

## CHAPTER 9

### PUBLIC PEACE AND GOOD ORDER

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9.29.288 to 9.951.16 **OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE**. The following statutes following the prefix "9" defining offenses against the peace and good order of the State are adopted by reference to Village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under §25.04 of this Municipal Code:

9.29.288	Throwing Refuse in Waters/Abandoning Vehicles in Waters
9.50.58	Careless Smoking
9.118.15	Contributing to Truancy By Parent(s)
9.118.16	Habitual Truant
9.118.163	Child Truant
9.134.71(1)	Violations by Secondhand Dealers
9.144.42(6)	Pollution by Motor Vehicle/Tampering with Pollution Control System
9.175.25	Illegal Storage of Junked Vehicles
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9.254.(1-4)	Illegal Possession of Tobacco Products
9.939.05	Parties to Crime
9.939.22	Words and Phrases Defined
9.939.32	Attempt
9.940.19(1)	Battery
9.941.01	Negligent Operation of Vehicle (Off Roadway)
9.941.10	Negligent Handling of Burning Material
9.941.12(2),(3)	Interfering with Fire Fighting
9.941.13	False Alarms
9.941.20(1)	Reckless Use of Weapons
9.941.22	Person Selling, Giving, etc. Pistol to Minor
9.941.23	Carrying Concealed Weapon
9.941.24	Possession of Switchblade Knife
9.943.01(1)	Criminal Damage to Property (Less than \$1,000)
9.943.07(1),(2), (3)	Criminal Damage to Railroad
9.943.07(4)	Intentionally Depositing Debris on Railroad
9.943.11	Entry Into Locked Vehicle
9.943.125	Entry Into Locked Coin Box
9.943.13	Trespass to Land
9.943.14	Criminal Trespass to Dwelling
9.943.20	Theft (\$500 or Less)
9.943.21	Fraud on Hotel or Restaurant Keeper (\$500 or Less)
9.943.22	Use of Cheating Tokens
9.943.23(2)	Operate Auto Without Owner's Consent
9.943.24	Issue of Worthless Checks (Less than \$500)
9.943.34(1)	Receiving Stolen Property, Value Less than \$500
9.943.35	Receiving Property from Children
9.943.37	Alteration of Property Identification Marks
9.943.41(2),(3), (a-d) Or (4)(b)	Credit Card Crimes, Value Less Than \$500
9.943.50	Retail Theft (Shoplifting)
9.944.15	Fornication
9.944.17	Sexual Gratification
9.944.20	Lewd and Lascivious Behavior

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9.944.30	Prostitution
9.944.31	Patronizing Prostitutes
9.944.33(1)	Pandering
9.944.36	B-Girl Solicitations Prohibited
9.945.01	Definitions Relating to Gambling
9.945.02	Gambling
9.945.04	Permitting Premises to be Used for Commercial Gambling
9.946.06	Improper Use of Flag
9.946.32	False Swearing
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.42(1)	Escape
9.946.69	Falsely Assuming to Act as a Public Officer
9.946.70	Impersonating Peace Officer
9.946.72(2)	Tampering with Public Records and Notices
9.947.01	Disorderly Conduct
9.947.012	Unlawful Use of Telephone
9.947.0125	Harassment
9.947.047	Littering Shores
9.947.06	Unlawful Assemblies
9.948.51	Hazing
9.951.01-9.951.16	Crimes Against Animals

9.02 **FIREARMS.**

(1) DISCHARGE. (Am 6/14/10) No person except an authorized police officer shall discharge any firearm within the Village limits. No person shall have in their possession any firearms unless it conforms to Wis Stats. §941.23 in its entirety. The Board may however, issue permits to an organized gun club to engage in target practice within the Village limits; with times and places as designated by the Police Chief. For the purpose of definition; a firearm shall constitute any center ring fire or black powder gun, as well as any pump or CO<sup>2</sup> propelled, pellet, paint or BB guns. This definition shall also include all single, compound bows, as well as cross bows, except as used in any formal educational setting and/or curriculum, or provided by an agency of the State or formal Group, but then only as authorized by the Police Chief.

(2) FIREARMS RESTRICTED IN VILLAGE BUILDINGS.(Created 10/10/11)

(a) Definitions.

1. *Firearms* means a weapon that acts by force of gunpowder.
2. *Law Enforcement* means any person employed by the State of Wisconsin or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrest for violations of the laws or ordinances he or she is employed to enforce.
3. *Weapon* means a handgun, an electronic weapon as defined in Wis. Stats. §941.24, or a billy club.

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(b) In addition to the provisions of Wis. Stats. §175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer to enter the following village buildings while carrying a weapon or a firearm:

1. Valders Village Office
2. Valders Village Shop
3. Valders Memorial Community Center
4. Valders Memorial Park Shelters (4)
5. Valders Melody Lane Mini Park Shelter
6. Valders Public Utility Wastewater Treatment Plant
7. Valders Public Utility Well Houses

(c) It shall be prohibited for any Village employee to carry an open and/or concealed weapon while in the course of their employment, other than law enforcement officers.

(d) Signs meeting the requirements of Wis. Stats. §943.13(2)(bm)1 shall be posted in prominent places near all entrances of such buildings regarding such restrictions.

(e) Any person who enters or remains in any aforementioned village building contrary to such signage, shall be considered a trespasser subject to penalty as defined in §9.943.14 of this code chapter.

9.03 **THROWING OR SHOOTING MISSILES AND PROJECTILES.** 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 person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

9.04 **SALE AND DISCHARGE OF FIREWORKS RESTRICTED.** Section 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby is adopted by reference and made a part of this chapter as though set forth in full.

9.05 **OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.** No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress to or egress from any place of business or amusement or any church, public hall or meeting place.

9.06 **LOUD AND UNNECESSARY NOISE PROHIBITED.**

(1) No person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley, or park or any private residence, except as provided for in this Section and Section 9.06(A) or (B).

(2) No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the designated land use categories listed below. The source shall be measured from a point on the lot line at a point along a straight line from the point where the noise complaint originates.

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<u>Land Use Category</u>	<u>Maximum Allowable Sound Level Limit</u>
R1, R2, & R3	55 dBA
Business or Industrial	80 dBA
All Other Zones	75 dBA

(3) EXCEPTIONS. The provisions of this Section shall not apply to:

(a) Necessary Public Business. Any vehicle of the Village while engaged in necessary public business.

(b) Excavations. 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) Public Address. The reasonable use of amplifiers or loudspeakers in the course of public address which are noncommercial in nature.

(4) CONSTRUCTION NOISE. Construction equipment in any zone may be operated between the hours of 6:00 a.m. and 9:00 p.m, excluding business manufacturing, provided that said equipment does not exceed a maximum sound level of 80dBA measured at the property line of the location at which said equipment is in use. The Board may grant an exemption to individuals or business proving evidence of substantial hardship. When reasonable, technological attempts have been made to correct the problem, it should be considered grounds for granting an exemption to that section for existing businesses.

(5) OPERATION OF CERTAIN EQUIPMENT. Lawnmowers, chainsaws, powered garden equipment, electric insect killing/repelling devices, and other non construction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m., unless within the specified noise levels measured at the property line of the location at which said equipment is in use.

(6) METHODS OF MEASURING NOISE.

(a) Equipment. Noise measurement shall be made with a sound level meter.

(b) Location of Noise Meter. Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three (3) feet above the ground and at least three (3) feet away from wall, barriers, obstructions, and all other sound reflective surfaces.

(7) APPEALS. The Village Board may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this ordinance for existing industries.

(8) PERMITS FOR AMPLIFYING DEVICES.

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(a) Permit Required. The use of loudspeakers or amplifying devices on the streets or in the parks of the Village of Valders is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit. Cost of the permit to be \$25.00 with the fee to be waived for nonprofit organizations.

(b) Grounds or Reason for Denial or Allowance. Police shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.

(c) Time Restrictions. Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 12:00 a.m. No permit shall be granted to anyone who, in the opinion of the Village Board or Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

### 9.06(A) LIGHT MOTOR VEHICLE NOISE CONTROL.

(1) SCOPE. This ordinance shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the Village of Valders.

(2) DEFINITIONS. The following words and terms, whenever they occur in this ordinance shall be interpreted as herein defined:

(a) Terminology: All terminology used in this ordinance, not defined below, shall be in conformance with applicable publications of the American National Standards Institute.

(b) A-Weighted Sound Level: This means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated db(A) or dBA.

(c) Noise Level: This shall refer to the A-weighted sound level produced by a light motor vehicle.

(d) Sound Level Meter: This means an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in (ANSI) S1.4-1971 or its successor.

(e) Sound Pressure Level: This means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is expressed in decibels.

(f) Noise: This means any sound which annoys or disturbs humans of which causes or tends to cause an adverse psychological or physiological effect on humans.

(g) Light Motor Vehicle: A light motor vehicle shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter, or light truck with gross vehicular weight of less than 8,000 pounds.

(h) Modified Exhaust System: It is an exhaust system in which:

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1. The original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or
2. The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the ordinal devices, or
3. Devices have been added to the original noise abatement devices, such that noise levels are increased.

(3) **EXCESSIVE NOISE.** It shall be unlawful for any person to operate a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal, or as the result of the operation of audio devices.

(4) **80DBA NOISE LIMIT.** It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80DBA at any location within the corporate limits of Valders. Measurement can be made at any distance greater than or equal to fifteen feet from the closest approach to the vehicle at any suitable site.

(5) **STATIONARY TEST.** At the request of the operator of the light motor vehicle, the Officer can administer a stationary motor vehicle noise test. If the Officer cannot administer the test at the time of the request, he will notify the operator when and where the operator may have his vehicle tested. The stationary motor vehicle noise test can provide information as to the extent of the defectiveness of the exhaust system or as to whether excessive noise levels were caused by improper operation of the light motor vehicle.

### 9.06(B) **COMPRESSION BRAKE USE PROHIBITED.**

(1) **PROHIBITION.** No person shall use motor vehicle brakes within the Village of Valders limits which are in any way activated or operated by the compression of the engine of any motor vehicle or any unit or part thereof.

(2) **EXCEPTION.** It shall be affirmative defense to prosecution under this subsection that said compression brakes were necessary for the protection of persons and/or property, in an emergency situation. An emergency situation is defined as an immediate situation that has an immediate need for an abrupt and/or sudden stopping of the vehicle.

### 1.07 **LOITERING.**

(1) **LOITERING OR PROWLING PROHIBITED, GENERALLY.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under any 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 an officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, an officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.

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No person shall be convicted of an offense under this subsection if the officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true, and if believed by the officer at the time, would have dispelled the alarm.

(2) **OBSTRUCTION OF TRAFFIC BY LOITERING.** No person shall loaf or loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the Village in such manner as to prevent, interfere with or obstruct the ordinary free use of such public street, alley, sidewalk, street crossing or bridge or any other public place by person(s) passing along and over the same.

(3) **LOITERING AFTER BEING REQUESTED TO MOVE.**

(a) In Groups or Crowds. No person shall loaf or loiter in a group or a crowd upon the public street or sidewalks or in adjacent doorways or entrances, on street crossings or bridges or in an other public place or on any private premises without invitation from the owner or occupant, after being requested to move by an officer or by any person in authority at such places.

(b) In Places of Public Assembly or Use. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by any officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or the area thereof.

(c) Obstructing Highways. No person shall obstruct any street, bridge, or crossing by lounging or loitering in or upon the same after being requested to move by any officer.

9.08 **ANIMALS AND FOWL NOT TO RUN AT LARGE.** No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the Village.

9.09 **RESERVED.**

9.10 **LITTERING PROHIBITED.** No person shall throw any glass, refuse, waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village, upon any private property or upon the surface of any body of water within the Village.

9.11 **OBEDIENCE TO OFFICERS.** No person shall resist or interfere with any officer of the Village while such officer is acting in his official capacity and with lawful authority nor shall any person refuse to assist an officer in carrying out his duties when so requested by the officer.

9.12 **RESERVED.**

9.13 **RESERVED.**

9.14 **BURNING WITHIN VILLAGE LIMITS.**(Section 1 & 3 Am. 9/5/06)

(1) **GRASS/BRUSH FIRES PROHIBITED.** Open burning of leaves, weeds, brush, stumps and other vegetative debris is not permitted within the Village limits.

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(2) **BONFIRES REGULATED.** No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or public building or private grounds within the Village within 25' of any building or within any fire lane unless express approval from Fire Chief has been granted.

(3) **REFUSE BURNING PROHIBITED.** Refuse burning is not permitted within the Village limits. "Refuse" is defined as any waste material except clean (natural) wood.

(4) **FIRE PITS REGULATED.** Fire pits on public or private property are permitted provided they are a minimum of 25' from any building or structure and attended at all times. All fire pits must be designed to be contained in a specific area not to exceed 4' in diameter or equal to 4' square. Only clean wood products will be permitted to be burned in fire pits. At no time shall flames be allowed to exceed 4' in height.

(5) **AUTHORITY OVER BURNING.** The Fire Chief and or Police Chief have full authority to request the extinguishment of any open fire if in their opinion, conditions warrant for safety or nuisance reasons.

### 9.15 **PUBLIC CONSUMPTION OF LIQUOR & FERMENTED MALT BEVERAGES.**

No person shall drink or consume liquor or fermented malt beverages, or have in his possession open containers of liquor or fermented malt beverages on any public sidewalk, street, alley, or parking lot, within the Village limits. No person shall be permitted to drink liquor or fermented malt beverages in parked vehicles, on any public sidewalk, street, alley, or parking lot within the Village limits.

9.16 **PARKS AND RECREATION AREAS REGULATED.** The following regulations shall apply to all parks and recreational area within the Village limits:

#### (1) **USE OF BUILDINGS.**

(a) **Community Center.** The Valders Memorial Park Community Shelter is for use by community non-profit organizations and senior groups free of charge. The building may be reserved for private parties for a fee. Reservations may be made thru the Village/Clerk Treasurer at the Village Office.

(b) **Park Shelters.** Shelters located in the Village Parks may be used on a first come first serve basis free of charge.

(2) **HOURS OF OPERATION.** All public parks or recreational areas maintained by the Village shall be closed to the public each day from 11:00 p.m. to 6:00 a.m. Special events sponsored by nonprofit organizations which hold a temporary Class B Beer license for an event shall be allowed to serve malt beverages until 12:00 a.m., and must vacate the park grounds by 1:00 a.m.

(3) **PARKING.** It shall be unlawful for any person to leave unattended for more than twenty-four hours any automobile, truck, trailer, bus, motorcycle, boat, camper, mobile home, or other similar equipment in any Village park or recreational area without first obtaining permission from the Chief of Police. Any vehicle or water craft in violation of this subsection of this ordinance may be towed from the park and stored at the owner's expense.

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(4) FIRES. It shall be unlawful for any person to start, tend, or maintain any fire, or to burn any refuse, in any Village park or recreational area, except fires for cooking which may be made in grills at designated picnic areas.

(5) ANIMALS. It shall be unlawful for any person to allow pets in any Village park or recreational area.

(6) CAMPING. It shall be unlawful for any person to camp in any Village park or recreational area, unless permission is granted by the Chief of Police at a designated area. and time period.

19.17 **POSSESSION OF ILLEGAL DRUGS/PARAPHERNALIA**.(Created 9/1/07)

(1) POSSESSION OF TETRAHYDROCANNABINOLS.

(a) No person may possess or attempt to possess tetrahydrocannabinols, commonly know as 'THC' in any form, including but not limited to tetrahydrocannabinols that are contained in marijuana, obtained from marijuana, or chemically synthesized, or any controlled substance analog of tetrahydrocannabinols, unless the person obtains the substance or the analog directly from, or pursuant to a valid prescription of order of, a practitioner who is acting in the course of his or her professional practice, or unless the person is otherwise authorized by state statute to possess the substance or the analog.

(b) This ordinance applies only to persons who do not have a previous conviction for possession of tetrahydrocannabinols or for any other drug related offence, and only if the quantity of tetrahydrocannabinols is less than 8 grams at the time that it is weighed by law enforcement.

(c) All provisions of Wisconsin Statutes Sections 961.41(3g), 961.50, and 938.344.(2e), as revised or amended from time to time, are hereby incorporated by reference.

(d) A person who violates this ordinance is subject to a forfeiture of not less than \$50 nor more than \$1,000, and shall have their operating privileges suspended for not less than six (6) months nor more than five (5) years.

(e) A positive result for the presence of cannabinoids, using the police department's approved field test, shall be prima facie evidence of possession in this ordinance.

(2) POSSESSION OF DRUG PARAPHERNALIA.

(a) "Drug paraphernalia" as used in this ordinance is defined as stated in Wisconsin Statutes Section 961.571, as revised or amended from time to time.

(b) 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 introduce into the human body, a controlled substance or controlled substance analog in violation of Wisconsin Statutes Chapter 961.

(c) This ordinance applies only to persons who do not have a previous conviction for possession of drug paraphernalia or any other drug related offense.

(d) All provisions of Wisconsin Statutes Sections 961.573(1) and (2), 961.50 and 938.344(2e), as revised or amended from time to time, are hereby incorporated by reference.

(e) A person who violates any provision of this ordinance is subject to a forfeiture of not less than \$50 nor more than \$500, and shall have their operating privileges suspended for not less than six (6) months nor more than five (5) years.

9.18 **SOCIAL HOSTS**. (Created 12/2/08)

(1) **PURPOSE.** To discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol.

(2) **DEFINITIONS.**

(a) **Alcohol.** “Alcohol “means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

(b) **Alcoholic Beverage.** “Alcoholic Beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

(c) **Event or Gathering.** “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

(d) **Host or Allow.** “Host” or “allow” means to aid, conduct, entertain, organize, supervise, control, or permit a gathering or event.

(e) **Parent.** “Parent” means any person having legal custody of a juvenile:

1. As natural, adoptive parent, or step-parent;
2. As a legal guardian;
3. As a person to whom legal custody has been given by order of the court.

(f) **Residence, Premises or Public or Private Property.** “Residence”, “premises”, or “public or private property” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

(g) **Underage Person.** “Underage person” is any individual under twenty-one (21) years of age.

(h) Present. "Present" means being at hand or in attendance.

(i) In Control. "In Control" means the power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.

(3) PROHIBITED ACTS.

(a) It is unlawful for any person(s) to : host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will or does (i) consume any alcohol or alcoholic beverage; or (ii) possess any alcohol or alcoholic beverage with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(b) A person is criminally responsible for violating (a) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

(c) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

(4) EXCEPTIONS.

(a) This section does not apply to conduct solely between an underage person and his or her parents while the parent is present and in control of the under age person.

(b) This section does not apply to legally protected religious observances.

(c) This section does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(5) PENALTIES. A person who violates any provision of this ordinance is subject to a forfeiture of not less than \$500 nor more than \$5000, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the forfeiture and costs are paid.

9.19 **HARASSMENT**. (Created 6/14/10.) No person shall intentionally harass or intimidate another person.

(1) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.

(2) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

(3) Initiates harassing or obscene telephone calls.

(4) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent.

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(5) Makes a telephone call, whether or not a conversation ensues, with the intent to abuse, threaten, or harass any person at the called number or numbers.

(6) Makes or causes the telephone of another repeatedly or continuously to ring, with the intent to harass any person at the called number or numbers.

(7) Makes repeated telephone calls, during which the conversation ensues, solely to harass any person at the called number or numbers.

(8) Knowingly permits any telephone under their control to be used for any purpose prohibited by this section.

(9) In conspiracy or concerted action with another person, makes repeated calls or simultaneously calls, solely to harass any other person at the called number or numbers.

(10) Unlawful use of computerized communication systems. In this section, "message" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature, or any transfer of a computer program, as defined in Wis Stats. §943.70(1)(c).

(11) With an intent to frighten, intimidate, threaten, abuse or harass another person, sends a message to the person on an electronic mail or other computerized communications system and in that message threaten to inflict injury or physical harm to any person or property of any person.

(12) With the intent to frighten, intimidate, threaten, abuse or harass another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that a person will receive the message and in that message threatens to inflict injury or physical harm to any person or property of any person.

(13) With the intent to frighten, intimidate, threaten, or abuse another person, sends a message to the person on an electronic mail or other computerized system and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(14) With the intent to frighten, intimidate, threaten, or abuse another person, sends a message to the person on an electronic mail or other computerized system with the reasonable expectation that the person will receive the message and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(15) With the intent to frighten, intimidate, threaten, or abuse another person, sends a message to the person on an electronic mail or other computerized system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(16) While intentionally preventing or attempting to prevent the disclosure of his or her identity and with the intent to frighten, intimidate, threaten or abuse another person, sends a message on electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.

(17) With the intent to harass, annoy or offend another person, sends a message to the person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(18) With the intent to solely harass another person, sends repeated messages to the person on an electronic mail or computerized communication system.

(19) Knowingly permits, participates, or directs another person, to send a message prohibited by this section from any computer terminal or other device that is used to send messages on an electronic mail or other computerized communication system and that is under his or her control.

**9.20 REGULATION OF SMOKING, TOBACCO, AND VAPOR PRODUCTS IN PUBLIC PLACES.** (Created 1/10/11).

(1) DEFINITIONS. In this section.

(a) Enclosed Place. A structure or area that has a roof and more than 2 substantial walls, as defined in Sec. 101.123(1)(ak) and 101.123(1)(id), Wis Stats.

(b) Person in charge. The person, or his or her agent, who ultimately controls, governs, or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this section.

(c) Places of employment. Any enclosed place that employees normally frequent during the course of employment.

(d) Public places. Any enclosed place that is open to the public, regardless of whether a fee is charged, or a place to which the public has lawful access or may be invited.

(e) Use of Tobacco or Vapor Product. (Am 5/13/19). Burning or holding, inhaling or exhaling smoke, chew, or suck otherwise consume a tobacco or vapor product.

1. *Tobacco product* means a product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, cigars, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the Tobacco Products Tax Act, and cigars. Tobacco product does not include a vapor product or a product regulated as a drug or device by the United States Food and Drug Administration.

2. *Vapor product* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

(2) SMOKING PROHIBITED IN ENCLOSED SPACE. The Village of Valders hereby adopts and incorporates by reference Sec. 101.123 Wis. Stats., as amended from time to time, prohibiting smoking in enclosed places that are places of employment or public places.

(3) EXEMPTIONS. The regulation of smoking and tobacco products in subsection (2) does not apply to private residences and certain residence rooms in assisted living facilities as provided in Sec. 101.123(3)(h), (i), and (j), Wis. Stats.

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(4) **RESPONSIBILITIES.** The person in charge shall have those responsibilities provided in Sec. 101.123(2m), Wis. Stats., and the following responsibilities:

(a) May designate an outside smoking area within a reasonable distance from any entrance to a restaurant, tavern, private club, or retail establishment.

(b) Refrain from providing matches, ashtrays, or other equipment for smoking at a location where smoking is prohibited.

(c) Post signs identifying non-smoking area.

(d) Refuse service to a person smoking in a non-smoking area.

(e) Ask a person who is smoking to refrain and, if the person refuses to do so, ask the person to leave.

(f) Notify an appropriate law enforcement agency if a person who is smoking refuses to leave.

(5) **EXEMPTIONS.** The regulation of smoking and tobacco products in subsection (3) does not apply to private residences and certain residence rooms in assisted living facilities.

(6) **CARELESS SMOKING PROHIBITED.** Any person who, by smoking or attempting to light or to smoke, cigars, cigarettes, pipes, tobacco, or any other product in any manner, through carelessness, recklessness or negligence sets fire to any building or the contents thereof so as to endanger life or property in any way or to any extent, shall be guilty of a violation of this section.

(7) **PENALTIES.**

(a) Individual smokers. A person violating section 9.20(2) or section 9.20(5) shall be liable for a forfeiture of \$100 to \$250, together with the costs of prosecution.

(b) Persons in charge. A person violating section 9.20(4) shall receive a warning notice for the first offense. Subsequent offenses shall be subject to a forfeiture of \$100 for each violation together with the costs of prosecution; however, no person in charge shall be required to forfeit more than \$100 in total for all violations occurring on a single day.

(8) **INJUNCTION.** State or local officials or affected party may institute an action in any court of competent jurisdiction to enjoin repeated violations of this section as provided in Sec. 101.123(9), Wis. Stats.

9.21-9.24 **RESERVED.**

9.25 **PENALTIES.** Any person who shall violate any provision of this chapter, except as otherwise defined shall be subject to penalty as provide in §25.04 of this Municipal Code. In addition to any penalty imposed for violation of §9.943.01(1), 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 parent of any unemancipated minor child who violates §9.943.01(1), may also be held liable for the cost of repairing such damaged or destroyed property in accordance with §895.035, Wis. Stats.