

## **Chapter 400. Public Peace and Order.**

### **Subchapter 401. Public Peace, Order, and Other Interests**

- 401.1. PURPOSE. The purpose is to promote peace and harmony, and maintain the tranquility of the town of Presque Isle.
- 401.2. AUTHORITY. The Town of Presque Isle has the authority to create this ordinance pursuant to s. 60.10 and 167.10(5), Wis. Stats.
- 401.3. LOCAL ORDINANCE.
- (1). General Provision: CH 941 and 947 are adopted in their entirety, with respect to public health and safety, public peace, public order, and other interests.
  - (2). Ordinance described by reference of state statutes.
    - (a). Chapter 941
      - (i). CRIMES AGAINST PUBLIC HEALTH AND SAFETY
        - 941.01 Negligent operation of vehicle.
        - 941.10 Negligent handling of burning material.
        - 941.11 Unsafe burning of buildings.
        - 941.12 Interfering with fire fighting.
        - 941.13 False alarms.
        - 941.20 Endangering safety by use of dangerous weapon.
        - 941.21 Disarming a peace officer.
        - 941.23 Carrying a concealed weapon.
        - 941.235 Carrying firearm in public building.
        - 941.24 Possession of switchblade knife.
        - 941.25 Manufacturer to register machine guns.
        - 941.26 Machine guns and other weapons; use in certain cases.
        - 941.27 Machine guns.
        - 941.28 Possession of short-barreled shotgun or short barreled rifle.
        - 941.29 Possession of a firearm.
        - 941.295 Possession of electric weapon.
        - 941.30 Recklessly endangering safety.
        - 941.31 Possession of explosives.
        - 941.32 Administering dangerous or stupefying drug.
        - 941.325 Placing foreign objects in edibles.
        - 941.327 Tampering with household products.
        - 941.34 Fluoroscopic shoe-fitting machines
        - 941.35 Emergency telephone calls
        - 941.36 Fraudulent tapping of electric wires or gas or water meters or pipes.
        - 941.37 Obstructing emergency or rescue personnel.
        - 943.13 Trespass to lands
- (b). Chapter 947
  - (i). CRIMES AGAINST PUBLIC PEACE, ORDER AND OTHER INTERESTS
    - 947.01 Disorderly conduct.
    - 947.012 Unlawful use of telephone.
    - 947.013 Harassment.
    - 947.015 Bomb scares.
    - 947.02 Vagrancy.
    - 947.04 Drinking in common carriers.
    - 947.06 Unlawful assemblies and their suppression
- (3). Any future amendments, modifications, revisions, additions, or deletions of the above statutory chapters shall be incorporated herein and made part of this ordinance.
- 401.4. ADDITIONAL PROVISIONS
- (1). No person shall ride any bicycle or motorcycle, or drive any automobile, wagon, snowmobile, ATV, or other vehicle of any kind over a fire hose which may be in use by the fire department in any street or public highway in the town. No person shall trample on such hose or cause or permit any horse or other beast of burden, which may be in his or her charge, to trample on such hose when in use by the fire department.
  - (2). No person shall knowingly turn in or otherwise give a false alarm of fire or interfere with any of the poles, wires, alarm boxes, keys to alarm boxes or other apparatus appertaining to the fire alarm system, or make or cause to be made any key to any alarm box or other part of such system, or mutilate or destroy any notice affixed to any part of the same.
  - (3). Every person who may be present at a fire shall be subject to the orders of the chief or other officer in command, and it shall be the duty of every such person to render such assistance as may be ordered by the officer in charge. Any person refusing to obey any such order, after the official status of the officer is made known to him, shall be punished as prescribed in this ordinance.
  - (4). No person shall bathe in any public place within the town, without being suitably clothed and no person shall publicly expose his or her person in an obscene or indecent manner.
  - (5). No person of either sex shall improperly accost, insult, follow, pursue, lay hands on, or otherwise molest any person, heretofore to him or her unacquainted, within the limits of the town.
  - (6). No person shall give, produce or exhibit any show, exhibition, amusement or entertainment which is immoral or indecent.

- (7). Disorderly conduct:
- (a). No person shall, in a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.
  - (b). No person shall discharge a firearm from sunset to sunrise within the township.
- (8). Unlawful use of telephone: No person shall do any of the following:
- (a). With intent to frighten, intimidate, threaten, abuse or harass, make a telephone call and threaten to inflict injury or personal harm to any person or the property of any person.
  - (b). With intent to frighten, intimidate, threaten, abuse, harass or offend, telephone another and use any obscene, lewd or profane language or suggest any lewd or lascivious act.
  - (c). Make or cause the telephone of another repeatedly to ring, with intent to harass any person at the called number.
  - (d). Make repeated phone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.
  - (e). Make a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse, threaten, or harass any person at the called number.
  - (f). Knowingly permit any telephone under his or her control to be used for any purpose prohibited by this section.
- (9). No person shall make any unnecessary and annoying noise. No person shall, through the means of sound amplifiers or other instruments, make or emit loud or raucous noises in the public streets, public parks, lakes or other public places.
- (10). No person shall prowl about the premises of another's premises, or do any other act intended or naturally tending to frighten or alarm other persons.
- (11). No person shall remain on any school grounds in the town when requested to move by the principal of the school or his/her authorized representative or any police officer.
- (12). No person shall remain in a group or crowd upon the public streets, sidewalks, or adjacent doorways or entrances, street crossings or bridges or any other public place, under circumstances in which such conduct tends to cause or provoke a disturbance, after being requested to move by any police officer.
- (13). No person shall climb, lie or sit upon the motor vehicle of another person without permission from the owner or person in charge of such vehicle, while such vehicle is parked or standing upon the public streets, public parking lots or other public areas of the town.
- (14). No person or vehicle shall enter or remain in any cemetery from one-half hour after sunset until one-half hour before sunrise unless authorized by the Town Board. This provision shall not apply to the duly elected or appointed officers or agents of the association that operate the cemetery or law enforcement personnel. Persons violating this chapter are subject to the penalties provided.
- (15). No person may intentionally cause damage in the amount of five hundred dollars (\$500) or less to any physical property of another without the owner's consent.
- (16). Trespassing.
- (a). No person may intentionally enter or remain upon any real property without the consent of the owner or the person in lawful possession of the property as per s. 943.13.
  - (b). No person may intentionally enter or remain within the dwelling or structure of another without the consent of the owner or possessor of the dwelling or structure.
- (17). No person shall have in his possession at any time, whether concealed or visible, any switchblade knife or other knife, the blade of which opens automatically by pressure or the touching of a button, or other device rather than manually. No person shall possess, whether concealed or visible, any karate stick, karate club, or similar instrument consisting of two straight bars, each less than twenty-five inches in length, jointed together by leather, cloth, metal hinge or any other type of flexible joint.
- (18). No person shall cause, allow or permit any person in the Town of Presque Isle to maintain on land owned by that person the following:
- (a). open cisterns.
  - (b). open holding tanks.
    - (i). All exposed inspection or maintenance openings for septic and holding tanks must be secured with a proper cover and locking device.
    - (ii). Only a licensed septic hauler may remove waste from septic or holding tanks and then haul such waste to a certified disposal area.
  - (c). open wells.
  - (d). open cesspools.
  - (e). unused uncovered basements unless protected by approved fencing or similar barrier.
  - (f). unenclosed excavations unless protected by approved fencing or similar barrier.
  - (g). Unsightly conditions such as but not limited to:
    - (i). appliances.
    - (ii). Construction material.
    - (iii). Partially dismantled or dismantled vehicles.
    - (iv). Garbage or refuse of any type.
    - (v). Brush piles in public view.
  - (h). No land owner shall allow any building or

structure on such land to become dilapidated or deteriorated to such an extent as to produce blight and offend the aesthetic character of the neighborhood. No unnatural act or act of God shall negate the land owner's responsibility to comply with this ordinance. Any town officer may issue a written notice respecting the existence of such defect. Such written notice, shall be served on the owner of such building and shall direct the owner of such building to promptly remedy the defect within 30 days. If owner fails to remedy or improve the defect in accordance with the written notice the landowner shall be issued a citation. The owner shall be fined in accordance with the penalties of this section; each day thereafter that the landowner remains in violation of this ordinance constitutes a separate violation and penalty.

- (i). No person shall cause, allow or permit any person the in the Town of Presque Isle to maintain outside any habituated building or structure or inside any uninhabited building or structure in a location accessible to small children, any abandoned, any unattended or discarded ice box, refrigerator, deep freezer or other container or equipment which has an air tight door or lid which may not be released from the inside without removing the door or lid or removing the lock from such container or equipment unless the person securely locks or fastens the door to prevent access by small children. Any town official, responding to a complaint of this kind, being unable to locate the owner, may take measures to disable the above items in such a manner as to render them safe.
- (j). Having being issued a citation and adjudicated guilty for the above violations, the property owner has 30 days to correct the violation after that period of time. The Town of Presque Isle is hereby authorized to take measures to correct the violation at the owner's expense. If the costs for the corrections of these violations, are not paid, the Town Board at its discretion, may place these costs on the tax rolls of the property in question.

(19). Fireworks.

- (a). No person may possess, use or sell fireworks, except those listed below.
  - (i). A cap containing not more than 1/4 gram of explosive mixture, if the cap is used and discharged in a device which prevents direct body contact with the cap when it explodes.
  - (ii). A toy snake which contains no mercury.
  - (iii). A model rocket engine.
  - (iv). A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inches in diameter which does not contain

magnesium, chlorate, or perchlorate.

- (v). A device designed to spray out paper confetti or streamers and which contains less than 1/4 gram of explosive mixture.
  - (vi). A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight.
  - (vii). A device that emits smoke with no external flame and does not leave the ground.
  - (viii). A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inches designed to sit on the ground and emit only sparks and smoke.
  - (ix). A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.
- (b). The fire chief and/or his/her designee, Town Board member, or any bona fide law enforcement officer, may inspect any fire works stand or other business open to the public to determine if all fireworks products presented for sale are legal and take any appropriate enforcement action including confiscation of any items that are determined to be illegal. Such items will be held in evidence until disposition of any judicial proceedings or immediate disposal if items are determined to be hazardous to the community.
  - (c). Guidelines to determine the legality of fireworks will be determined by guidelines set forth by the Wisconsin Crime Laboratory.
- (20). No person shall cause, allow, or permit any person in the Town of Presque Isle to illegally dump material such as, but not limited to appliances, construction material, partially dismantled or dismantled vehicles, brush, or garbage or refuse of any type.
- (21). Firearms or Weapons Prohibited in Certain Municipal Buildings.
- (a). No person carrying a firearm or weapon as defined by state law shall enter any building owned, operated, or controlled by the Town of Presque Isle where the building is posted in accordance with state law by the Town Board or their designee that the person shall not enter or remain in the building while carrying a firearm.
  - (b). The prohibition under par. (a) does not apply to a current law enforcement officer.
- 401.5. PENALTIES. Forfeitures for violations are specified in Subchapter 117.4(1) of the Municipal Code.
- (1). Any person violating this section shall pay the recommended forfeiture for every offense for each day of the continuance of the violation, after being so notified by the town's representative. Each day thereafter shall constitute a separate violation of each

offense.

401.6. UNIFORM REGULATIONS. Any future amendments, modifications, revisions, additions or

deletions of the above noted statutory Chapters shall be incorporated herein and made part of this ordinance in order to secure uniform regulations of the State of Wisconsin.