and (3) do not apply to the holder of a permit under Sec. 29.09, Wis. Stats., who is hunting from a standing automobile in accordance with that Subsection.

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

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

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

Cross Reference: Section 5-2-10, Use Restrictions; Section 5-2-12, Sale Prohibited;
Section 7-2-14(k), Indoor Pyrotechnic Displays Prohibited

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

- (a) **Obstructing Streets.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village of Bristol in such a manner as to:
- (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
 - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
 - (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- (b) **Obstructing Public Ways.**
- (1) No person shall obstruct or interfere with by any means any vehicular, railroad or pedestrian traffic on any public walk, highway, street, alley, railroad track or public thoroughfare for the purpose of disrupting the orderly movement of such traffic or to impede intentionally or unintentionally the flow of the vehicular, train or pedestrian traffic on a public walk, highway, street, alley, railroad track or public thoroughfare or at any public building or premises, parking lot or structure.
 - (2) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets and sidewalks is a violation of this Section.
- (c) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Bristol.

- (3) **Obstruct.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
- (4) **Sidewalk.** Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.
- (d) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

Sec. 11-2-6 Loitering and Unlawful Assemblies Prohibited.

(a) Public Property Loitering Prohibited.

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

(b) Private Property Loitering Prohibited.

- (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps or entrance of any business place of private residence without the expressed consent of the owner thereof, or at any time other than usual business hours. Under this Subsection, business place shall include public building at such times that the same shall be closed for the usual and normal business conduct thereat.
- (2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

- (3) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the expressed consent of the owner thereof, whether such be parked upon a public street, alley, parking lot, driveway or private premises.
- (4) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.

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

- (1) No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.
- (2) No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.
- (3) No person shall lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.
- (4) No person shall loiter in or about a restaurant, tavern or other public building. As used in this Subsection, "loiter" means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.

(d) **Loitering by Underage Persons Where Alcohol Beverage is Dispensed.**

- (1) **Underage Persons and Intoxicants.** No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (2) **Permitting Loitering Prohibited.** No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.

- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Bristol.
 - (3) **Unlawful Assemblies.** An "unlawful assembly" is an assembly which consists of three (3) or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed. An unlawful assembly includes an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by any other person or persons of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building, or dwelling place, or any portion thereof and which assembly does in fact so block or obstruct the lawful use by any other person, or persons of such private or public thoroughfares, property or any position of access or exit to or from any private or public building, or dwelling place, or any portion thereof.
- (f) **Soliciting.** No person shall loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, that such person repeatedly beckons to stop or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or produce another to commit an act of prostitution. No arrest shall be made for a violation of this Subsection unless the law enforcement officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this Subsection:
- (1) **Public Place** is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.
 - (2) **Known Prostitute or Panderer** means a person who, within five (5) years previous to the date of arrest for violation of this Section, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

- (g) **Unlawful Assemblies.** Whoever intentionally fails or refuses to withdraw from an unlawful assembly which the person knows has been ordered to disperse is guilty of a violation of this Section.

Sec. 11-2-7 Loud and Unnecessary Noise Prohibited.

- (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. It shall be unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.
- (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 (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable 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, 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 the aid of any mechanical device.

- (4) **Animals, birds.** The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
 - (5) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.
 - (6) **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 Village Administrator 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.
 - (7) **Schools, courts, churches, 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. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.
 - (8) **Exceptions.** The provisions of this Section shall not apply to:
 - a. Any vehicle of the Village of Bristol 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 nature.
- (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 of Bristol is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from Village Administrator.
 - (2) **Grounds or Reasons for Denial or Allowance.** The Village Administrator shall have the authority to revoke such permit when he/she 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 Village Administrator shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 11:00 p.m. No permit shall be granted to anyone who, in the opinion of the Village

Administrator, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

Sec. 11-2-8 Disorderly Conduct.

- (a) **Disorderly Conduct Prohibited.** No person within the Village of Bristol shall:
 - (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person;
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation;
 - (3) With intent to annoy another, make a telephone call, whether or not conversation ensues;
 - (4) Indecently expose his or her person;
 - (5) Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner.
- (b) **Violent and Abusive Behavior; Non-Verbal Gestures.** No person in any public or private place may engage in any 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 disturb or annoy any other person. Such prohibited conduct also includes non-verbal gestures, signals or gang signs if said conduct tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person.
- (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, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.
- (d) **Disturbance of Meetings.** No person may disrupt or disturb any congregation, audience, public meeting or lawful assembly of persons of any kind, or in concert with others disturb or disrupt such meeting.

Sec. 11-2-9 Unauthorized Presence on School Property.

- (a) **Unauthorized Presence.**
 - (1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him/her from attending any school located within the Village or any person

not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise "authorized person," shall be present within any school building or upon any school grounds without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.

- (2) Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection (a)(1), shall be guilty of trespass.
- (3) "Authorized person" shall include:
 - a. Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;
 - b. Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;
 - c. Any person utilizing a designated area for attending an athletic or other organized school event.

(b) **Disorderly Conduct on Public School Property.**

- (1) No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (2) Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the School System's published rules and regulations shall be considered in violation of this Section. The published rules and regulations of the School System are incorporated as if fully set forth herein.
- (3) All entrances to the school buildings referred to in Subsection (a) shall be posted by the School Board with a notice stating "Entry Into School Building by Unauthorized Person Prohibited."
- (4) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a Village citation that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.

(c) **Loitering Near School Prohibited.** No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the Village of Bristol or upon any School District grounds or within adjacent posted school zones on any day when such schools are in session.

- (d) **Possession of Intoxicating Liquor and Fermented Malt Beverages.** No person shall possess intoxicating liquor or fermented malt beverages while on any school property.
- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
 - (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Bristol.

Sec. 11-2-10 Failure to Obey Lawful Order; Resisting an Officer.

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

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

- (a) **Possession of Controlled Substances.** It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in schedule I and II under Chapter 961, Wis. Stats., which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his/her professional practice, or except as otherwise authorized by this Code of Ordinances.

(b) **Possession of Marijuana.**

- (1) No person shall possess twenty-five (25) grams or less of marijuana (tetrahydrocannabinols, commonly known as "THC", in any form including tetrahydrocannabinols contained in marijuana, obtained from marijuana or chemically synthesized), as defined in Sec. 961.01, Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 961, Wis. Stats.
- (2) For purposes of this Section, "practitioner" means:
 - a. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
 - b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
- (3) This Section does not apply to any person who is charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

(c) **Toxic Inhalants.**

- (1) **Definitions.** "Toxic inhalants" shall mean any glue, paint, gasoline, aerosol, adhesive cement, mucilage, plastic cement or any similar substance containing one or more of the following volatile substances:
 - a. Acetone;
 - b. Benzene;
 - c. Butyl alcohol;
 - d. Cyclohexanone;
 - e. Ethyl acetate;
 - f. Ethyl alcohol;
 - g. Ethylene dichloride;
 - h. Hexane;
 - i. Isopropyl alcohol;
 - j. Methyl alcohol;
 - k. Methyl celosove;
 - l. Acetate;
 - m. Methyl ethyl ketone;
 - n. Methyl isobutyl ketone;
 - o. Pentachlorophenol;
 - p. Petroleum ether;

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

Cross-Reference: Section 11-5-6, Drug Paraphernalia

State Law Reference: Chapter 961, Wis. Stats.

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

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

ORDINANCE No. 11-2-13

**AN ORDINANCE REGARDING
POSSESSION OR USE OF INTOXICATING SUBSTANCES OR INTOXICATING
SUBSTANCE PARAPHERNALIA; POSSESSION OF INJECTION IMPLEMENTS**

The Village Board of the Village of Bristol, Wisconsin, do ordain as follows:

SECTION I. RENUMBERING AND ADOPTION OF PROVISIONS.

Sections 11-2-13 through 11-2-19 are renumbered respectively to 11-2-14 through 11-2-20; Section 11-2-13 of the Village of Bristol Code of Ordinances is created to read as follows:

**Sec. 11-2-13_Possession or Use of Intoxicating Substances or
Intoxicating Substance Paraphernalia;
Possession of Injection Implements.**

- (a) **Possession or Use of Intoxicating Substances Prohibited.** The use or possession with intent to use or sell any intoxicating substance for the purpose of becoming intoxicated, high, altering mood or function, inducing excitement or stupefaction, or achieving psychoactive effect is prohibited. This includes controlled substance analogues, and naturally occurring intoxicating substances such as salvia divinorum. Also included are inhalants, propellants, solvents, and substances for inhaling or huffing, and prescription and over-the-counter medications when used contrary to their intended purpose or in excess of the prescribed dosage. The use of alcohol, caffeine, tobacco, or the lawful use of medications consistent with their intended medical purpose is not a violation of this Section.
- (b) **Possession of Intoxicating Substance Paraphernalia Prohibited.** No person may use or possess with the intent to use any item to ingest, inhale, smoke, or otherwise introduce an intoxicating substance as described above into the human body for the purpose of becoming high, intoxicated, altering mood or function, inducing excitement or stupefaction, or achieving a psychoactive effect.
- (c) **Possession of Injection Implements.** No person or persons except salespersons in surgical or medical instruments, pharmacies, licensed pharmacists, medical or veterinary employees, or persons having a prescription for a pharmaceutical preparation that is to be injected shall possess any hypodermic syringe, needle, or any instrument adapted for subcutaneous injections.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

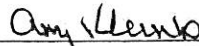
This Ordinance shall take effect upon passage and publication or legal posting as provided by law.

ADOPTED this 12th day of December, 2011.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Clerk-Treasurer

Published and/or Posted: 2/20/12

Sec. 11-2-13 Harassment.

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

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

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

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

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the Village of Bristol, except as provided by state law. Any law enforcement officer serving the Village may seize anything devised solely for unlawful gambling or found in actual use for

gambling within the Village and dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling.

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

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

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

designated by the county board may make such authorization which shall be in writing and which shall be effective throughout the state until rescinded. The sheriff or others designated by the county board may designate any owner of ambulances usually kept in the county to operate such vehicles as authorized emergency vehicles. Such written authorization shall at all times be carried on each ambulance used for emergency purposes. The sheriff shall keep a file of such authorizations in his office for public inspection, and all other persons permitted to issue authorizations shall file a copy of all authorizations issued with the sheriff who shall keep them on file;

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

Sec. 11-2-17 Improper Use of Lodging Establishments.

- (a) **Definitions.** In this Section:
 - (1) **Alcohol beverages** has the meaning given in Sec. 125.02(1), Wis. Stats.
 - (2) **Controlled substances** has the meaning given in Sec. 961.01(4), Wis. Stats.
 - (3) **Lodging establishment** has the meaning given in Sec. 101.22(1m)(n), Wis. Stats.
 - (4) **Underage person** has the meaning given in Sec. 125.02(20m), Wis. Stats.
- (b) **Improper Activities.** Any person who procures lodging in a lodging establishment, and permits or fails to take action to prevent any of the following activities from occurring in the lodging establishment, is subject to the penalties provided in Section 1-1-6.

11-2-17

- (c) **Denial of Lodging.** An owner or employee of a lodging establishment may deny lodging to an adult if the owner or employee reasonably believes that consumption of an alcohol beverage by an underage person, not accompanied by his or her parent, legal guardian or spouse, who has attained the legal drinking age, or illegal use of a controlled substance, may occur in the area of the lodging establishment procured.
- (d) **Deposits.** An owner or employee of a lodging establishment may require a cash deposit or use of a credit card at the time of application for lodging.

Sec. 11-2-18 Sexual Offender Residency Restrictions.

(a) **Findings and Intent.**

(1) **Findings.**

- a. Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public health, welfare and safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims that are never reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- b. According to a 1997 report by the United States Department of Justice, sex offenders have high rates of recidivism which are much higher than recidivism rates for other types of violent crimes. Sex offenders are the least likely to be cured and the most likely to re-offend and prey on the most vulnerable members of the community.
- c. While Federal and State Fair Housing Statutes prohibit unlawful discrimination, they do not extend the same protections to a sex offender (as herein defined) with respect to a place of residency (as herein defined) where a Safety Zone (as herein defined) has been established.
- d. The Village Board of the Village of Bristol, Kenosha County, Wisconsin has been advised of the decision of the United States Court of Appeals for the 8th Circuit, in Doe v. Miller, 405 F.3d 700 (8th Cir. 2005), which provides in part at page 716 of that decision the following:

"The record does not support a conclusion that the Iowa General Assembly and the Governor acted based merely on negative attitudes toward, fear of, or a bare desire to harm a politically unpopular group. [Citations omitted.] Sex offenders have a high rate of recidivism, and the parties presented expert testimony that reducing opportunity and temptation is important to minimizing the

risk of reoffense. Even experts in the field could not predict with confidence whether a particular sex offender will reoffend, whether an offender convicted of an offense against a teenager will be among those who "cross over" to offend against a younger child, or the degree to which regular proximity to a place where children are located enhances the risk of reoffense against children. One expert in the district court opined that it just "common sense" that limiting the frequency of contact between sex offenders and areas where children are located is likely to reduce the risk of an offense. [Citation omitted.] The policy makers of Iowa are entitled to employ such "common sense", and we are not persuaded that the means selected to pursue the State's legitimate interest are without a rational basis . . ."

- (2) **Intent.** It is the intent of this Section not to impose a criminal penalty but rather to serve the Village of Bristol's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.
- (b) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning:
 - (1) **Child.** A person under the age of sixteen (16) for purposes of this Section.
 - (2) **Designated Offender (Sex Offender).** Any person who is required to register under Section 301.45, Wis. Stats., for any sexual offense against a child or any person who is required to register under Section 301.45, Wis. Stats., and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Section 301.46(2) and (2m), Wis. Stats. Included in this definition is a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a "sexually violent offense" and/or a "crime against children".
 - (3) **Minor.** A person under the age of seventeen (17).
 - (4) **Permanent Residence.** A place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
 - (5) **Temporary Residence.** A place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent address. A residence may be mobile or transitory.

- (6) **Loitering.** Whether in a group, crowd or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly with many stops, delay or dawdle.
- (7) **Sexually Violent Offense.** Shall have the meaning as forth in Section 980.01(6), as amended from time to time.
- (8) **Safety Zones.** Any real property that supports or upon which there exists any facility used for or that supports a school for children, a public park, park facility, trail, pathway, place of worship or a licensed daycare center.
- (9) **Crimes Against Children.** Shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or federal government, having like elements necessary for conviction, respectively:

940.225(1)	First Degree Sexual Assault
940.225(2)	Second Degree Sexual Assault
940.225(3)	Third Degree Sexual Assault
940.22(2)	Sexual Exploitation by Therapist
940.30	False Imprisonment - Victim Was Minor & Not The Offender's Child
940.31	Kidnapping – Victim Was Minor & Not the Offender's Child
944.02	Rape (prior statute, see now 940.225)
944.06	Incest
944.10	Sexual Intercourse With a Child (prior statute, see now 948.02)
944.11	Indecent Behavior With a Child (prior statute, see now 948.02)
944.12	Enticing Child for Immoral Purposes (prior statute, see now 948.07)
948.02(1)	First Degree Sexual Assault of a Child
948.02(2)	Second Degree Sexual Assault of a Child
948.025	Engaging in Repeated Acts of Sexual Assault of the Same Child
948.05	Sexual Exploitation of a Child
948.055	Causing a Child to View or Listen to Sexual Activity
948.06	Incest With A Child
948.07	Child Enticement
948.075	Use of a Computer to Facilitate a Child Sex Crime
948.08	Soliciting a Child For Prostitution
948.095	Sexual Assault of a Student by School Instructional Staff
948.11(2)(a) or (am)	Exposing a Child to Harmful Material (felony sections)
948.12	Possession of Child Pornography
948.13	Convicted Child Sex Offender Working With Children
948.30	Abduction of Another's Child
971.17	Not Guilty By Reason of Mental Disease or An Included Offense
975.06	Sex Crime Law Commitment

(c) **Sexual Offender and Sexual Predator Residency; Prohibitions; Penalties; Exceptions.**

- (1) **Prohibited Location of Residence.** It is unlawful for any designated offender to establish a permanent residence or temporary residence within One Thousand Five Hundred (1,500) feet of any school, licensed day care center, park, trail, playground, pathway, place of worship, or any other place designated by the Village of Bristol as a place where children are known to congregate.
- (2) **Prohibited Activity.**
 - a. **Loitering.** It is unlawful for any designated offender to loiter within One Thousand Five Hundred (1,500) feet of any school, licensed day care center, park, trail, playground, place of worship or any other place designated by the Village as a place where children are known to congregate.
 - b. **Holiday Events/Parties.** It is unlawful for any designated offender to participate in a holiday event involving children under eighteen (18) years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter, or other similar activities. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this Subsection. "Participation" is to be defined as actively taking part in the event.
- (3) **Measurement of Distance.**
 - a. For purposes of determining the minimum distance separation, the requirement shall be measured by following the straight line from the outer property line of the permanent residence or temporary residence to the nearest outside property line of a school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village of Bristol where children are known to congregate.
 - b. The Village Clerk shall maintain an official map showing prohibited locations as defined by this Section. The Village Clerk shall update the map at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as child safety zones. The map is to be displayed or available in the Office of the Village Clerk.
- (4) **Violations; Penalties.** A person who violates this Subsection shall be punished by forfeiture per Section 1-1-6. Each day a person maintains a residence in violation of this Section constitutes a separate violation. The Village of Bristol may also seek equitable relief.
- (5) **Exceptions.** A designated offender residing within a prohibited area as described in Subsection (c)(1) does not commit a violation of this Section if any of the following apply:
 - a. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Section 340.45, Wis. Stats., before the original effective date of this Section.

- b. The person is a minor or ward under guardianship and is not required to register under Sections 301.45 or 301.46, Wis. Stats.
 - c. The school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Village as a place where children are known to congregate within One Thousand Five Hundred (1,500) feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered pursuant to Section 301.45, Wis. Stats.
 - d. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or children provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the designated offender established the residence at the location.
- (d) **Property Owners Prohibited From Renting Real Property To Certain Sexual Predators and Sexual Offenders; Penalties.**
 - (1) **Prohibition.** It is unlawful to let or rent any place, structure, or part thereof, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this Section, if such place, structure, or part thereof, trailer, or other conveyance is located within a prohibited location zone described in Subsection (c)(1). A person letting or renting a place or structure shall be deemed to have such knowledge if, at least ten (10) days prior to letting or renting the place or structure, the sex offender's name appears on the Wisconsin Department of Correction's sex offender registry and the person letting or renting the place knew the sex offender would be residing at the subject place or structure.
 - (2) **Violations; Penalties.** A property owner's failure to comply with the provisions of this Subsection shall constitute a violation of this Section, and shall subject the property owner to the Code enforcement provisions in Subsection (c)(4) as provided in this Section. Each day a violation continues shall constitute a separate offense.
- (e) **Safety Zones.**
 - (1) **Presence Regulated.** A sex offender shall not enter upon or be present upon or within a Safety Zone.
 - (2) **Safety Zone Exceptions.** A sex offender who enters upon or who is present upon or within a safety zone does not commit a violation of this Subsection if any of the following apply:
 - a. The property also supports a church, synagogue, mosque, temple or other house of religious worship, subject to all of the following conditions:
 - 1. The sex offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
 - 2. The sex offender shall not participate in any religious education programs that include individuals under the age of eighteen (18).

- b. The property also supports a use lawfully attended by a sex offender's natural or adopted children, which a child's use reasonably requires the attendance of the sex offender as the child's parent upon the property, subject to the following condition:
 - 1. The sex offender's entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public.
 - c. The property also supports a polling location in a local, state or federal election, subject to all of the following conditions:
 - 1. The sex offender is eligible to vote;
 - 2. The property is the designated polling place for the sex offender; and
 - 3. The sex offender enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is to any member of the electorate, and vacates the property immediately after voting.
 - d. The property also supports a school lawfully attended by a sex offender as a student under which circumstances the sex offender may enter upon the property supporting the school at which the sex offender is enrolled, for such purposes and at such times as are reasonably required for the educational purposes of the school.
 - e. The property also supports a court, government office or room for public governmental meetings, subject to all of the following conditions:
 - 1. The sex offender is on the property only to transact business at the government office or place of business, other than a public library, or attend an official meeting of a governmental body; and
 - 2. The sex offender leaves the property immediately upon completion of the business or meeting.
- (3) **Violations; Penalties.** A person who violates this Subsection shall be punished by a forfeiture per Section 1-1-6. Each day a violation continues shall constitute a separate offense.
- (f) **Injunctions and Other Penalties for Violations.** Neither the issuance of a citation nor the imposition of forfeiture hereunder shall preclude the Village of Bristol from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this Chapter. If an offender establishes a residence in violation of Subsections (c) or (d) above, or enters or is present upon or within a Safety Zone in violation of Subsection (e) above, the Village Attorney may bring an action in the name of the Village of Bristol in circuit court to permanently enjoin any such violation as a public nuisance.
- (g) **Appeals.** The above requirements may be waived or modified upon approval of the Village Board of the Village of Bristol through appeal by the affected party. Such appeal shall be made to the Village Clerk, who shall forward the request to the Village President and Village Board, which shall request and receive reports from law enforcement authorities serving the Village on such appeal. The Village President and Village Board shall convene and consider the public interest as well as the affected party's presentation and concerns.

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After deliberation and determination, the Village President and Village Board shall forward its decision to the law enforcement authorities serving the Village of Bristol for their information and action. A written copy of the decision shall be provided to the affected party.

Title 11 ► Chapter 3

Offenses Against Property

11-3-1	Destruction of Property Prohibited
11-3-2	Littering Prohibited
11-3-3	Abandoned Refrigerators Prohibited
11-3-4	Theft of Library Material
11-3-5	Damage to Public Property
11-3-6	Retail Theft
11-3-7	Issuance of Worthless Check
11-3-8	Trespass to a Dwelling or Land
11-3-9	Regulation of Smoking
11-3-10	Theft Prohibited
11-3-11	Fraud on Residential Landlords Prohibited
11-3-12	Graffiti
11-3-13	Cemetery Regulations

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

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

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- (2) Any person fourteen (14) years of age through sixteen (16) years of age shall be subject to a forfeiture not to exceed Twenty-five Dollars (\$25.00) and any other applicable penalty provided by Sec. 938.344, Wis. Stats., as that Section may exist, be amended or changed.
- (d) **Victim Remedies.** Any person or entity injured by a violation of this Section by a minor child shall be advised of the rights and remedies available under Sec. 895.035, Wis. Stats.

Sec. 11-3-2 Littering Prohibited.

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

or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

- (d) **Improper Placement of Recyclables.** Persons shall only place recyclable objects or materials in Village owned or operated recycling containers which are specifically designated for that type of material.
- (e) **Handbills.**
 - (1) **Scattering Prohibited.** It shall be unlawful to deliver any handbills or advertising material to any premises in the Village except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
 - (2) **Papers in Public Places Prohibited.** It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

Sec. 11-3-3 Abandoned Refrigerators Prohibited.

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

Sec. 11-3-4 Theft of Library Material.

- (a) **Definitions.** For the purposes of this Section, certain words and terms are defined as follows:
 - (1) **Archives.** A place in which public or institutional records are systematically preserved.
 - (2) **Library.** Means any public library, library of an educational or historical organization or society or museum, and specifically the public libraries within or serving the Village of Bristol and school libraries.
 - (3) **Library Material.** Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics, belonging to, on loan to or otherwise in the custody of a library.

(b) **Possession Without Consent Prohibited.**

- (1) 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 the general penalty provisions of this Code.
- (2) The failure to return library material after its proper return date, after written notice from the library 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.
- (3) No person shall be charged with a violation of this Section unless such person is provided written notice signed by a library official, agent or employee setting forth the following:
 - a. A reasonable description of the library materials;
 - b. The date that the library materials were due to be returned;
 - c. The final date by which either the library materials are to be returned or a written explanation made to the library that the library materials are incapable of being returned because they are lost or destroyed; and
 - d. The statement that:

"Your failure to comply with the demands of this notice will subject you to being prosecuted for a violation of Section 11-3-4 of the Code of Ordinances of the Village of Bristol, 'Theft of Library Material'; and upon conviction, a penalty of not less than \$25.00 nor more than \$500.00, together with the costs of prosecution."

Said notice shall be served by regular first class mail sent to the person's last known address or by personal service upon such person.

- (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 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 law enforcement 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 law enforcement 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 book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library. Any person convicted of violating this Subsection shall be subject to the penalties as set forth in Section 1-1-6.
- (f) **Return Demanded.** No person shall fail, on demand, to return any book periodical, pamphlet, picture or other articles or property belonging to or in charge of the Public Library according to the rules or regulations duly made and adopted by the Library Board and no person shall remove from the library any book, periodical, pamphlet, picture or other articles or property without first having it charged as provided by such rules and regulations. Any person convicted of violating any provision of this Subsection shall be subject to the penalties as set forth in Section 1-1-6.

State Law Reference: Sec. 943.61, Wis. Stats.

Sec. 11-3-5 Damage to Public Property.

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

Sec. 11-3-6 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/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a law enforcement officer, or to his/her parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he/she shall not be interrogated or searched against his/her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the merchant or his/her employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (d) If the value of the merchandise does not exceed One Hundred Dollars (\$100.00), any person violating this Section shall forfeit not more than One Thousand Dollars (\$1,000.00). If the value of the merchandise exceeds One Hundred Dollars (\$100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

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

Sec. 11-3-7 Issuance of Worthless Checks.

- (a) **Violations.** Whoever issues any check or other order for the payment of money less than One Thousand Dollars (\$1,000.00) which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
- (b) **Prima Facie Evidence.** Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
 - (1) Proof that, at the time of issuance, the person did not have an account with the drawee; or
 - (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
 - (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.

- (c) **Exceptions.** This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.
- (d) **Returned Check Fee.** In the event a person issues a check to the Village, and does not have sufficient funds or credit such that the check is returned unpaid, such person shall pay the check or other order and shall also pay a fee of Fifty Dollars (\$50.00), representing the cost of additional administrative expense which results from non-payment of the original obligation.
- (e) **Penalties.**
 - (1) In addition to any other penalties provided for under Section 1-1-6, a court may order a violator of this Section to pay restitution to a victim. In determining the method of payment the Court shall consider the financial resources and future ability of the violator to pay. The court shall provide for payment of an amount equal to the pecuniary loss caused by the offense. Upon the application of an interested party, the Court shall schedule and hold an evidentiary hearing to determine the value of the victim's pecuniary loss resulting from the offense. A victim may not be compensated under this Section and under Sec. 943.245, Wis. Stats.
 - (2) In this Section, "pecuniary loss" means:
 - a. All special damages, but not general damages, substantiated by evidence in the record, which a person could recover against the violator in a civil action arising out of the facts or events constituting the violator's criminal activities, including, without limitation because of enumeration, the money equivalent of loss resulting from property taken, destroyed, broken or otherwise harmed and out-of-pocket losses, such as medical expenses; and
 - b. Reasonable out-of-pocket expenses incurred by the victim resulting from the filing of charges or cooperating in the investigation and prosecution of the offense.

Sec. 11-3-8 Trespass to a Dwelling or Land.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Dwelling Unit.** A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one (1) person or by two (2) or more persons maintaining a common household, to the exclusion of others.
 - (2) **Implied Consent.** Conduct or words or both that imply that an owner or occupant of land has given consent to another person to enter the land.
 - (3) **Inholding.** A parcel of land that is private property and this is surrounded completely by land owned by the United States, by the State of Wisconsin or by a local governmental unit or any combination of the United States, the State of Wisconsin and a local governmental unit.

- (4) **Local Governmental Unit.** A political subdivision of the State of Wisconsin, a special purpose district in this state, an instrumentality or corporation of the political subdivision or special purpose district or a combination or subunit of any of the foregoing.
- (5) **Place of Employment.** Has the meaning given in Section 101.01(11), Wis. Stats.
- (6) **Private Property.** Real property that is not owned by the United States, the State of Wisconsin or a local governmental unit.
- (7) **Open Land.** Land that meets all of the following criteria:
 - a. The land is not occupied by a structure or improvement being used or occupied as a dwelling unit.
 - b. The land is not part of the curtilage, or is not lying in the immediate vicinity, of a structure or improvement being used or occupied as a dwelling unit.
 - c. The land is not occupied by a public building.
 - d. The land is not occupied by a place of employment.
- (b) **Prohibition on Trespass.** No person shall do any of the following:
 - (1) **Unlawful Entry Onto Land.** Enter any enclosed, cultivated or undeveloped land of another, other than open land specified in Subsections (b)(4) or (5), without the express or implied consent of the owner or occupant.
 - (2) **Unlawful Entry Into A Structure.** Enter any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.
 - (3) **Remaining On Land After Notification.** Enter or remain on open land that is an inholding of another after having been notified by the owner or occupant not to enter or remain on the land.
 - (4) **Unlawful Entry Onto Undeveloped Land From Public Land.** Enter undeveloped private land from an abutting parcel of land that is owned by the United States, the State of Wisconsin, or a local governmental unit, or remains on such land, after having been notified by the owner or occupant not to enter or remain on the land.
- (c) **Implied Consent Criteria.** In determining whether a person has implied consent to enter the land of another, a trier of fact shall consider all of the circumstances existing at the time the person entered the land, including all of the following:
 - (1) **Prior Consent.** Whether the owner or occupant acquiesced to previous entries by the person or by other persons under similar circumstances.
 - (2) **Customary Use.** The customary use, if any, of the land by other persons.
 - (3) **Representations of Certain Types of Allowed Access.** Whether the owner or occupant represented to the public that the land may be entered for particular purposes.
 - (4) **Arrangement of Improvements.** The general arrangement or design of any improvements or structures on the land.
- (d) **Notice From Owner; Posting of Land.** A person has received notice from the owner or occupant within the meaning of Subsection (b) above if he or she has been notified

personally, either orally or in writing, or if the land is posted. Land is considered to be posted under this Subsection under either of the following procedures:

- (1) **Trespass Signs.** If a sign at least eleven (11) inches square is placed in at least two (2) conspicuous places for every forty (40) acres to be protected. The sign must carry appropriate notice and the name of the person giving the notice, followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of the legal title but is a lawful occupant of the land. Proof that appropriate signs as provided in this Subsection were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this Subsection.
- (2) **Private Land Signs.** If markings at least one (1) foot long, including in a contrasting color, the phrase "private land" and the name of the owner, are made in at least two (2) conspicuous places for every forty (40) acres to be protected.
- (e) **Improper Posting Without Consent.** It is improper for anyone to erect on the land of another signs which are the same as or similar to those described in Subsection (d) without obtaining the express consent of the lawful occupant of or holder of legal title to such land.
- (f) **Limited Consent Situations.** An owner or occupant may give express consent to enter or remain on the land for a specified purpose or subject to specified conditions, and it is a violation of Subsections (b)(1) or (2) for a person who received that consent to enter or remain on the land for another purpose or contrary to the specified conditions.
- (g) **Union Representative Exception.** Nothing in this Section shall prohibit a representative of a labor union from conferring with any employee provided such conference is conducted in the living quarters of the employee and with the consent of the employee or occupants.
- (h) **General Exceptions.** This Section shall not apply to any of the following:
 - (1) **Wild Animal Removal.** A person entering the land, other than the residence or other buildings or the curtilage of the residence or other buildings, of another for the purpose of removing a wild animal as authorized under Section 29.885(2), (3) or (4), Wis. Stats.
 - (2) **Open Hunting Grounds.** A hunter entering land that is required to be open for hunting under Sections 29.885(4m) or 29.889(7m), Wis. Stats.
 - (3) **Shore Areas.** A person entering or remaining on any exposed shore area of a stream as authorized under Section 30.134, Wis. Stats.
- (i) **Occupants of Employer-Provided Housing.** Any authorized occupant of employer-provided housing shall have the right to decide who may enter, confer and visit with the occupant in the housing area the occupant occupies.

State Law Reference: Section 943.13, Wis. Stats.

Sec. 11-3-9 Regulation of Smoking.

- (a) **Village Regulations.** Smoking in public places and private workplaces shall be governed by Section 8-1-7 of the Village of Bristol Code of Ordinances.
- (b) **Smoking Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.** In recognition of a need to protect the health and comfort of the public and Village employees from the detrimental effects of smoking, pursuant to the authority granted to the Village by Sec. 101.123(2)(c), Wis. Stats., smoking as defined by Sec. 101.123(1)(h), Wis. Stats., is hereby prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Bristol, except in designated areas.
- (c) **State Statutes Adopted.** The provisions contained in Sec. 120.12(20), Wis. Stats., regulating smoking on school premises are adopted by reference and made a part of this Section as though set forth in full.

Cross-Reference: Section 8-1-7

Sec. 11-3-10 Theft Prohibited.

- (a) **Acts.** Whoever does any of the following may be penalized as provided in Section 1-1-6 of this Code of Ordinances:
 - (1) Intentionally takes and carries away, uses, transfers, conceals or retains possession of movable property of another without his/her consent and with intent to deprive the owner permanently of possession of such property.
 - (2) By virtue of his/her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his/her authority, and with intent to convert to his/her own use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his/her possession or custody by virtue of his/her office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his/her own use within the meaning of this Subsection.
 - (3) Having a legal interest in movable property, intentionally and without consent, take such property out of the possession of the pledgee or such other person having a superior right of possession with intent thereby to deprive the pledgee or other person permanently of the possession of such property.

- (4) Obtains title to property of another by intentionally deceiving him/her with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
- (5) Intentionally fails to return any personal property which is in his/her possession or under his/her control by virtue of a written lease or written rental agreement, within ten (10) days after the lease or rental agreement has expired.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a choice in action or other intangible rights.
 - (2) "Movable Property" is property whose physical location can be changed, without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on or affixed to or found in land.
 - (3) "Value" means the market value at the time of the theft or the cost to the victim of replacing the property within the reasonable time after the theft, whichever is less, if the property stolen is a document evidencing a choice in action or other intangible right; value means either the market value of the choice in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had a legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.
 - (4) "Property of Another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member unless the actor and the victim are husband and wife.

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

- (a) **Prohibited Acts.** Any person who, with intent to defraud, does any of the following shall be guilty of violating this Section:
 - (1) Intentionally absconds without paying rent that has been contractually agreed upon in an oral or written lease with a landlord. Prima facie evidence of intentionally absconding will be established if a tenant fails to pay rent due prior to the vacating of the rental premise by the tenant, and the non-payment of said rent continues for a period of five (5) days after vacation of the premise; or
 - (2) Issues any check, money order or any other form of bank or monetary draft as a payment of rent, where such document lacks sufficient funds, where the account is closed, or where such draft is unredeemable in any other form or fashion. Prima facie evidence of intention to defraud will be established if a tenant fails, within five (5)

days of a written demand by the landlord or agent, to pay in full the total amount of the draft presented as rent payment plus any bank charges to the landlord attributable to the unredeemability of the draft.

- (b) **Applicability.** This Section shall apply to rental agreements between residential landlords and tenants only. The words and terms used in this Section shall be defined and construed in conformity with the provisions of Chapter AG 134, Wis. Adm. Code, Chapter 704, Wis. Stats., and Sec. 990.001(1), Wis. Stats. The act of service by a landlord of a legal eviction notice or notice to terminate tenancy shall not, in itself, act as a bar to prosecution under this Section.
- (c) **Procedure.** An officer may issue a citation only when the complainant provides the following:
 - (1) The name and current address of the tenant, a copy of the subject lease agreement, or sworn testimony of the terms of the subject oral lease.
 - (2) The amount of rent due, the date it was due, the date the tenant actually vacated the premise, and testimony that the rent remained unpaid for not less than five (5) days after vacating and that the tenant did not notify or attempt to notify the complainant of the tenant's new address, or that the tenant knowingly gave the complainant a false address.
 - (3) As to an unredeemable payment, the document used for attempting rent payment, the written demand for payment of the full amount plus bank charges, proof that the tenant received the written demand, and testimony that at least five (5) days have elapsed since the demand was received and no payment has been made.

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

Sec. 11-3-12 Graffiti.

- (a) **Definition.** "Graffiti" is any drawing, figure, inscription, symbol, or other marking which is scratched, painted, drawn in pen or marker, or placed by some other permanent or semi-permanent means upon sidewalks, streets, public or private structures or any other place in public view without the express permission or consent of the property owner.
- (b) **Public Nuisance.** Graffiti is hereby declared to be a public nuisance, as defined under Title 11, Chapter 6 of this Code, affecting peace and safety. Graffiti is deemed to be a public nuisance not only because it offends the aesthetic sensibilities of the community but because it may indicate the presence of gang activity or encourage gang activity and rivalry. It shall be the duty of every owner, lessee or occupant to promptly remove or obliterate graffiti on any building, fence, structure, parking lot or walkway over which the owner, occupant or lessee has control.

ORDINANCE No. 11-3-12

**AN ORDINANCE REGARDING
GRAFFITI; GRAFFITI REMOVAL**

The Village Board of the Village of Bristol, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Section 11-3-12 of the Village of Bristol Code of Ordinances is repealed and recreated to read as follows:

Sec. 11-3-12 Graffiti.

(a) **Definitions.**

- (1) **Graffiti.** Any unauthorized word, drawing, figure, inscription, painting, symbol, or other defacement marking which is written, scratched, etched, painted, drawn in pen or marker, or placed by some other permanent or semi-permanent means upon sidewalks, streets, bridges, public or private structures or any other place in public view without the express prior permission or consent of the property owner, or, despite advance authorization, is otherwise deemed a public nuisance by the Village of Bristol.
- (2) **Graffiti Instrument.** An aerosol paint container, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

(b) **Graffiti a Public Nuisance.**

- (1) **Public Nuisance Graffiti.** Graffiti on public or private property is expressly declared to be a public nuisance, as defined under Title 11, Chapter 6 of this Code, affecting peace and safety. Graffiti is deemed to be a public nuisance not only because it offends the aesthetic sensibilities of the community but because it is anti-social behavior that may indicate the presence of gang activity or encourage gang activity and rivalry.
- (2) **Duty to Remove.** Pursuant to this Section, it shall be the duty of every owner, lessee or occupant to promptly remove or obliterate graffiti on any building, fence, structure, parking lot or walkway over which the owner, occupant or lessee has control.
- (3) **Section Applicability.** This Section applies to all non-residential and residential buildings, structures, yards or vacant area of the property, as well as moveable objects located thereupon, in the Village of Bristol.

- (c) **Graffiti Prohibited.** No person shall write, spray, scratch or otherwise affix graffiti upon any property whether private or public without the prior express consent of the owner or owners of said property. Any person who shall affix graffiti to any property without the consent of the owner shall be liable for the costs of removing or covering such graffiti in addition to any fines imposed for violating this Section. The parents of any unemancipated minor child who affixed graffiti shall be held liable for the cost of removing or covering said graffiti in accordance with Sec. 895.035, Wis. Stats.
- (d) **Removal By Property Owner.**
- (1) **Removal Responsibility.** Every owner of a structure or property defaced by graffiti shall cover or remove the graffiti within thirty (30) days in compliance with written notice by certified letter from the Village to remove or cover such graffiti.
 - (2) **Responsibility for Removal Costs.** In the event any owner fails to comply with the above-mentioned notice, the Village may have the graffiti covered or removed, and in such event, all costs, fees and expenses will be assessed as a special charge to said owner's real estate taxes pursuant to Sec. 66.0627, Wis. Stats. Prosecution for failure to remove graffiti under this Section shall not bar the Village from charging owners for graffiti removal, nor shall charging owners for graffiti removal bar prosecution.
- (e) **Possession of Graffiti Instruments.**
- (1) **By Minors At or Near School Facilities.** It shall be unlawful for any person under the age of eighteen (18) to possess any graffiti instrument while on any public or private school property, grounds, facilities, buildings, or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property.
 - (2) **In Designated Public Places.** It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility, park, playground, swimming pool, recreational facility, or other public building or structure owned or operated by the Village, or its entities, or while in or within fifty (50) feet of an underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the Village.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE,

This Ordinance shall take effect upon passage and publication or legal posting as provided by law.

ADOPTED this 12th day of December, 2011.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Clerk-Treasurer

Published and/or Posted: 2/20/12

- (c) **Prohibitions.** No person shall write, spray, scratch or otherwise affix graffiti upon any property whether private or public without the consent of the owner or owners of said property. Any person who shall affix graffiti to any property without the consent of the owner shall be liable for the costs of removing or covering such graffiti in addition to any fines imposed for violating this Section. The parents of any unemancipated minor child who affixed graffiti shall be held liable for the cost of removing or covering said graffiti in accordance with Sec. 895.035, Wis. Stats.
- (d) **Removal By Property Owner.**
 - (1) Every owner of a structure or property defaced by graffiti shall cover or remove the graffiti within fifteen (15) days in compliance with written notice by certified letter from the Village to remove or cover such graffiti.
 - (2) In the event any owner fails to comply with the above-mentioned notice, the Village may have the graffiti covered or removed, and in such event, all costs, fees and expenses will be assessed to said owners real estate taxes pursuant to Sec. 66.0627, Wis. Stats.

Sec. 11-3-13 Cemetery Regulations.

- (a) **Purpose and Definition.** In order to protect cemetery areas within the Village from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this Section shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the Village of Bristol.
- (b) **Authority to Establish Rules and Regulations.** The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.
- (c) **Specific Regulations.**
 - (1) **Disturbing Cemetery Property.** No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property except the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.

- (2) **Protection of Cemetery Property.** No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb, any animals, birds or waterfowl, wild or domestic within any cemetery in any matter except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery. No picnic, parties, or similar gatherings are permitted.
- (3) **Motor Vehicles.** Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- (4) **Speed Limit.** No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) miles per hour unless otherwise posted.
- (5) **Parking.** No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- (6) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.
- (7) **Pets.** Pets, including animals of any species, and horses are prohibited in any cemetery.
- (8) **Sound Devices.** No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.
- (9) **Authorized Notices.** 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 cemetery, except cemetery regulations and other signs authorized by the owner. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.
- (10) **Loitering Prohibited.** No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
- (11) **Alcoholic Beverages Prohibited.** No person shall consume or have in his/her possession any open container containing an alcohol beverage upon any cemetery property within the Village unless the property is specifically named as being part of a licensed premises.

- (12) ***Play Vehicles Prohibited.*** No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this Section, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
- (13) ***Presence After Hours Prohibited.*** No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

Title 11 ► Chapter 4

Offenses Involving Alcohol Beverages

- 11-4-1** Outside Consumption
- 11-4-2** Sale to Underage or Intoxicated Persons Restricted
- 11-4-3** Underage Persons' Presence in Places of Sale; Penalty
- 11-4-4** Underage Persons; Prohibitions; Penalties
- 11-4-5** Defense of Sellers
- 11-4-6** Persons Who Have Attained the Legal Drinking Age;
False or Altered Identification Cards
- 11-4-7** Possession of Alcohol Beverages on School Grounds
- 11-4-8** Adult Permitting or Encouraging Underage Violation
- 11-4-9** Solicitation of Drinks Prohibited

Sec. 11-4-1 Outside Consumption.

(a) Alcohol Beverages in Public Areas.

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

11-4-1

Code of Ordinances, provided that the provisions of this Chapter and Title 7, Chapter 2, are fully complied with.

- c. The provisions of this Section regarding open consumption of fermented malt beverages or intoxicating liquor shall not apply within two hundred (200) feet of a parade route which the Village has authorized from one (1) hour prior to the scheduled start of said parade until one (1) hour after the end of said parade; except that the foregoing exemption does not extend to any vehicle or unit of the parade, however propelled, nor to any parade participant for that period of time during which the vehicle, unit of the parade or person is participating within the assembly and disembarkment points of the parade.

(b) Definitions.

- (1) As used in this Section, the term "alcohol beverage" shall include all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (1/2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purposes.
- (2) As used in this Section, the term "public area" shall be construed to mean any location within the Village which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.
- (3) As used in this Chapter "underage person" shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

Cross Reference: Section 7-2-16.

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

(a) Sales of Alcohol Beverages to Underage Persons.

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

- (4) No adult may intentionally encourage or contribute to a violation of Subsection (a)(1) or (b).
- (b) **Penalties.** For purposes of determining previous violations, the thirty (30) month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one (1) violation occurs at the same time, all those violations shall be counted as one (1) violation. A person who commits a violation of Subsection (a) above may be:
 - (1) Required to forfeit not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within thirty (30) months of the violation; or
 - (2) Fined not more than Five Hundred Dollars (\$500.00) if the person has committed a previous violation within thirty (30) months of the violation.
 - (3) Fined not more than One Thousand Dollars (\$1,000.00) if the person has committed two (2) previous violations within thirty (30) months of the violation.
 - (4) Fined not more than Ten Thousand Dollars (\$10,000.00) if the person has committed three (3) or more previous violations within thirty (30) months of the violation.
 - (5) In addition to the forfeitures provided in Subsections (b)(1)-(4) above, a court shall suspend any license issued under this Chapter to a person violating this Subsection for:
 - a. Not more than three (3) days, if the court finds that the person committed a violation within twelve (12) months after committing one (1) previous violation;
 - b. Not less than three (3) days nor more than ten (10) days, if the court finds that the person committed a violation within twelve (12) months after committing two (2) other violations; or
 - c. Not less than fifteen (15) days nor more than thirty (30) days, if the court finds that the person committed the violation within twelve (12) months after committing three (3) other violations.
- (c) **Exception.** A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to Subsection (b)(5) but is not subject to Subsection (b)(1)-(4) or Sec. 125.11, Wis. Stats.
- (d) **Sale of Alcohol Beverages to Intoxicated Persons.**
 - (1) **Restrictions.**
 - a. No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
 - b. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
- (e) **Penalties.** Any person who violates Subsection (d)(1) above shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

State Law Reference: Section 125.07, Wis. Stats.

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

- (a) **Restrictions.** An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter, or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This Subsection does not apply to:
- (1) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
 - (2) An underage person who enters or is on a "Class A" or Class "A" premises for the purpose of purchasing other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
 - (3) Hotels, drug stores, grocery stores, bowling alleys, indoor golf simulator facilities, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums or public facilities as defined in Sec. 125.51(5)(b)1.d, Wis. Stats., which are owned by a county or municipality, or centers for the visual or performing arts.
 - (4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chapters 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
 - (5) Ski chalets, golf courses and golf clubhouses, racetracks licensed under Chapter 562, Wis. Stats., curling clubs, private soccer clubs and private tennis clubs.
 - (6) Premises operated under both a "Class B" or Class "B" license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a "Class B" or Class "B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
 - (7) Premises operating under both a "Class C" license and a restaurant permit.
 - (8) An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this Subsection, except as provided in Subsection (b) below.
 - (9) A person who is at least eighteen (18) years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.

- (10) An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the Village of Bristol, in advance, of the times underage persons will be allowed on the premises under this Subsection.
 - (11) An underage person who enters or remains in a dance hall attached to Class "B" or "Class B" licensed premises if the dance hall is separate from any room where alcohol beverages are sold, if there is a separate entrance to the dance hall and if no alcohol beverages are furnished or consumed by any person in the dance hall where the underage person is present.
 - (12) An underage person who enters and remains on premises for which a temporary Class "B" license is issued under Sec. 125.26, Wis. Stats., if the licensee is authorized by the official or body of the Village that issued the license to permit underage persons to be on the premises under Sec. 125.26(6), Wis. Stats., and if the licensee permits underage persons to be on the premises.
- (b) **Exception Permitting Presence of Underage Persons on Licensed Premises.**
- (1) Underage persons who are not accompanied by a parent, legal guardian or spouse who has attained the legal drinking age may enter and remain in a room on a Class "B" or "Class B" licensed premise which is separate from any room where alcohol beverages are sold or served if:
 - a. No alcohol beverages are furnished or consumed by any person in the room where the underage person is present; and
 - b. The Class "B" or "Class B" licensee obtains a written authorization from the Village Board permitting underage persons to be present on a specified date set forth in the authorization. Prior to the issuance of any authorization, the Village Board shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. Licensees shall obtain a separate authorization for each date on which underage persons will be present on the premises.
 - c. Prior to issuance of any authorization, the Village Board may seek the recommendations of law enforcement authorities.
 - (2) The presence of underage persons on a licensed premise authorized by Subsection (b)(1) above, shall be subject to the following restrictions and requirements:
 - a. Each application shall be received a minimum of five (5) business days prior to the date requested.
 - b. During the period of time when underage persons are permitted on the premise, persons entering the premise, or that authorized portion of the licensed premise,

- shall be restricted to those individuals at least eighteen (18) years of age. This restriction shall not apply to parents, guardians, employees of the establishment, law enforcement officers, Village officials or anyone else for a legitimate business purpose authorized by the licensee to enter said premises.
- c. No person shall be admitted to a licensed premise during the period of authorization if it is determined that that person has been drinking alcohol beverages or been using any other drugs not prescribed and taken in accordance with instructions from a licensed physician.
 - d. People attending events authorized under Subsection (b)(1) above must be provided with restroom facilities separate from those being used by individuals present on other portions of the licensed premise where alcohol beverages are being served, sold or consumed.
 - e. There shall be at least one (1) chaperone of each sex present during authorized time periods. Chaperones shall be at least twenty-one (21) years of age. Service personnel employed by the licensed premises shall not qualify as chaperons.
 - f. A licensee shall not allow any underage person to loiter outside the licensed premise including public sidewalks or parking lots adjacent thereto.
 - g. The exterior of the premises shall be lighted so as to provide for the safety of patrons.
 - h. All requirements of Sec. 7-2-18 shall be fully complied with.
- (3) The Village Board may refuse to authorize underage presence on licensed premises under Subsection (b)(1) if the following has occurred:
- a. The applicant has violated any provision(s) of this Section.
 - b. The applicant has failed to comply with applicable requirements/conditions with a prior application.
 - c. The laws of the State of Wisconsin or Village ordinances were violated during a previously authorized date of operation.
 - d. Events have taken place on a prior authorized date or dates which make law enforcement authorities unable to certify that the presence of underage persons on the licensed premise will not endanger the health, safety or welfare of other members of the community.
- (c) **Penalties.** A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of Subsection (a) above is subject to a forfeiture of not more than Five Hundred Dollars (\$500.00).

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

- (a) **Prohibitions.** Any underage person who does any of the following is guilty of a violation:
- (1) Procures or attempts to procure alcohol beverages from a licensee or permittee.
 - (2) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.

- (3) Enters, knowingly attempts to enter or is on licensed premises in violation of Section 11-4-3(a).
- (4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.
- (b) **Adult to Accompany.** Except as provided in Subsection (c) below, any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt or alcohol beverage is guilty of a violation.
- (c) **Exceptions.** An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:
 - (1) A brewer.
 - (2) A fermented malt beverages wholesaler.
 - (3) A permittee other than a Class "B" or "Class B" permittee.
 - (4) A facility for the production of alcohol fuel.
 - (5) A retail licensee or permittee under the conditions specified in Sec. 125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
 - (6) A campus, if the underage person is at least eighteen (18) years of age and is under the immediate supervision of a person who has attained the legal drinking age.
- (d) **Penalties for Subsection (a) Violations.** Any person violating Subsection (a) is subject to the following penalties:
 - (1) For a first (1st) violation, a forfeiture of not more than Two Hundred Fifty Dollars (\$250.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.
 - (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Three Hundred Dollars (\$300.00) not more than Five Hundred Dollars (\$500.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)(1), Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.
 - (3) For a violation committed within twelve (12) months of two (2) previous violations, either a forfeiture of not less than Five Hundred Dollars (\$500.00) nor more than Seven Hundred Fifty Dollars (\$750.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.
 - (4) For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person's operating

privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work or any combination of these penalties.

(e) **Penalties for Subsection (b) Violations.** Any person violating Subsection (b) above is subject to the following penalties:

- (1) For a first (1st) violation, a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.
- (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Two Hundred Dollars (\$200.00) nor more than Three Hundred Dollars (\$300.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)2, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.
- (3) For a violation committed within twelve (12) months of two (2) previous violations, either a forfeiture of not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.
- (4) For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.

(f) **Multiple Violations From an Incident.** For purposes of Subsections (a) or (b) above, all violations arising out of the same incident or occurrence shall be counted as a single violation.

(g) **Work Programs.**

- (1) A supervised work program ordered under Subsections (d) or (e) above shall be administered by the county department under Sec. 46.215 or 46.22, Wis. Stats., or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work. Community service work ordered under Subsection (d) or (e), other than community service work performed under a supervised work program, shall be administered by a public agency or nonprofit charitable organization approved by the court. The court may use any available

- resources, including any community service work program, in ordering the child to perform community service work under Subsection (d) or (e).
- (2) The supervised work program or other community service work shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from a member of the staff of the county department, community agency, public agency or nonprofit charitable organization or other qualified person. The supervised work program or other community service work may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.
- (h) **Disclosure of License Revocation Information.** When a court revokes or suspends a person's operating privilege under Subsections (d) or (e), the Wisconsin Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this Subsection may not disclose the information to any other person or agency.
- (i) **Applicability of Statutory Proceedings.** A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 938.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under Sec. 938.344(3), Wis. Stats.
- (j) **Alcohol Abuse Programs.**
- (1) In this Subsection, "defendant" means a person found guilty of violating Subsections (a) or (b) who is eighteen (18), nineteen (19), or twenty (20) years of age.
- (2) After ordering a penalty under Subsections (d) or (e), the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order under this Subsection shall require the defendant to do any of the following:
- a. Submit to an alcohol abuse assessment that conforms to the criteria specified under Sec. 938.547(4), Wis. Stats., and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol abuse assessment and shall specify the date by which the assessment must be completed.
- b. Participate in an outpatient alcohol abuse treatment program at an approved treatment facility, if an alcohol abuse assessment conducted under Subsection (j)(2)a recommends treatment.
- c. Participate in a court-approved alcohol abuse education program.
- (3) If the approved treatment facility, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant has submitted to an assessment under Subsection (j)(2)a and that the

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defendant does not need treatment or education, the court shall notify the defendant of whether or not the penalty will be reinstated.

- (4) If the defendant completes the alcohol abuse treatment program or court-approved alcohol abuse education program, the approved treatment facility or court-approved alcohol abuse education program shall, with the written informed consent of the defendant, notify the agency primarily responsible for providing services to the defendant that the defendant has complied with the order and the court shall notify the defendant of whether or not the penalty will be reinstated. If the court had ordered the suspension of the defendant's operating privilege under Subsection (d) or (e), the court may order the secretary of transportation to reinstate the operating privilege of the defendant if he or she completes the alcohol abuse treatment program or court-approved alcohol abuse education program.
- (5) If an approved treatment facility or court-approved alcohol abuse education program, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant is not participating in the program or that the defendant has not satisfactorily completed a recommended alcohol abuse treatment program or an education program, the court shall hold a hearing to determine whether the penalties under Subsection (d) or (e) should be imposed.

Sec. 11-4-5 Defense of Sellers.

- (a) **Defenses.** In determining whether or not a licensee or permittee has violated Sections 11-4-2(a) or 11-4-3(a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages maybe considered, including any circumstances listed below. In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this Section:
 - (1) That the purchaser falsely represented that he or she had attained the legal drinking age.
 - (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
 - (3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.
 - (4) That the underage person supported the representation under Subsection (a)(1) above with documentation that he/she had attained the legal drinking age.
- (b) **Book Kept by Licensees and Permittees.**
 - (1) Every retail alcohol beverage licensee or permittee may keep a book for the purposes of Subsection (a) above. The licensee or permittee or his or her employee may require any of the following persons to sign the book:

- a. A person who has shown documentary proof that he or she has attained the legal drinking age if the person's age is in question.
 - b. A person who alleges that he or she is the underage person's parent, guardian or spouse and that he or she has attained the legal drinking age, if the licensee or permittee or his or her employee suspects that he or she is not the underage person's parent, guardian or spouse or that he or she has not attained the legal drinking age.
- (2) The book may show the date of the purchase of the alcohol beverage, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchase and the purchaser's signature.

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

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

- (a) (1) Any person who has attained the legal drinking age, other than one authorized by Sec. 125.08 or Sec. 343.50, Wis. Stats., who makes, alters or duplicates an official identification card may be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (2) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (b) Any underage person who does any of the following is subject to the penalties specified under Section 11-4-4(d) or (e):
 - (1) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this Subsection.
 - (2) Makes, alters or duplicates an official identification card.
 - (3) Presents false information to an issuing officer in applying for an official identification card.

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

Sec. 11-4-7 Possession of Alcohol Beverages on School Grounds Prohibited.

- (a) In this Subsection:
 - (1) **Motor vehicle** means a motor vehicle owned, rented or consigned to a school.

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- (2) **School** program for one (1) or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
- (3) **School administrator** means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
- (4) **School premises** means premises owned, rented or under the control of a school.
- (b) Except as provided by Subsection (c) no person may possess or consume alcohol beverages:
 - (1) On school premises;
 - (2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
 - (3) While participating in a school-sponsored activity.
- (c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.
- (d) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00), except that Sec. 938.344, Wis. Stats., and Section 11-4-4(d) and (e) of this Code of Ordinances provide the penalties applicable to underage persons.

Cross Reference: Section 11-6-5.

Sec. 11-4-8 Adult Permitting or Encouraging Underage Violation.

- (a) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.
- (b) No adult may intentionally encourage or contribute to a violation of Section 11-4-4(a) or (b).
- (c) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00).

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

Sec. 11-4-9 Solicitation of Drinks Prohibited.

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

Title 11 ► Chapter 5

Offenses by Juveniles

11-5-1	Curfew
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11-5-12	Use of Laser Pointing Devices; Possession by Juveniles
11-5-13	Enforcement and Penalties

Sec. 11-5-1 Curfew.

- (a) **Curfew Established.** It shall be unlawful for any minor under eighteen (18) year of age, or any person under the age of eighteen (18) whose Wisconsin driver's license has been revoked or suspended, to be on foot, bicycle or in any type of vehicle (whether parked or being driven) on any public or private street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building, vacant lot, or any other public place in the Village of Bristol between the hours of 10:30 p.m. and 6:00 a.m., Sunday through Thursday, and 12:00 midnight to 6:00 a.m., Friday and Saturday, unless such child is accompanied by his or her parent, legal guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said juvenile, unaccompanied by parent, legal guardian or other person having legal custody is found upon any such public place during the aforementioned hours shall be prima facie evidence that said juvenile is there unlawfully and that no reasonable excuse exists therefor:

(b) **Exceptions.**

- (1) **Exceptions Defined.** This Section shall not apply to a juvenile:
 - a. Who is performing an errand as directed by his/her parent, legal guardian or person having lawful custody.
 - b. Who is on his/her own premises or in the areas 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 public or parochial school, charitable, church or civic function, but not later than sixty (60) minutes after the ending of such function.
 - e. Who is at any time, in the event of an emergency which would justify the reasonableness of the person's presence.
 - f. Who is engaged in interstate travel.
 - g. Who is accompanied by his/her parent, guardian, or other adult person having legal custody of such minor;
 - h. Who is participating in, going to, or returning from an activity involving the exercise of his/her rights protected under the First Amendment to the United States Constitution or any equivalent rights under the Wisconsin Constitution, including freedom of speech, the free exercise of religion, and the right of assembly.
 - (2) **Exception Limitations.** These exceptions shall not, however, permit a juvenile to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- (c) **Responsibility of Operators of Places of Amusement.** No person operating a place of amusement or entertainment within the Village, or any agent, servant or employee of any such person, shall permit a person under sixteen (16) years of age to enter to enter or loiter in such place of amusement or entertainment between 10:00 p.m. and 5:00 a.m. the next day, unless such person under sixteen (16) years of age is accompanied by his/her parent, guardian or other adult person having legal custody of such person.
- (d) **Responsibility of Hotels Motels and Rooming Houses.** No person operating a hotel, motel, lodging or rooming house within the Village or any agent, servant or employee of such person, shall permit any person under eighteen (18) years of age to visit, wander or stroll in any portion of such hotel, motel, lodging or rooming house between 10:00 p.m. and 5:00 a.m. the next day, unless such person under eighteen (18) years of age is accompanied by his/her parent, guardian or other adult person having legal custody of such person.
- (e) **Parental Responsibility.** It shall be unlawful for any parent, legal guardian or other person having the lawful care, custody and control of any person under age eighteen (18) to permit, or by ineffective control allow, such person to violate the provisions of Subsections (a)-(d) above. The fact that prior to the present offense a parent, legal guardian or custodian was informed by any law enforcement officer of a separate violation of this

Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, legal guardian or custodian allowed or permitted the present violation. Any parent, legal guardian or custodian herein who shall have made a missing person notification to a law enforcement agency shall not be considered to have allowed or permitted any juvenile under age sixteen (16) to violate this Section. No person shall be liable under this Subsection for a violation committed by a minor during any period when physical placement of such minor has been assigned exclusively to some other person by judgment or order of a court.

- (f) **Detaining a Juvenile.** Pursuant to Chapter 938, Wis. Stats., law enforcement officers are hereby authorized to detain any juvenile violating the above provisions and other provisions in this Chapter until such time as the parent, legal guardian or person having legal custody of the juvenile shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to law enforcement authorities for the purpose of taking the custody of the juvenile and shall sign a release for him or her, or such juvenile may be taken directly from the scene of his/her apprehension to his/her home. If such juvenile's parents or relative living nearby cannot be contacted to take custody of such juvenile and it is determined by the apprehending officer that the juvenile's physical or mental condition is such as would require immediate attention, the law enforcement officer may make such necessary arrangements as may be necessary under the circumstances for the juvenile's welfare.

- (g) **Warning and Penalty.**

- (1) **Explanation Opportunity Prior to Warning/Citation Issuance.** Unless flight by the child or other circumstances makes it impracticable, a law enforcement officer shall, prior to issuing a citation or warning for an offense under this Section, afford the child an opportunity to explain his/her reasons for being present in the public place. A law enforcement officer shall not issue a citation or warning for an offense under this Section unless the officer reasonably believes that an offense has occurred, and that none of the exceptions provided in this Section apply.

- (2) **Warning.** The first time a parent, legal guardian, or person having legal custody of a juvenile who is taken into custody by a law enforcement officer as provided in Subsection (f) above, such parent, legal guardian, or person having such legal custody shall be advised as to the provisions of this Section and further advised that any violation of this Section occurring thereafter by this juvenile or any other juvenile under his or her care or custody shall result in a penalty being imposed as hereinafter provided.

- (3) **Penalty.**

- a. Any parent, legal guardian, or person having legal custody of a juvenile described in Subsection (a) above who has been warned in the manner provided in Subsection (g)(1) herein and who thereafter violates this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this Section because of the disobedience of the juvenile, the action shall be dismissed and the

juvenile shall be referred to the court assigned to exercise jurisdiction under Chapter 938, Wis. Stats.

- b. Any juvenile under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00), together with the costs of prosecution. Any juvenile violating this Section shall be subject to disposition as provided in Sec. 938.343, Wis. Stats., or any subsequent amendment, modification, revision, renumbering, recodification or addition or deletion of said provision.

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

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

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

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

Sec. 11-5-4 Receiving Stolen Goods.

It shall be unlawful for a person under the age of seventeen (17) to intentionally receive or conceal property he/she knows to be stolen.

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

- (a) **Adoption of State Statutes.** Secs. 938.02, and 938.17(2), Wis. Stats., are hereby adopted and by reference made a part of this Section as if fully set forth herein.
- (b) **Definition of Adult and Juvenile.**
 - (1) **Adult** means a person who is eighteen (18) years of age or older, except that for purposes of prosecuting a person who is alleged to have violated any civil law or municipal ordinance, "adult" means a person who has attained seventeen (17) years of age.
 - (2) **Juvenile** means a person who is less than eighteen (18) years of age, except that for purposes of prosecuting a person who is alleged to have violated a civil law or municipal ordinance, "juvenile" does not include a person who has attained seventeen (17) years of age.
- (c) **Provisions of Ordinance Applicable to Juveniles.** Subject to the provisions and limitations of Sec. 938.17(2), Wis. Stats., complaints alleging a violation of any provision

of this Code of Ordinances against juveniles may be brought on behalf of the Village of Bristol and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.

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

Cross Reference: Section 11-4-7.

Sec. 11-5-6 Possession, Manufacture and Delivery of Drug Paraphernalia.

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

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

of an owner, or of anyone in control of this object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.

- (7) Oral or written instructions provided with the object concerning its use.
- (8) Descriptive materials accompanying the object which explain or depict its use.
- (9) National and local advertising concerning its use.
- (10) The manner in which the object is displayed for sale.
- (11) Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise.
- (12) The existence and scope of legitimate uses for the object in the community;
- (13) Expert testimony concerning its use.

(c) **Prohibited Uses.**

- (1) **Possession of Drug Paraphernalia.** No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this Subsection.
- (2) **Manufacture or Delivery of Drug Paraphernalia.** No person may deliver, or possess with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this Subsection.
- (3) **Delivery of Drug Paraphernalia by a Minor to Minor.** Any person who is under eighteen (18) years of age, who violates Subsection (c)(2) by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than the violator, is guilty of a special offense.
- (4) **Exemption.** This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 961, Wis. Stats.

- (d) **Penalties.** Any person who violates Subsection (c)(1), (2) or (3), shall upon conviction, be subject to disposition under Sec. 938.344(2e), Wis. Stats.

Sec. 11-5-7 Truancy and Dropouts.

- (a) **Definitions.** For the purpose of this Section, the following definitions shall be applicable:

- (1) **Acceptable Excuse.** Permission of the parent/guardian/legal custodian of the pupil, within limits of policies on truancy established by the school in which the pupil is

enrolled. Except in emergencies or unforeseeable circumstances, such permission is expected to be communicated in writing from the parent/guardian/legal custodian to the school, prior to the absence. In emergencies or unforeseeable circumstances, such communication is expected to be as soon as practicable following the absence.

- (2) **Dropout.** A child who has ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under Sec. 118.15(1)(b) to (d) or (3), Wis. Stats.
 - (3) **Habitual Truant.** A pupil who is absent from school without an acceptable excuse under Secs. 118.15 and 118.16(4), Wis. Stats., for part or all of five (5) or more days on which school is held during a school semester.
 - (4) **Truant.** A pupil who is absent from school without an acceptable excuse under Secs. 118.15 and 118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.
- (b) **Truancy.** No person under eighteen (18) years of age shall be truant. Upon conviction thereof, the following dispositions are available to the court:
- (1) An order for the person to attend school.
 - (2) A forfeiture of not more than Fifty Dollars (\$50.00) plus costs for a first violation, or a forfeiture of not more than One Hundred Dollars (\$100.00) plus costs for any second subsequent violation committed within twelve (12) months of a previous violation, subject to Sec. 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture of not more than Five Hundred Dollars (\$500.00) for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (c) **Habitual Truancy.**
- (1) No person under eighteen (18) years of age shall be a habitual truant.
 - (2) If the court determines that a person is a habitual truant, the court may order one or more of the following dispositions:
 - a. Suspension of the person's operating privilege for not less than thirty (30) days nor more than one (1) year. The court shall immediately take possession of any suspended license and forward it to the Wisconsin Department of Transportation together with a notice stating the reason for and the duration of the suspension.
 - b. An order for the person to participate in counseling or a supervised work program or other community service work as described in Sec. 938.34(5g), Wis. Stats. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.
 - c. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order

may permit a person to leave his/her home if the child is accompanied by a parent or guardian.

- d. An order for the person to attend an educational program as described in Sec. 938.34(7d), Wis. Stats.
- e. An order for the Wisconsin Department of Work Force Development to revoke, under Sec. 103.72, Wis. Stats., a permit under Sec. 103.70, Wis. Stats., authorizing the employment of the person.
- f. An order for the person to be placed in a teen court program as described in Sec. 938.342(1g)(f), Wis. Stats.
- g. An order for the person to attend school.
- h. A forfeiture of not more than Five Hundred Dollars (\$500.00) plus costs, subject to Sec. 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- i. An order placing the person under formal or informal supervision, as described in Sec. 938.34(2), Wis. Stats., for up to one (1) year.
- j. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense, or to attend school with the person, or both.
- k. Any other reasonable conditions consistent with this Section, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

(d) **Dropouts.**

- (1) No person who is at least sixteen (16) years of age but is less than eighteen (18) years of age may be a dropout.
- (2) If the court determines that a person is at least sixteen (16) years of age but is less than eighteen (18) years of age and is a dropout, the court may suspend the person's operating privilege until the person reaches the age of eighteen (18). The court shall immediately take possession of any suspended license and forward it to the Wisconsin Department of Transportation, together with a notice stating the reason for and the duration of the suspension.

(e) **Dispositional Orders and Sanctions.** The court is hereby authorized to exercise each and every kind of authority granted to courts under Wisconsin law. Specifically, the court is hereby authorized to exercise the authority granted to it in Sec. 938.355, Wis. Stats., and is hereby authorized to exercise the authority granted it in Sec. 938.355(6m), Wis. Stats.

(f) **Adopted Terms.** As used in this Section, the terms "truant", "habitual truant", "operating privilege", and "dropout" have the meanings provided in Sec. 118.163, Wis. Stats. Those definitions are hereby adopted and incorporated herein as if fully set forth. Any future amendment of any such definition is hereby adopted and is incorporated herein as if fully set forth as the effective date of such future amendment.

(g) **Failure to Cause a Child to Attend School Regularly.**

- (1) Unless the child is excepted or excused under Sec. 118.15, Wis. Stats., or has graduated from high school, any person having under his/her control a child who is

between the ages of six (6) and eighteen (18) years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes eighteen (18) years of age.

(2) This Section does not apply:

- a. To a person who has under his/her control a child who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats.
- b. To a person who proves that he/she is unable to comply with the requirements of this Section because of the disobedience of the child, in which case the act shall be dismissed and the juvenile officer of law enforcement authority shall refer the case to the District Attorney's Office.
- c. Unless evidence has been provided by the school attendance office that the activities under Sec. 118.16(5), Wis. Stats., have been completed or were not required to be completed as provided in Sec. 118.16(5m), Wis. Stats.

(h) **Contributing to Truancy.**

- (1) Except as provided in Subsection (h)(2) below, any person eighteen (18) years of age or older, who, by an act or omission, knowingly encourages or contributes to the truancy, as defined in Subsection (h)(4), of a juvenile shall be subject to a forfeiture pursuant to Section 1-1-6.
- (2) Subsection (h)(1) above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats.
- (3) An act or omission contributes to the truancy of a child, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the juvenile to be a truant.
- (4) "Truancy" means any absence of part or all of one (1) or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or legal guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of Sec. 118.15, Wis. Stats.

(i) **Parent or Legal Guardian Liability for Truancy.**

- (1) Unless the juvenile is excepted or excused under Sec. 118.15, Wis. Stats., or has graduated from high school, any person having under control a juvenile who is between the ages of six (6) and eighteen (18) years shall cause the juvenile to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the juvenile should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes eighteen (18) years of age.
- (2) a. A person found to have violated Subsection (i)(1) above, after evidence is provided by a school official that the activities under Sec. 118.16(5), Wis. Stats., have been completed, shall be subject to a forfeiture pursuant to Section 1-1-6.

- b. Subsection (i)(2)a above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats., nor does it apply if the person proves that he or she is unable to comply with Subsection (i)(1) because of the disobedience of the juvenile.

Sec. 11-5-8 Unlawful Sheltering of Minors.

- (a) No person shall intentionally shelter or conceal a minor child who:
 - (1) Is a "runaway child", meaning a child who has run away from his or her parent, legal guardian or legal or physical custodian; or
 - (2) Is a child who may be taken into custody pursuant to Sec. 938.19, Wis. Stats.
- (b) Subsection (a) applies when the following conditions are present:
 - (1) The person knows or should have known that the child is a child described in either Subsection (a)(1) or (a)(2); and
 - (2) The child has been reported to a law enforcement agency as a missing person or as a child described in Subsection (a)(1) or (a)(2).
- (c) Subsection (a) does not apply to any of the following:
 - (1) A person operating a runaway home in compliance with Sec. 938.227, Wis. Stats.; or
 - (2) A person who shelters or conceals a child at the request or with the consent of the child's parent, legal guardian or legal or physical custodian except if the sheltering or concealment violates Sec. 946.71 or 946.715, Wis. Stats.; or
 - (3) A person who immediately notifies a law enforcement agency, county department of public welfare or social services, or the intake worker of the court exercising jurisdiction under Ch. 48 or 938, Wis. Stats., that he or she is sheltering or concealing such child and provides the person or agency notified with all information requested.

Sec. 11-5-9 Purchase or Possession of Tobacco Products.

- (a) **Definitions.** As used in this Section:
 - (1) **Cigarette** has the meaning given in Sec. 139.30(1), Wis. Stats.
 - (2) **Distributor** means a person specified under Sec. 139.30(3) or 139.75(4), Wis. Stats.
 - (3) **Identification card** means a license containing photograph issued under Ch. 343, Wis. Stats., an identification card issued under Sec. 343.50, Wis. Stats., or an identification card issued under Sec. 125.08, Wis. Stats.
 - (4) **Jobber** has the meaning given in Sec. 139.30(6), Wis. Stats.
 - (5) **Law enforcement officer** has the meaning given in Sec. 30.50(4s), Wis. Stats.
 - (6) **Manufacturer** means any person specified under Secs. 139.30(7) or 139.75(5), Wis. Stats.

- (7) **Retailer** means any person licensed under Sec. 139.65(1), Wis. Stats.
 - (8) **School** has the meaning given in Sec. 118.257(1)(c), Wis. Stats.
 - (9) **Subjobber** has the meaning given in Sec. 139.75(11), Wis. Stats.
 - (10) **Tobacco** products has the meaning given in Sec. 139.75(12), Wis. Stats.
 - (11) **Vending machine** has the meaning given in Sec. 139.30(14), Wis. Stats.
 - (12) **Vending machine** operator has the meaning given in Sec. 139.30(15), Wis. Stats.
- (b) **Restrictions.**
- (1) Except as provided in Subsection (c) below, no person under the age of eighteen (18) may buy or attempt to buy any cigarettes or tobacco products, falsely represent his or her age for the purpose of receiving any cigarette or tobacco product, or possess any cigarette or tobacco product.
 - (2) Except as provided in Subsection (c) below, no retailer may sell or give cigarettes or tobacco products to any person under the age of eighteen (18). A vending machine operator is not liable under this Subsection for the purchase of cigarettes or tobacco products from his/her vending machine by a person under the age of eighteen (18) if the vending machine operator was unaware of the purchase.
 - (3) A retailer shall post a sign in areas within his/her premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of eighteen (18) is unlawful under this Section or comparable state laws.
 - (4) No person may place a vending machine within five hundred (500) feet of a school.
 - (5) No manufacturer, distributor, jobber, subjobber, or retailer, or their employees or agents, may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of eighteen (18).
- (c) **Employment Resale Exception.** A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his/her normal working hours if employed by a retailer licensed under Sec. 134.65(1), Wis. Stats.
- (d) **Defense of Retailers.** Proof of all the following facts by retailer who sells cigarettes or tobacco products to a person under the age of eighteen (18) is a defense to any prosecution for a violation of Subsection (b)(2) above:
- (1) That the purchaser falsely represented that he/she had attained the age of eighteen (18) and presented an identification card;
 - (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of eighteen (18);
 - (3) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of eighteen (18).
- (e) **Seizure of Tobacco Products.** A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Subsection (b) above committed in his/her presence.

(f) **Penalties.**

- (1) A person who commits a violation of Subsection (b)(2), (4) or (5) of this Section is subject to a forfeiture of:
 - a. Not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within twelve (12) months of the violation; or
 - b. Not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) if the person has committed a previous violation within twelve (12) months of the violation.
- (2) In addition, a court shall suspend any license or permit under Secs. 134.65, 139.34 or 139.79, Wis. Stats., as set forth in Sec. 134.66(4), Wis. Stats.
- (3) Whoever violates Subsection (b)(3) of this Section shall forfeit not more than Twenty-five Dollars (\$25.00).
- (4) Whoever violates Subsection (b)(1) of this Section shall forfeit not more than Twenty-five Dollars (\$25.00).

Sec. 11-5-10 Criminal Gang Activity Prohibited.

- (a) **Authority.** This Section is adopted pursuant to the authority granted by Sec. 66.0501 and Chapter 948, Wis. Stats.
- (b) **Definitions.** For purposes of this Section, the following terms are defined:
 - (1) **"Criminal Gang"** means an ongoing organization, association or group of three (3) or more persons, whether formal or informal, that has as one of its primary activities, the commission of one (1) or more criminal or unlawful acts, or acts that would be criminal or unlawful if the actor were an adult, specified in Sec. 939.22(21)(a) to (s), Wis. Stats., or in any of the Code of Ordinances sections referred to in Subsection (b)(2) below; that has a common name or common identifying sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.
 - (2) **"Pattern of Criminal Gang Activity"** has the same meaning as the definition in Sec. 939.22(21), Wis. Stats., the list of offenses in Subsections (a) to (s) of that Section to Title 11 of this Code of Ordinances.
 - (3) **"Unlawful Act"** includes a violation of any of the Code of Ordinances sections referred to in Subsection (b)(2) above or any criminal act or act that would be criminal if the actor were an adult.
- (c) **Unlawful Activity.**
 - (1) It is unlawful for any person to engage in criminal gang activity.
 - (2) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to commit or attempt to commit any violation of the provisions of this Section, or any one (1) or more of those sections of the Code of Ordinances referred to in Subsection (b)(2) above.

- (3) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to participate in criminal gang activity.
- (4) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to join a criminal gang.

State Law Reference: Sec. 941.38, Wis. Stats.

Sec. 11-5-11 Parental Responsibility for Juvenile Misconduct.

- (a) **Purpose.** This Section is intended to reduce the incidents of misconduct by juveniles or underage persons by requiring proper supervision on the part of custodial parents.
- (b) **Prohibited Conduct.** Every custodial parent has the duty to properly supervise his/her child. It shall be unlawful for any custodial parent to fail to properly supervise his/her child. Proof of a child's conviction of a Village of Bristol ordinance violation, a violation of a state statute that occurred in the Village of Bristol, or any combination thereof twice within a six (6) month period or three (3) or more times within a twelve (12) month period shall be prima facie evidence that the custodial parent is guilty of failing to properly supervise the child. A child's traffic offenses shall not be considered under this Section except for alcohol and drug related offenses, reckless driving, and traffic crimes. The six (6) and twelve (12) month periods shall be measured from the date of the first violation.
- (c) **Definitions.** For purposes of this Section:
 - (1) **Child.** A person under the age of eighteen (18) years.
 - (2) **Custodial Parent.** A parent of a minor child who has custody of the child, that is, the parent who has responsibility for caring for and supervising the child at the time the child's ordinance violations occurred.
 - (3) **Custody.** Either physical custody of a child under a court order under Secs. 767.23 or 767.24, Wis. Stats., custody of a child under a stipulation under 767.10, Wis. Stats., or actual physical custody of the child. "Custody" does not include legal custody, as defined under Sec. 48.01(12), Wis. Stats., by an agency or a person other than a child's birth or adoptive parent. In determining which parent has custody of a child for purposes of this Section, the court shall consider which parent had responsibility for caring for and supervising the child at the time that the child's ordinance violations occurred.
- (d) **Defenses.**
 - (1) The following shall be defenses to a violation of Subsection (b):
 - a. Where the parent can provide specific evidence of on-going participation in, or recent completion of, parenting classes, family therapy, group counseling or AODA counseling which includes the parent or child in question;
 - b. Where the parent reported the act(s) to the appropriate authorities;

- c. Where the parent has made all reasonable and available efforts under the circumstances to prevent the juvenile misconduct;
 - d. Where the parent is not legally responsible for the supervision of the juvenile at the time the misconduct occurred; or
 - e. Where the parent has a physical or mental disability or incompetency rendering him/her incapable of supervising the juvenile at the time the misconduct occurred.
- (2) It is not a defense when the parent assigns his/her parental responsibility to another, except pursuant to legal proceedings which result in a court order effectuating the same. The parent has the burden of proving his/her defense by clear and satisfactory evidence.

Sec. 11-5-12 Use of Laser Pointing Devices; Possession by Juveniles.

- (a) It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass, annoy or injure said person or animal.
- (b) It shall be unlawful for any person under the age of eighteen (18) years to possess a laser pointing device. A person shall not be in violation of this Section if his/her possession of a laser pointing device is necessary for his/her employment, trade or occupation, and it is necessary for the pointer to be carried on his/her person.

Sec. 11-5-13 Enforcement and Penalties.

- (a) **Citation Process.** For violations of Sections 11-5-2 through 11-5-12, juveniles may be cited by the citation process on a form approved by the Village Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A copy will be mailed to the parent or legal guardian.
- (b) **Penalties.** Violations of Sections 11-5-2 through 11-5-12 by a person under the age of eighteen (18) shall be punishable according to Section 1-1-6 of this Code of Ordinances and Sections 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this Section shall prevent the juvenile officer, in his/her discretion, from referring cases directly to the District Attorney's office.

- c. Where the parent has made all reasonable and available efforts under the circumstances to prevent the juvenile misconduct;
 - d. Where the parent is not legally responsible for the supervision of the juvenile at the time the misconduct occurred; or
 - e. Where the parent has a physical or mental disability or incompetency rendering him/her incapable of supervising the juvenile at the time the misconduct occurred.
- (2) It is not a defense when the parent assigns his/her parental responsibility to another, except pursuant to legal proceedings which result in a court order effectuating the same. The parent has the burden of proving his/her defense by clear and satisfactory evidence.

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Title 11 ► Chapter 6

Public Nuisances

11-6-1	Title; Authority; Public Nuisances Prohibited
11-6-2	Definitions
11-6-3	Public Nuisances Affecting Health or Safety
11-6-4	Public Nuisances Offending Morals and Decency
11-6-5	Public Nuisances Affecting Peace and Safety
11-6-6	Abatement of Public Nuisances
11-6-7	Costs of Abatement/Disposal
11-6-8	Penalties

Sec. 11-6-1 Title; Authority; Public Nuisances Prohibited.

- (a) **Title/Purpose.** The title of this Chapter is the Village of Bristol Public Nuisance Ordinance. The purpose of this Chapter is to regulate for public health and safety reasons public nuisances and certain uses and activities in the Village of Bristol.
- (b) **Authority.** The Village Board has the specific authority under Secs. 29.038, 66.0407, 66.0413, 125.14, 169.01 and 175.25, and Ch. 823, Wis. Stats., and the general authority under its village powers under Sec. 60.22(3), Wis. Stats., to adopt this Chapter.
- (c) **Public Nuisances Prohibited.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Bristol, Kenosha County, Wisconsin.

State Law Reference: Secs. 29.038, 66.0407, 66.0413, 125.14, 169.01 and 175.25, and Ch. 823, Wis. Stats.

Sec. 11-6-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Agricultural Use.** Any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and

seed crops, raising of fruits, nuts and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least thirty-five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836, participating in the milk production termination program under 7 USC 1446(d), and vegetable raising.

- (b) **Appliance.** Any household or office device, instrument, utensil, or apparatus or machine that utilizes power, including, but not limited to, any stove, washer, dryer, refrigerator, dishwasher, freezer, water heater, water pump, furnace, television set, home entertainment device, any computer or peripheral device or other electronic device.
- (c) **Building.** Any building or structure or any portion of a building or structure.
- (d) **Debris.** Any litter, junk, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of items or materials that may tend to depreciate property values in the adjacent or near area, create a blighted condition, present a substantial threat to public health or safety, create a public nuisance or public safety or health hazard, except when such items are determined by the Village Board, Village committee or other agent of the Village to be stored or housed out of public view and are not treated and maintained so as to be a public nuisance.
- (e) **Equipment.** Goods used or bought for use primarily in a business or profession, including farming.
- (f) **Hazardous Waste.** Any solid waste identified by the Wisconsin Department of Natural Resources as hazardous under Sec. 291.05(2), Wis. Stats., or its successor provisions.
- (g) **Junk.** Scrap metal, metal alloy, wood, concrete, synthetic or organic material, or any junked, inoperative, unlicensed, or unregistered motor vehicle structures, equipment, furniture, appliances, or machinery, or any part thereof. This definition of junk includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, parts of agricultural use equipment, and contaminated recyclable material.
- (h) **Junked.** Dismantled for parts or scrapped.
- (i) **Junkyard.** Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk, including refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises, and sanitary landfills. The definition does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration.
- (j) **Local Zoning and Land Use Regulation.** Any applicable county or village zoning, subdivision, land division, platting, official map, building code, building permit, or other ordinance adopted pursuant to general police powers that is applicable in any manner to the use of land.
- (k) **Machinery.** A device or assemblage of parts that transmits forces, motion or energy from one part to another in a predetermined way by electrical, mechanical or chemical means. "Machinery" does not include a building.

- (l) **Motor Vehicle.** A vehicle, including a combination of two (2) or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail, with or without a current and valid registration issued by the State of Wisconsin or other state to the owner of the vehicles.
- (m) **Not Registered.** In reference to all-terrain vehicles, as defined in Sec. 340.01(2g), Wis. Stats., "snowmobiles" as defined in Sec. 340.01(58a), Wis. Stats., or "boat" as defined in Sec. 29.001(16), Wis. Stats., are those that are required to, but do not have nor bear any current and valid State of Wisconsin registrations.
- (n) **Public Nuisance.** A thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - (2) In any way render the public insecure in life or in the use of property;
 - (3) Greatly offend the public morals or decency;
 - (4) 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.
 - (5) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.
- (o) **Recyclable Material.** Material that is suitable for recycling.
- (p) **Scrap Metal Processor.** A fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.
- (q) **Solid Waste.** Any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste, and other organics, boxes, barrels, and other containers, tires, and other like materials. "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Ch. 283, Wis. Stats., or source material, as defined in Secs. 254.31(1), Wis. Stats., special nuclear material as defined in Sec. 254.31(11), Wis. Stats., or byproduct material, as defined in Sec. 254.31(1), Wis. Stats. "Solid waste" includes paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste, and other organics, boxes, barrels, and other containers, tires and other like materials, debris and junk.
- (r) **Solid Waste Facility.** A facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary

landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. This term does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junk yard or scrap metal salvage yard.

- (s) **Village Committee.** A committee or commission established by the Village Board to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the Village of Bristol.
- (t) **Unlicensed or Unregistered.** In reference to motor vehicles, mobile homes, manufactured homes, camper trailers, recreational vehicles, truck bodies, semi-trailers, or trailers, are those that are required for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.
- (u) **Vehicle.** Every device in, upon, or by which any person or property is or may be transported. "Vehicle includes, but is not limited to, all of the following:
 - (1) **Aircraft** as defined in Sec. 29.001(16), Wis. Stats.
 - (2) **All-Terrain vehicles** as defined in Sec. 340.01(2g), Wis. Stats.
 - (3) **Antique vehicles** as described in Sec. 341.265, Wis. Stats.
 - (4) **Automobiles** as defined in Sec. 340.01(4), Wis. Stats.
 - (5) **Boats** as defined in Sec. 29.001(16), Wis. Stats.
 - (6) **Camping trailers** as defined in Sec. 340.01(6m), Wis. Stats.
 - (7) **Farm equipment** as defined in Sec. 100.47(1), Wis. Stats.
 - (8) **Farm tractors** as defined in Sec. 340.01(16), Wis. Stats.
 - (9) **Hobbyist or homemade vehicles** as defined in Sec. 341.268, Wis. Stats.
 - (10) **Junk vehicles** as defined in Sec. 340.01(25j), Wis. Stats.
 - (11) **Implements of husbandry** as defined in Sec. 340.01(24), Wis. Stats.
 - (12) **Manufactured homes** as defined in Sec. 101.91(2), Wis. Stats.
 - (13) **Mobile homes** as defined in Sec. 340.01(29), Wis. Stats.
 - (14) **Mopeds** as defined in Sec. 340.01(29m), Wis. Stats.
 - (15) **Motor bicycles** as defined in Sec. 340.01(30), Wis. Stats.
 - (16) **Motor buses** as defined in Sec. 340.01(31), Wis. Stats.
 - (17) **Motor homes** as defined in Sec. 340.01(33m), Wis. Stats.
 - (18) **Motor trucks** as defined in Sec. 340.01(34), Wis. Stats.
 - (19) **Motorcycles** as defined in Sec. 340.01(32), Wis. Stats.
 - (20) **Railroad trains** as defined in Sec. 340.01(48), Wis. Stats.
 - (21) **Recreational vehicles** as defined in Sec. 340.01(48r), Wis. Stats.
 - (22) **Road machinery** as defined in Sec. 340.01(52), Wis. Stats.
 - (23) **Road tractors** as defined in Sec. 340.01(53), Wis. Stats.

- (24) **Salvage vehicles** as defined in Sec. 340.01(55g), Wis. Stats.
 - (25) **School buses** as defined in Sec. 340.01(56), Wis. Stats.
 - (26) **Semi trailers** as defined in Sec. 340.01(57), Wis. Stats.
 - (27) **Snowmobiles** as defined in Sec. 340.01(58), Wis. Stats.
 - (28) **Special interest vehicles** as defined in Sec. 341.266, Wis. Stats.
 - (29) **Trailers** as defined in Sec. 340.01(71), Wis. Stats.
 - (30) **Truck tractors** as defined in Sec. 340.01(73), Wis. Stats.
 - (31) **Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and go carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles** that require no registration or licensure by the State of Wisconsin.
- (v) **Wild Animal.** Any animal of a wild nature that is normally found in the wild and that is not a domestic animal.

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

No person may create, contrive, erect, maintain, cause, continue, install, construct or permit to exist in the Village a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places or physical conditions, not properly and timely removed, after written notice to remove from the Village Board to any owner or occupant of the land where the act, use, activity, thing, occupation, place, or physical condition exists, is located, or occurred or to any person responsible for the creation, maintenance, or providing of the act, use, activity, thing, occupation, place, or physical condition, are specifically declared to be a public nuisance:

- (a) **Noxious Weed Areas.** Pursuant to Section 8-1-3, any place in the Village where noxious weeds conditions are located on private or public land conditions and are not timely cut or removed within five (5) days after posting or publication of a notice to destroy noxious weeds under Sec. 66.0407, Wis. Stats. and Section 8-1-3 or within ten (10) days after receipt of written notice to remove such weeds from the Village Board or designee.
- (b) **Unburied Animal Carcass Areas.** Any place in the Village where unburied animal carcasses are located on private or public land and are not timely removed or discarded, including timely burial in a sanitary manner, within twenty-four (24) after receipt of written notice to remove such carcasses from the Village Board or designee. This Subsection does not apply to any animal or pet cemetery approved in writing by the Village of Bristol.
- (c) **Noxious or Polluted or Waste Areas.** Any place in the Village where noxious, nauseous, unwholesome, or polluted water and waste are located on private or public land, including Village roads, highways, bridges, sidewalks, alleys, or other public lands owned or controlled by the Village, and these conditions are not timely removed within the Village-designated compliance time after receipt of written notice from the Village Board or

designee; immediate abatement may be ordered by the Village Board in situations where there are grave or exceptionally serious threats to the public health and safety.

- (d) **Noxious Emission Odor Areas.** Any place in the Village where noxious odor, stench, or gas escape or is emitted into the open air from sources located on public or private land, and these conditions are not timely removed or discontinued within the Village-designated compliance time after receipt of written notice to remove from the Village Board. "Noxious odor" means an odor that is extremely repulsive to the senses of ordinary persons in the Village that seriously annoys or causes serious discomfort or serious injury to the health or causes serious inconvenience to the health or safety of a significant number of persons within the Village of Bristol, as determined by the Village Board. Excepted from the provisions of this Subsection are farming operations and municipal wastewater treatment facilities.
- (e) **Rat or Vermin Areas.** Any place in the Village where rats or other vermin are located or frequent on public or private land, and those conditions are not removed or destroyed within the Village-designated compliance time after receipt of written notice to remove from the Village Board or designee.
- (f) **Unauthorized Human Burial Area.** Any place in the Village where the body of a deceased person or parts of a deceased person are located and buried on private or public land in the Village without written approval of the Village Board and are not timely removed within the Village-designated compliance time after receipt of written notice to remove from the Village Board. This Subsection does not apply to any established cemetery or burial site grounds approved, owned and operated in accordance with Ch. 157, Wis. Stats.
- (g) **Hazardous, Toxic or Solid Waste Facility or Site Areas.** Any place or solid waste facility in the Village where the discharge, disposal, storage or treatment of hazardous, toxic, or solid waste occurs on private or public lands without approval and licensing or permitting of the discharge, disposal, storage or treatment by all proper federal, state, county and Village governing authorities and full compliance with all applicable laws, rules, regulations or ordinances of the federal, state, county or Village, and the activity or condition is not timely removed or discontinued within the Village-designated compliance time after receipt of written notice to remove from the Village Board. To constitute a public nuisance under this Subsection, an area, facility or site must threaten or cause serious discomfort or serious injury to the health or cause serious inconvenience to the health or safety of a significant number of persons within the Village, as determined by the Village Board.
- (h) **Dangerous Wild Animal Areas.** Any place in the Village where live dangerous wild animals are kept, sold, or in any manner controlled or possessed on private or public land without written approval of the Village Board and/or in violation of any applicable animal control ordinance in Title 7, Ch. 1 of this Code of Ordinances, and the animals are not removed or destroyed within the Village-designated compliance time after receipt of written notice from the Village Board unless written approval of the Village Board is obtained within said time. To constitute a dangerous wild animal, under this Subsection, the species of animal must pose a threat to the safety of persons within the Village, including a keeper of such animal, as determined by the Village Board. It is not necessary that the Village

Board find that a specific animal is dangerous in order to find a nuisance under this Subsection.

- (i) **Improper Sewage Areas.** Any place in the Village where effluent from a septic system, sewer, holding tank, cesspool, or other human waste container is located on private or public land and the effluent is not timely removed or properly treated within the Village-designated compliance time after receipt of written notice to remove from the Village Board or designee.
- (j) **Dangerous or Dilapidated Building Areas.** Any place in the Village where a building or structure, the contents therein, or any associated electrical, heat, water or sewer system located on public or private lands is so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, in violation of Village ordinances, or otherwise render the building unfit for human habitation are not timely removed or discontinued within the Village-designated compliance time of receipt of written notice to remove from the Village Board or designee.
- (k) **Dangerous Tree Areas.** Any place in the Village where any trees or the tree's limbs located on private or public lands constitute a dangerous or unsafe condition and these dangerous or unsafe conditions have not been timely removed within the Village-designated compliance time after receipt of written notice to remove from the Village Board or designee.
- (l) **Fire Hazard Areas.** Any place in the Village where combustible materials are located and stored on private or public lands and the materials are not timely removed or safely stored within the Village-designated compliance time after receipt of written notice from the Village Board, Building Inspector, Fire Inspector or designee.
- (m) **Improper Encroachment or Discharge Areas.** Any unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops, and other materials on any Village roadway or on other Village public lands without written permission from the Village Board, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within the Village-designated compliance time of the receipt of written notice to remove from the Village Board or designee.
- (n) **Junked Motor Vehicle and Junk Part Areas.** Any place in the Village where a junked motor vehicle or junk motor vehicle parts are accumulated or stored or any place in the Village where a junked motor vehicle, junk vehicles or junk parts are accumulated or stored in violation of Section 10-5-8.
- (o) **Junkyard and Junked Vehicle, Appliance, and Machinery Areas.** Any place in the Village where junked vehicles, not otherwise subject to Subsection (n) above, junked appliances, junked equipment and junked machinery are accumulated or stored in violation of Section 10-5-8.
- (p) **Unlicensed or Unregistered Vehicle Area.** Any place in the Village on private property where for a period prescribed in Section 10-5-8 an "unlicensed" or "unregistered" vehicle is parked, stored, or otherwise kept outside a building without the written permission of the Village Board or designee that is not timely removed or discontinued within the Village-

designated compliance time of receipt of written notice to remove from the Village Board, or designee, unless applicable exemptions apply.

- (q) **Abandoned Vehicles on Public Lands.** No person regardless of physical condition, registration, or license held shall leave unattended or stored any motor vehicle or other vehicle, appliance, equipment, or machinery, or parts thereof, on any public street, public road, public highway, or public property in the Village, including the road right-of-way, for such time and under such circumstances so as to cause the vehicle, appliance, equipment, or machinery to reasonably appear to have been abandoned. When any such vehicles, machinery, appliances, or equipment has been left unattended, parked, or stored on any public street, public road, public highway, or public property, including the Village road right-of-way, within the Village for a period of more than seventy-two (72) hours, the vehicle, structure, machinery, appliances or equipment is deemed by the Village abandoned and to be a public nuisance.
- (r) **Animals at Large.** All animals running at large.
- (s) **Abandoned Wells.** All abandoned wells not securely covered or secured from public use.

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

No person shall create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the Village of Bristol a public nuisance associated with, causing or likely to cause danger, disturbance, or injury to public morals or decency. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed by the owner or occupant of the land, after written notice to remove from the Village Board or designee to the owner or occupant of the land where the public nuisance occurs or to any person responsible for the creation, maintenance, or permitting of such nuisance in the Village, are specifically declared to be a public nuisance:

- (a) **Improper Establishments.** Pursuant to Sec. 823.09, Wis. Stats., whoever shall erect, establish, continue, maintain, use, occupy, or lease any building or part of building, erection or place to be used for the purpose of lewdness, assignation or prostitution, or permit the same to be used, in the State of Wisconsin, shall be guilty of a nuisance and the building, erection, or place, in or upon which such lewdness, assignation or prostitution is conducted, permitted, carried on, continued or exists, and the furniture, fixtures, musical instrument and contents used therewith for the same purpose are declared a nuisance, and shall be enjoined and abated.
- (b) **Illegal Drug Houses.** Pursuant to Sec. 823.113(1), Wis. Stats., any building or structure that is used to facilitate the delivery, distribution or manufacture, as defined in Sec. 961.01(6), (9) and (13), Wis. Stats., respectively of a controlled substance, as defined in Sec. 961.01(4), Wis. Stats., or a controlled substance analog, as defined in Sec. 961.01(4m), Wis. Stats., and any building or structure where those acts take place, is a public nuisance and may be proceeded against under Sec. 823.113, Wis. Stats.

- (c) **Criminal Gang Houses.** Pursuant to Sec. 823.113(1), Wis. Stats., any building or structure that is used as a meeting place of a criminal gang, as defined in Sec. 939.22(9), Wis. Stats., or that is used to facilitate the activities of a criminal gang, is a public nuisance and may be proceeded against under Sec. 823.113, Wis. Stats.
- (d) **Gambling Houses.** Pursuant to Sec. 823.20, Wis. Stats., any gambling place, as defined in Sec. 945.01(4)(a), Wis. Stats., is a public nuisance and may be proceeded against under Ch. 823, Wis. Stats.
- (e) **Illegal Alcohol Houses.** Pursuant to Sec. 125.14(5), Wis. Stats., any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured or rectified without a valid permit or license issued under this Chapter or Ch. 139, Wis. Stats., or where persons are permitted to drink alcohol beverages in violation of Ch. 125, Wis. Stats., is a public nuisance and may be closed until the activity in violation of Ch. 125, Wis. Stats., is abated. When the activity is abated, the building or place may be used for any lawful purpose.
- (f) **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.

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

No person shall create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the Village a public nuisance associated with, causing or likely to cause, potential danger, disturbance or injury to the public peace and order. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed, after written notice to remove from the Village Board or designee to the owner or occupant of the land where the public nuisance occurred or is maintained or to any person responsible for the creation, maintenance, or permitting of such nuisance in the Village of Bristol, are specifically declared to be a public nuisance:

- (a) **Loud Noise Areas.** Any place in the Village of Bristol where any unreasonably loud, discordant and unnecessary sound conditions, including sounds from non-farm animals or from any human created or aided sounds, including alleged music, is located on private or public land, without written approval of the Village Board or its designee and is not timely removed or discontinued within the Village-designated compliance time of the written receipt of notice to remove from the Village Board or designee. Exempted from the provisions of this Subsection are Village-approved civic, community or athletic events and the discharge of firearms at properly-zoned sites used by gun clubs.
- (b) **Disorderly Conduct Area.** Any place in the Village where unpermitted, abusive, indecent, profane, or boisterous sounds, unpermitted fighting, brawling, or rioting or other unpermitted disorderly conduct conditions are located or occur on private or public lands

and these disorderly conditions have not been timely removed or discontinued within the Village-designated compliance time of receipt of written notice to remove from the Village Board or designee.

- (c) **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such traffic device, sign or signal.
- (d) **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (e) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (f) **Abandoned Refrigerators.** All abandoned refrigerators or freezers from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

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

- (a) **Inspection of Premises.** Whenever one (1) or more complaints are made to the Village Board, Village Administrator, Village Clerk, Village President or any appropriate Village committee or agent, that a public nuisance under this Chapter or a violation of a permit issued under this Chapter exists within the Village of Bristol, or a Village official in his/her official capacity has determined that a public nuisance exists, the Village President, Village Committee, or other agents of the Village Board may inspect or cause to be inspected the premises complained of, and then make a written report of its findings to the Village Board. If the Village President, Village Committee or other agents of the Village Board performing the inspection also received the complaints, he, she, or they shall file a copy of the report with the Village Clerk. Whenever practicable, the Village President, Village Committee or other agents of the Village Board shall cause photographs to be made of the premises and shall file the photographs with a written report in the office of the Village Clerk.
- (b) **Owner of Premises Responsibility.** Any owner or occupant of land in the Village shall be responsible for compliance with this Chapter and other applicable ordinances on the land regardless of ownership of and responsibility for the uses, activities, or things located on the land that are subject to this Chapter.
- (c) **Summary Abatement in Emergency Situations.**
 - (1) **Notice to Owner.** If the Village President, Village Committee, or other agents of the Village Board determine, by written notice to the Village Board, that a public nuisance exists under this Chapter within the Village on private or public land and

that there is great, immediate, and substantial danger or threat to the public health or safety, the Village Board, Village President, Village Committee, or other agents of the Village Board shall serve a written notice upon the person who is causing, permitting, or maintaining the public nuisance, and the owner or occupant of the premises where the public nuisance is caused, permitted, or maintained. If immediate personal service cannot be made, one (1) copy of the written notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant of the premises the person who is causing, permitting, or maintaining the public nuisance, and one copy of the notice shall be served by mailing by U.S. mail of a First Class letter to the last known address for the owner or occupant of the premises. The order notice shall direct the owner or occupant to remove the public nuisance within twenty-four (24) hours and shall state that unless the public nuisance is so timely abated, the Village may cause, due to the emergency conditions, the public nuisance to be abated and shall charge the costs of abatement to the owner, occupant, or person causing, permitting, or maintaining the public nuisance.

- (2) **Abatement by Village in Non-Emergency Situations.** If the public nuisance is not abated within the time provided in the notice under Subsection (c)(1), or if the owner, occupant, or person causing the public nuisance, if known, cannot be found, the Village President, the Village Committee or other agents of the Village Board, with approval of the Village Board, shall cause the abatement or removal of the public nuisance by immediately seeking for the Village a court order that allows for the immediate enjoinder and abatement of the public nuisance.
- (d) **Abatement by Court Action.** If the Village Board determines that a public nuisance exists on public or private premises but that the nature of the nuisance does not threaten great, immediate, and substantial danger to the public health or safety, the Village Board shall file a written report or its resolution of its findings with the Village Clerk who shall, after approval and filing of the report or resolution by the Village Board, take one or more of the following actions, as directed by the Village Board:
 - (1) **Notice.** Contact in writing the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located with a notice order to cease and desist the public nuisance;
 - (2) **Citation.** Issue or have issued and served a citation upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located for violation of this Chapter; and/or
 - (3) **Civil Complaint.** Cause the Village Attorney to draft a formal civil complaint to be filed upon the alleged violators based upon an alleged violation of this Section or the conditions of any permit as issued, or have drafted by the Village Attorney to be filed and served a formal complaint for abatement of the public nuisance under Ch. 823, Wis. Stats.

- (e) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the enjoinder and abatement of public nuisances against any person by the Village, or its officials in accordance with the laws of the State of Wisconsin or this Chapter, including against a permit holder that holds a current and valid permit issued by the Village under this Chapter.
- (f) **Citations.** The Village Board may enforce against such public nuisance violations in this Chapter by issuance and service of a citation against any alleged violation of this Chapter.

Sec. 11-6-7 Costs of Abatement/Disposal.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance, or maintenance of a public nuisance and violation of this Chapter, the cost of abatement of any public nuisance by the Village may be collected under this Chapter or Sec. 823.06, Wis. Stats., as a debt or expense from the owner or occupant of the real property for causing, permitting, or maintaining the public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the Village of Bristol to enjoin or abate the public nuisance as a special charge under Sec. 66.0627, Wis. Stats., unless paid earlier. If any vehicle, structure, equipment, implement, or appliance noted in this Chapter is abandoned or remains unclaimed, the Village Board may proceed to declare this personal property abandoned and proceed to dispose of this personal property under Sec. 66.0139, Wis. Stats., by public auction or other means as determined in writing by the Village Board.

Sec. 11-6-8 Penalties.

- (a) **First Offense/Penalty.** Any person who violates this Chapter shall, upon conviction, be subject to a forfeiture as prescribed in Section 1-1-6 together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
- (b) **Second Offense/Penalty.** Any person guilty of violating this Chapter or any who has previously been convicted of a violation of this Chapter or shall, upon conviction, be subject to a forfeiture as prescribed in Section 1-1-6 for each offense, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.
- (c) **Separate Violations.** Each day of violation of this Chapter shall constitute a separate offense.

Title 11 ► Chapter 7

Sexually Oriented Businesses

11-7-1	Purpose
11-7-2	Statement of Findings and Intent
11-7-3	Definitions
11-7-4	Location Restrictions
11-7-5	Regulation of Sexually Oriented Businesses
11-7-6	Exemptions

Sec. 11-7-1 Purpose.

- (a) Sexually oriented businesses require special supervision from the public safety agencies of the Village of Bristol in order to protect and preserve the health, safety and welfare of the patrons of such businesses as well as the citizens of the Village of Bristol; and
- (b) The Village Board finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and
- (c) The concern over sexually transmitted diseases is a legitimate health concern of the Village Board, which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and
- (d) There is convincing documented evidence that sexually oriented businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and
- (e) The Village Board desires to minimize and control these adverse effects and thereby protect the health, safety and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and
- (f) The Village Board has determined that locational criteria will assist in the protection of the health, safety and general welfare of the people of the Village of Bristol; and
- (g) It is not the intent of the Village Board to condone or legitimize the distribution of obscene material, and the Village Board recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the Village of Bristol.

Sec. 11-7-2 Statement of Findings and Intent.

- (a) **Intent.** It is the intent of this Chapter to promote the health, safety and general welfare of the citizens of the Village of Bristol and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Village of Bristol. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene materials.
- (b) **Findings.** Based on evidence concerning the adverse secondary effects of adult uses on communities stated above, and on findings incorporated in the cases of *City of Erie v. Pap's A.M.*, 120 S.Ct 1382 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); and *Barnes V. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *California v. LaRue*, 409 U.S. 109 (1972); *Iacobucci v. City of Newport, Ky.*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *Schultz v. City of Cumberland*, Case Nos. 98-4126 and 98-4209 (7th Cir., September 26, 2000) (2000 U.S. App. LEXIS 23773); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Key, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *East of the River Enterprises II v. City of Hudson*, 2000 Wisc. App. Lexis 734 (Ct. App. Aug. 1, 2000); and *Urmanski v. Town of Bradley*, 2000 WI App. 141, 613N.W.2d 905 (Ct. App. 2000), as well as studies conducted in other cities, including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and findings reported in the "Regulation of Adult Entertainment Establishments in St. Croix County, Wisconsin"; and the "Report of the Attorney General's Workshop of Sexually Oriented Businesses" (June 6, 1989, State of Minnesota), the Village Board finds that:
- (1) Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located.
 - (2) Studies of the relationship between sexually oriented businesses and neighborhood property values have found a negative impact on both residential and commercial property values.
 - (3) Sexually oriented businesses may contribute to an increased public health risk through the spread of sexually transmitted diseases.
 - (4) There is an increase in the potential for infiltration by organized crime for the purpose of unlawful conduct.

- (5) The consumption of alcoholic beverages on the premises of a sexually oriented business exacerbates the deleterious secondary effects of such businesses on the community.

Sec. 11-7-3 Definitions.

The following definitions are applicable in this Chapter:

- (a) **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- (b) **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or
 - (2) Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".

NOTE: A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an "adult bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas." A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.
- (c) **Adult Cabaret.** A nightclub, dance hall, bar, restaurant, or similar commercial establishment that regularly features:
 - (1) Persons who appear in a state of nudity or semi-nudity; or
 - (2) Live performances that are characterized by "specified sexual activities"; or
 - (3) Films, motion pictures, videocassettes, slides, or other photographic or computer reproductions or depictions that are characterized by the depiction or description of "specified sexual activities" or "nudity".
- (d) **Adult Motel.** A hotel, motel, or similar commercial establishment which:
 - (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes,

- slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and which may have a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (e) **Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
 - (f) **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the "exposure of specified anatomical areas" or by "specified sexual activities."
 - (g) **Breast.** The female mammary gland.
 - (h) **Buttocks.** The area at the rear of the human body referred to as the gluteus maximus, the fleshy part of the body at the back of the hips upon which a person sits.
 - (i) **Employee.** A person who performs any service on the premises of a sexually oriented business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.
 - (j) **Entertainer.**
 - (1) Any person who appears in a state of nudity or semi-nudity in a sexually oriented business; or
 - (2) Any person who engages in live performances that are characterized by "specified sexual activities".
 - (k) **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
 - (l) **Escort Agency.** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
 - (m) **Establishment.** Includes any of the following:
 - (1) The opening or commencement of any sexually oriented business as a new business;

- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The additions of any sexually oriented business to any other existing sexually oriented business; or
 - (4) The relocation of any sexually oriented business; or
 - (5) A sexually oriented business or premises on which the sexually oriented business is located.
- (n) **Licensed Day Care Center.** A facility licensed by the State of Wisconsin, under Sec. 48.65, Wis. Stats., whether situated within the Village or not, that provides care, training, education, custody, treatment or supervision for more than four (4) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for profit or charges for the services it offers.
- (o) **Nudity or State of Nudity.** The appearance of the human bare anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or the nipple or areola of the female breast, with less than a fully opaque covering; or the showing of the covered male genitals in a discernibly turgid state.
- (p) **Operator.** The person on the premises who is responsible for the control and management of the sexually oriented business.
- (q) **Patron.** A customer on the premises of a sexually oriented business.
- (r) **Person.** An individual, proprietorship, partnership, corporation, association, or other legal entity.
- (s) **Premises.** The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the owner or operator of the business.
- (t) **Sexual Encounter Center.** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- (u) **Sexually Oriented Business.** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, or sexual encounter center.
- (v) **Specified Anatomical Areas.** Less than completely and opaquely covered:
- (1) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
 - (2) Less than completely and opaquely covered human anus, anal cleft or cleavage, genitals, pubic region, or the nipple or areola of the female breast.

(w) **Specified Sexual Activity** means:

- (1) The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts, whether covered or uncovered;
- (2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in Subsection (w)(1) through (3) above.

Sec. 11-7-4 Location Restrictions.

Sexually oriented businesses shall not be permitted in any residential district.

- (a) The sexually oriented business may not be operated within (whether the following are located in or outside of the Village of Bristol):
 - (1) One thousand five hundred (1,500) feet of a church, chapel, synagogue, or regular place of religious worship.
 - (2) One thousand five hundred (1,500) feet of a school; public or private preschool, elementary, middle or high school; or youth recreational center, or library;
 - (3) One thousand five hundred (1,500) feet of a licensed day care center, clinic or hospital;
 - (4) One thousand five hundred (1,500) feet of a public park;
 - (5) One thousand five hundred (1,500) feet of any property zoned residential.
- (b) A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
- (c) For the purpose of this Chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line or boundary of a property listed in Subsection (a) above.

Sec. 11-7-5 Regulation of Sexually Oriented Businesses.

- (a) **State of Nudity.** It shall be a violation of this Chapter for any person to knowingly and intentionally appear in a state of nudity in a sexually oriented business.
- (b) **Consumption of Alcohol.** The sale, use or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.
- (c) **Physical Contact With Entertainers.** No person, employee or patron shall be permitted to have any physical contact with any entertainer on the premises during any performance. All performances shall only occur on a stage or table that is elevated at least eighteen (18) inches above the immediate floor level. To prevent actual physical contact between an entertainer and any other person, employee, or patron, all performances shall not be less

than five (5) feet from any area occupied by any patron, persons, employees and patrons shall not have any physical contact with, and shall not be less than five (5) feet from any entertainer during the payment of a tip or gratuity.

- (d) **Underage Persons On Premises.** It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.
- (e) **Duties of Operators.** It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years of age from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished a valid:
 - (1) Operator's, commercial operator's or chauffeur's driver's license; or
 - (2) Personal identification card issued by the state of residence of the individual seeking entry reflecting that such person is eighteen (18) years of age; or
 - (3) Passport or official identity card issued by the government of the nation of which the individual seeking entry is a citizen.
- (f) **Ordinance Violations.** No person shall cause another to commit a violation of this Chapter, nor shall any person permit such violation to occur on any premises under his/her control, tenancy, management or ownership.
- (g) **Hours of Operation.** No sexually oriented business regulated by this Chapter may remain open between the hours of 2:00 a.m. and 8:00 a.m., except on Saturday and Sunday, when the closing hours shall be between 2:30 a.m. and 8:00 a.m.
- (h) **Signs Posted.** All premises governed by this Chapter shall be required to post signs provided by the Village of Bristol that are visible to patrons, which state:

"By Village of Bristol Ordinance: The use or consumption of alcoholic beverages on these premises is prohibited. No person shall be permitted to have any physical contact with any entertainer. No person shall be less than five (5) feet from any entertainer, including during the payment of tips. Violators may be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) per violation.

- (i) **Doors and Interior Premises.** Each entryway to a sexually oriented business featuring live entertainment shall through use of a vestibule, screening, or double doors, and with window coverings, eliminate any direct line of sight from the exterior of the building to any entertainer on the premises. There shall be no interior entrance to or exit from a sexually oriented business from or into an adjoining premise which is not a sexually oriented

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business. The interior premises of a sexually oriented business shall not be visible by any means from another premise, whether adjoining or separate, which is not a sexually oriented business.

Sec. 11-7-6 Exemptions.

The provisions of this Chapter do not apply to the following establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of a serious artistic merit are offered on a regular basis; and which the predominant business or attraction is not the offering of entertainment which is intended for the sexual interest or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this Chapter seeks only to minimize and prevent the secondary effects of sexually oriented businesses on the community. Negative secondary effects have not been associated with these establishments.