

## Chapter 309

### PEACE AND GOOD ORDER

[HISTORY: Adopted by the Village Board of the Village of Forestville 1-8-1990 by Ord. No. 1-90 as Ch. 9 of the 1990 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Nuisances — See Ch. 287.

#### § 309-1. Offenses against state laws subject to forfeiture. <sup>1</sup>

The following statutes defining offenses against the peace and good order of the state, are adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under § 1-4 of this Municipal Code:

Wis. Stats. §	Title
110.075(7)	Producing/Using Inspection Sticker Fraudulently
134.06	Motor Vehicles Sales/Bonus to Chauffeur Prohibited
161.41(3)	Possession of Marijuana
175.25	Illegal Storage of Junked Vehicles
218.0146	Used Cars/Prohibited Acts
218.0147	Purchase of Lease of Motor Vehicle by Minor
254.76	Causing Fires by Tobacco Smoking
285.30(6)	Pollution by Motor Vehicle/Failure to Repair
939.05	Parties to Crime
939.22	Words and Phrases Defined
939.32(2)	Attempt
940.19(1)	Battery
941.10	Negligent Handling of Burning Materials
941.12(2),(3)	Interfering With or Failing to Assist in Fire Fighting
941.13	False Alarms and Interference With Fire Fighting
941.20(1)	Reckless Use of Weapon
941.23	Carrying Concealed Weapon
941.24	Possession of Switch Blade Knife

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

943.01(1)	Criminal Damage to Property (Less than \$1,000)
943.07	Criminal Damage to Railroad
943.11	Entry Into Locked Vehicle
943.125	Entry Into Locked Coin Box
943.13	Trespass to Land
943.14	Criminal Trespass to Dwellings
943.20	Theft (Less than \$500)
943.21	Fraud on Hotel or Restaurant Keeper (\$500 or Less)
943.22	Use of Cheating Tokens
943.23(2)	Operate Auto Without Owner's Consent
943.24	Issue of Worthless Checks
943.50	Shoplifting
944.15	Fornication
944.17	Sexual Gratification
944.20	Lewd and Lascivious Behavior
944.21	Lewd, Obscene or Indecent Matter, Pictures and Performances
944.23	Making Lewd, Obscene or Indecent Drawings
944.30	Prostitution
944.31	Patronizing Prostitutes
944.33	Pandering
944.34	Keeping Place of Prostitution
945.01	Definitions Relating to Gambling
945.02	Gambling
945.03	Commercial Gambling
945.04	Permitting Premises to Be Used for Commercial Gambling
946.40	Refusing to Aid Officer
946.41	Resisting or Obstructing Officer
946.42(1)	Escape
946.44	Assisting or Permitting Escape
946.69	Falsely Assuming to Act as a Public Officer
946.70	Impersonating Peace Officer
946.72	Tampering with Public Records and Notices
947.01	Disorderly Conduct
947.012	Unlawful Use of Telephone

- 947.06 Unlawful Assemblies
- 948.11 Exposing a Child to Harmful Material or Harmful Descriptions or Narrations
- 951.01 to 951.18 Crimes Against Animals
- 961.41(2m) Unlawful Manufacture/Delivery of Controlled Substance

**§ 309-2. Discharging and carrying firearms and guns prohibited.** <sup>2</sup>

No person, except law enforcement officers of the Village or under contract with the Village, shall fire or discharge any firearm, rifle, spring or air gun of any description within the Village provided that this section shall not prevent the maintenance or use of supervised rifle or pistol ranges or shooting galleries authorized by the Village Board, or the firing or discharging of BB guns upon private premises by persons over 16 years of age or under the direct personal supervision of a parent or guardian. This section shall be deemed to prohibit hunting within the Village limits.

**§ 309-3. Throwing or shooting of missiles prohibited.**

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any other person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

**§ 309-4. Sale and discharge of fireworks restricted.**

- A. No person shall use, keep, discharge, explode, sell, expose or offer for sale any fireworks within the limits of the Village, unless he shall be authorized by a fireworks permit as hereinafter provided. The term "fireworks" in this section shall be defined so as to bring within the prohibitions of this section all fireworks prohibited by § 167.10, Wis. Stats., as amended or renumbered from time to time. Nothing in this section shall prohibit fireworks specifically exempted from regulation by § 167.10, Wis. Stats., nor shall this section be construed so as to conflict with that statute.
- B. Fireworks, other than those prohibited by the laws of the state, may be used and displayed in open fields, parks, rivers, lakes and ponds by public organizations and other groups when a permit for such display has been granted by the Village President. All reasonable precautions will be exercised with regard to the protection of the lives and property of all persons. Before granting any fireworks permit, the Village Board shall determine that the applicant will exercise reasonable precautions with regard to the protection of the lives and property of all persons and shall require the applicant to guarantee the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of

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

fireworks under such permit.

**§ 309-5. Disorderly conduct prohibited.**

No person shall do any of the following within the Village:

- A. In a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.
- B. With intent to annoy another, make a telephone call, whether or not conversation ensues.
- C. Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation.

**§ 309-6. Interference with officers.**

- A. No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the Village while such officer is doing any act in his official capacity and with lawful authority.
- B. No person shall, without reasonable excuse or justification, refuse or fail upon command to aid any officer of the Village while such officer is doing any act in his official capacity and with lawful authority, provided that such person knew the officer was an officer of the Village and provided that such officer could lawfully command assistance.
- C. For purposes of this section, the term "officer" shall include the President, trustees, Village police officers, if any, and any peace officers or law enforcement personnel under contract with the Village to provide law enforcement for the Village.

**§ 309-7. Excessive vehicle noise.**

No person shall operate a motor vehicle or motorcycle so as to create excessive noise and disturb the peace by any of the following:

- A. Repeatedly revving up the motor unnecessarily while the motor vehicle or motorcycle is or is not in motion.
- B. Causing the tires of the motor vehicle or motorcycle to squeal in an unreasonably loud manner whether accelerating from a stopped position or from a lower speed.
- C. Repeatedly blowing the horn of the motor vehicle or motorcycle.

**§ 309-8. Curfew.** [Amended 12-8-1998 by Ord. No. 1-98]

No person under 18 years of age shall be on the streets in the Village between the hours of 10:00 p.m. and 5:00 a.m., unless such person is accompanied by a parent or guardian, is returning from an officially sanctioned school function or has some other legitimate purpose for being on the street. The parent or guardian of anyone violating this section shall be held liable and subject to a penalty after the first violation.

**§ 309-9. Gambling prohibited.**

- A. All forms of gambling and fraudulent devices and practices are prohibited within the limits of the Village. Any peace officer or law enforcement official under contract with the Village is hereby authorized to seize anything devised solely for gambling or found in actual use for gambling within the Village and to dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling.<sup>3</sup>
- B. This section shall not be construed to prohibit bingo games or raffles conducted in accordance with Ch. 563, Wis. Stats., or lotteries conducted in accordance with Ch. 565, Wis. Stats., as amended or renumbered from time to time.

**§ 309-10. Damage to property prohibited.**

No person shall intentionally injure, destroy or unlawfully remove, take, transfer or use any property of any kind or nature belonging to the Village or its departments or to any private person without the consent of the owner or proper authority.

**§ 309-11. Littering prohibited.**

- A. No person shall throw or deposit any glass, metal, rubbish or any other type of debris or waste material upon the streets, alleys, highways or other property of the Village or upon any private property or upon the surface of any body of water within the Village.
- B. No person shall throw or deposit any metal cans, glass bottles or any other debris made in whole or in part of metal or glass in or on the shores of any lake or body of water within the Village.

**§ 309-12. Abandoned or unattended ice boxes, etc., prohibited.**

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure, under his control in a place accessible to children, any abandoned, unattended or discarded 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 such door or lid, snap lock or other locking device from such ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

**§ 309-13. Open cisterns, wells, basements or other dangerous excavations prohibited.**

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

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

and may be disposed of in accordance with Ch. 823, Wis. Stats.

**§ 309-14. Burning regulations.**

- A. Paper products, wood products and leaves may be burned between the hours of 8:00 a.m. and 8:00 p.m., except that no burning is allowed on Sundays or holidays. All burning must be contained in a covered receptacle to prevent the blowing of paper or sparks. A receptacle for burning may not be closer than 10 feet to an abutting property line. All other burning requires a burning permit.<sup>4</sup>
- B. A fire of any nature or kind, in a receptacle or not, is prohibited on any street, alley or roadway. The burning of any rubber or rubberized products, paint or oil cans or any other garbage not specified in Subsection A of this section is prohibited at all times.

**§ 309-15. Violations and penalties.**

- A. Except as otherwise provided, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Municipal Code.
- B. In addition to any penalty imposed for violation of § 309-10 of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parents of any unemancipated minor child who violates § 309-10 of this chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with § 895.035, Wis. Stats.

**§ 309-16. Chronic Nuisance Premises.**

A. Where As: The Village Board finds that any premises that has three (3) or more contacts with Police, Fire Marshal or other Village Code Enforcement official for nuisance activities has received more than the level of general and adequate service and has placed an undue and inappropriate burden on the taxpayers of the village, Village Officials and Door County law enforcement personnel. The Village Board therefore directs its Officers, as provided in this section, to charge the owners of such premises the costs associated with abating the violations at premises at which nuisance activities chronically occur.

B. DEFINITIONS. For the purposes of this section:

(1) "Officer" means any law enforcement officer, Fire Marshal, or other Code Enforcement Official duly authorized and assigned to enforce the laws of the State of Wisconsin and the ordinances of the Village of Forestville or its designee.

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(2) "Enforcement Action" means arrest, the issuance of a citation, or the issuance of a verbal or written warning.

(3) "Nuisance activity" means any of the following activities, behaviors or conduct whenever engaged in by premises owners, operators, occupants or persons associated with a premise:

- (a) An act of harassment as defined in s. 947.013, Wis Stats.
- (b) Disorderly conduct as defined in s. 947.01, Wis. Stats.
- (c) Battery, substantial battery or aggravated battery as defined in s. 940.19, Wis. Stats.
- (d) Lewd & Lascivious Behavior as defined in 944.20, Wis. Stats.
- (e) Indecent exposure as defined in s. 944.20(1)(b), Wis. Stats.
- (f) Keeping a place of prostitution as defined in s. 944.34, Wis. Stats.
- (g) Prostitution as defined in s. 944.30, Wis. Stats.
- (h) Theft as defined in s. 943.20, Wis. Stats.
- (i) Receiving Stolen Property, as defined in s.943.34, Wis. Stats.
- (j) Arson as defined in s. 943.02, Wis. Stats.
- (k) Any violation of Uniform Controlled Substances Act, SS 961, Wis. Stats, Any violation of Pharmacy Examining Board (prescription drugs) SS 450, Wis. Stats.
- (l) Gambling as defined in s. 945.02, Wis. Stats.
- (m) Trespass to land as defined in s. 943.13, Wis. Stats. or criminal trespass to dwelling as defined in s. 943.14, Wis. Stats.
- (n) Discharge of a firearm as defined in ch. 309-2, Forestville Municipal Code.
- (o) The production or creation of loud and unnecessary noise as defined in ch. 309-5 and ch. 309-7 Forestville Municipal Code.
- (p) Misuse of emergency telephone numbers as defined in s. 146.70, Wis. Stats.and ch. 309-5 of Forestville Municipal Code.
- (q) Any repeated violations of COM 7, explosives, 10 flammable liquid, 14 fire prevention, NFPA 14, and Forestville Code of Ordinance Chapter 287., Chapter 309, Chapter 335 and Chapter 354 and State Statute # 9, COM 60, 66 Commercial Building Code and COM 20, 25 uniform dwelling code
- (r) Any conspiracy to commit, as defined in s. 939.31, Wis. Stats., or attempt to commit, as defined in s. 939.32, Wis. Stats., any of the activities, behaviors or conduct enumerated in subs. (a) to (q) above.
- (s) Resisting or Obstructing an Officer as defined ch.309-6, Forestville Municipal Code.
- (t) Any violation of Alcohol Offenses as defined in SS 125 Wis. Stats. Or ch.287-4, Forestville Municipal Code

- (u) Any Violation of Abandoned, Unlicensed and Junked M/V as defined in ch.287-7, Forestville Municipal Code
- (v) Any Violation of Disorderly Conduct w/ Motor Vehicle as defined in chapter ch.287-7 and ch.309-7, Forestville Municipal Code.
- (w) Any Violation of Peace and Safety as defined in all of ch.287-5, as defined Forestville Municipal Code.
- (x) Any other violations pertaining to Public Nuisance Affecting Health of ch.287-3, Forestville Municipal Code
- (y) Any Violation of Keeping of Nuisance Animal as defined ch.287-6, Forestville Municipal Code
- (z) Any Violation of Collection of Solid Waste as defined ch.335-4 and ch.335-8, Forestville Municipal Code.
- (aa) Any Violations Against Life and Bodily Security as defined SS. 940, WI State Statute
- (bb) Any Violations against Public Health and Safety as defined SS. 941, WI State Statute

(4) "Owner" means the owner of the premises and his or her agents.

(5) "Premises" means an individual dwelling, unit or multi-family or an individual business premises and associated common areas.

(6) "Person associated with" means any person, who, whenever engaged in a nuisance activity, enters, patronizes, visits or attempts to enter, patronize or visit, or waits to enter, patronize or visit, a premises or person present on a premises, including any officer, director, customer, agent, employee or independent contractor of a premises owner.

NOTICE: Whenever the "officer" determines that three or more nuisance activities resulting in contacts with the Village have occurred at a premise on separate days during a 12-month period, the "officer" shall notify the premises owner in writing. In reaching this determination, the "officer" shall not count nuisance activities reported by the owner of the premises when doing so to with the intent to stop the nuisance and in doing so shows a good faith effort to work with the Village. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner. This notice shall be deemed to be properly delivered if sent either by First Class Mail to the premises owner's last known address or if delivered in person to the premises owner. If the premises owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's usual place of abode in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing there and who shall be informed of the contents of the notice.



D. ABATEMENT PLAN (only for issues that are not an immediate danger to public health/safety). Any owner receiving notice pursuant noticed above shall meet with the “officer” or his/her designee, within 5 days of receipt of such notice. The parties shall review the problems occurring at the property. Within 10 days of this meeting, the owner shall submit to the responsible Village official or his/her designee, an abatement plan to end the nuisance activity in the property. The plan shall specify a name, address and telephone number of a person living within 20 miles of the property in the event of further police action or inspection.

E. ADDITIONAL NUISANCE ACTIVITY. Whenever the “officer” determines that additional nuisance activity has occurred at a premises for which notice has been issued pursuant to this ordinance that this nuisance activity has occurred not less than 15 days after notice has been issued, and that reasonable efforts have not been made to abate the nuisance activity, the “officer” may calculate the cost of police, fire or other Village response costs and enforcement costs for this and any subsequent nuisance activities and cause such charges and administrative costs to be assessed and collected as a special charge. Rates shall be determined as based in current Village Ordinance (Chapter 5) or for non-fire department rates; such prices approved by the Village of Forestville Board of Trustees.

F. MORE RESTRICTIVE PROVISION SHALL PREVAIL. In any conflict between this ordinance and any other law, statute, regulation, code or ordinance, the more restrictive provision shall prevail.

G. FIRST OFFENSE. Any person who shall violate any provision of this chapter or any regulation, rule, or order made hereunder shall forfeit not less than \$250 nor more than \$1,000. Such fine shall be in addition to the individual fines issued per occurrence for each violation that contributes to the nuisance designation.

H. SUBSEQUENT OFFENSES. Any person who shall violate any provision of this chapter or any regulation, rule, or order made hereunder within 12 months after committing a previous violation of this chapter shall forfeit not less than \$500 nor more than \$2,500. Such fine shall be in addition to the individual fines issued per occurrence for each violation that contributes to the nuisance designation.

BE IT RESOLVED, that Notification of Chronic Nuisance Premises Ordinance for the above mentioned village is hereby adopted to take effect this 2<sup>nd</sup> day of December, 2013.

Moved by: Lora Jorgensen

Second by: Don Londo,

that the foregoing resolution be adopted. Ayes\_\_5\_\_ Nays\_\_0\_\_ Motion carried.

Dated this 2<sup>nd</sup> day of December, 2013.

Terry McNulty (Village President )

Attest:

Mary Ann Salmon (Village Clerk)