

CHAPTER 3

PUBLIC SAFETY

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3.01 STATE STATUTES ADOPTED. The following provisions of the Wisconsin Statutes, including all future amendments, revisions and modifications thereto are hereby incorporated herein by reference and made of part of this Code of Ordinances and subject to the penalty provisions made and provided in Section _____ hereof:

- (1) Chapter 167, Wis. Stats. Safeguard of Persons and Property
- (2) Chapter 939, Wis. Stats. Crimes - General Provisions
- (3) Chapter 940, Wis. Stats. Crimes Against Life and Bodily Security
- (4) Chapter 941, Wis. Stats. Crimes Against Public Health and Safety
- (5) Chapter 942, Wis. Stats. Crimes Against Reputation and Civil Liberties
- (6) Chapter 943, Wis. Stats. Crimes Against Property
- (7) Chapter 944, Wis. Stats. Crimes Against Sexual Morality
- (8) Chapter 945, Wis. Stats. Gambling
- (9) Chapter 946, Wis. Stats. Crimes Against Government and Its Administration
- (10) Chapter 947, Wis. Stats. Crimes Against Public Peace, Order and Other Interests
- (11) Chapter 948, Wis. Stats. Crimes Against Children
- (12) Chapter 951, Wis. Stats. Crimes Against Animals
- (13) Chapter 968, Wis. Stats. Domestic Abuse
- (14) Chapter 938, Wis. Stats. Children's Code
- (15) Chapter 961, Wis. Stats. Uniformed Control Substances Act

3.02 DISORDERLY CONDUCT PROHIBITED. No person shall within the Town in any public or private place, 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 peace or order, including, but not limited to, causing, provoking or engaging in any fight, brawl, riot or other physical altercation.

3.03 CURFEW AND LOITERING.

- (1) Definitions. The following definitions shall apply herein:

- (a) “*Curfew Hours*” shall mean that time between 11:00 p.m. and 6:00 a.m. of the following day.
 - (b) “*Emergency*” shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
 - (c) “*Establishment*” means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
 - (d) “*Guardian*” shall mean any person who, under court order, is a guardian of a person or a minor; or, a public or private agency with whom a minor has been placed by a court.
 - (e) “*Loiter*” shall mean remaining idle or linger in one general location or defined area.
 - (f) “*Minor*” means any person under the age of eighteen (18) years of age.
 - (g) “*Operator*” means any individual, firm, association, partnership or corporation operating, managing or conducting any Establishment with the Town. The term includes the members or partners of an association or partnership and the officer of a corporation or a limited liability company.
 - (h) “*Parent*” means a person who is a natural parent, adoptive parent, or stepparent to another person; or, a person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care or custody of a minor.
 - (i) “*Premises*” shall mean the real property on which Establishment or Public Place is located.
 - (j) “*Public Place*” means any place to which the public, or a substantial group of the public, has access and includes, but it is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
 - (k) “*Remain*” means to linger or stay; or, the failure to leave a Premises when requested to do so by a law enforcement officer or the owner, operator or other person in control of the Premises.
- (2) Curfew Violation. No minor shall remain in or on the Premises of an Establishment or a Public Place within the Town during Curfew Hours except as provided in Section 3.03(3) hereof.
 - (3) Contributing to Curfew Violation. No parent or guardian of a minor shall knowingly permit, or by insufficient control, allow a minor to remain in any public place or on the premises of any establishment within the Village during curfew hours. No owner, operator or employee of an establishment shall knowingly allow a minor to remain upon the premises of the establishment during curfew hours.
 - (4) Curfew Exceptions. The following exceptions shall apply to the curfew regulations set forth herein:
 - (a) The minor is accompanied by the minor’s parent or guardian.

- (b) The minor is on an errand at the direction of the minor's parent or guardian and is in the process of carrying out that errand without detour or deviation.
 - (c) The minor is engaged in an employment activity or going to or returning from an employment activity during the curfew hours.
 - (d) The minor is involved in an emergency situation.
 - (e) The minor is attending an official school, religious or other recreational activity supervised by adults and sponsored by the county, or by any city, village or town, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or recreational activity supervised by adults and sponsored by the county, or by any city, village, town, civic organization or other similar entity that takes responsibility for the minor.
- (5) Daytime Curfew. No minor who is subject to compulsory school attendance shall be present in any place within the Town, except in attendance at such minor's school or residence, during regular school attendance hours on days when such minor's school is in session unless such minor:
- (a) Is attending a school related function at a premises other than the minor's school of record.
 - (b) Has a written excuse from school attendance from the minor's parent or guardian.
 - (c) The minor is in the presence of the minor's parent or guardian.
- (6) Loitering Prohibited. No person shall loiter on a public or private property that is specifically posted "*No Loitering*"; or upon any public street, alley, sidewalk, street crossing, bridge, or in any other public place within the Town in such a manner as to prevent, interfere with, or obstruct the ordinary free use of such place by persons passing along and over the same.
- (7) Prowling Prohibited. No person shall loiter, stalk or prowl in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself/herself, or manifestly endeavors to conceal himself/herself or any object.

3.04 CONTRIBUTING TO DELINQUENCY OF CHILD. No person shall knowingly encourage, entice, permit, solicit or assist a minor in or to the commission or attempted commission of any act or omission that is or would be a violation of the is Code of Ordinances or knowingly fail to take any action that would prevent a minor from the commission or attempted commission of any act that is or would be a violation of this Code of Ordinances.

3.05 WEAPONS AND FIREARMS REGULATIONS.

- (1) Definitions. For purposes of this Section, the following definitions are hereby

incorporated by reference and shall apply herein:

- (a) The definitions set forth in Section 175.60(1), Wis. Stats.
 - (b) The definitions set forth in Section 939.22, Wis. Stats.
 - (c) The definitions set forth in Sections 941.23(1), 941.24 and 941.295(1c), Wis. Stats.
 - (d) The definitions set forth in Section 943.13(1e), Wis. Stats.
- (2) Carrying Weapons. The following restrictions shall apply to the carrying of weapons or firearms within the Town.
- (a) The provisions of Sections 175.60, Wis. Stats., 941.23, Wis. Stats., and 943.13, Wis. Stats., are incorporated herein.
 - (b) No person, except authorized law enforcement personnel or a person licensed to carry a firearm or weapon under Sec. 175.60, Wis. Stats., who shall have such license on their person, shall have in their possession or under their control a firearm or weapon, as defined herein, unless such firearm or weapon is unloaded and knocked down or enclosed within a carrying case or other suitable container.
 - (c) In addition to the places identified in Sec. 175.60, Wis. Stats., where the carrying of a weapon is prohibited, including the exceptions thereto, no person, other than authorized law enforcement personnel may enter the following Village municipal buildings while carrying a weapon or firearm:
 - 1. Town Hall
 - 2. Such other public facilities or structures as shall, from time to time, be determined by the Town Board
 - (d) No person, other than authorized law enforcement personnel, shall carry a weapon upon the grounds of any Special Event, as defined in Section 943.13(1e)(h), Wis. Stats., being held upon any municipal grounds or property within the Town unless the carrying of weapons at such event is otherwise authorized and approved by the Town Board prior to such event.
- (3) Discharge of Weapons. No person may discharge a weapon or firearm within the Town unless:
- (a) The person discharging the firearm is justified in so doing or would have been subject to a defense described in Sec. 939.45, Wis. Stats., at the time of such discharge.
 - (b) The person is engaged in the act of hunting in an area designated for such activity at a time when such activity is authorized by law and the person is properly licensed and authorized to hunt at that time and location.
- (4) Signage. Signs in compliance with the provisions of Sec. 943.13(2)(bm)(1), Wis. Stats., shall be posted in prominent locations near the entrances of all building identified in sub. (4)(c) above and at the entrances to all Special Events identified in sub.(4)(d) above.
- (5) Penalties.
- (a) Persons violating the provisions of this Section shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00.
 - (b) Persons violating the provisions of Sec. 175.60(2g)(b) or (c), Wis. Stats., shall be subject to a forfeiture of not more than \$25.00, as provided

therein; however, that the person shall be exempt from the forfeiture hereunder if, within 48 hours of the issuance of the citation for said violation, the violator presents their Sec. 175.60, Wis. Stats., licensure documentation.

3.06

REGULATION OF FIREWORKS

- (1) Definitions. For purposes hereof, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- (a) Fuel or a lubricant.
 - (b) A firearm cartridge or shotgun shell.
 - (c) A flare used, possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 - (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (f) A toy snake which contains no mercury.
 - (g) A model rocket engine.
 - (h) Tobacco and a tobacco product.
 - (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
 - (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 - (k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
 - (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
- (2) Sale of Fireworks Regulated. No person may sell or possess with intent to sell fireworks, unless any of the following apply:
- (a) The person sells the fireworks, or possesses the fireworks with intent to sell them to a person holding a permit under sub. (3)(c) hereof.
 - (b) The person sells the fireworks, or possesses the fireworks with intent to sell them, to a city, village or town.
 - (c) The person sells the fireworks, or possesses the fireworks with the intent to sell them to a person who is not a resident of this state.

- (d) The person sells the fireworks, or possesses the fireworks with the intent to sell them for a purpose specified in sub. (3)(b) 2 through 6 hereof.
- (3) Use of Fireworks Regulated. No person may possess or use fireworks within the Town without a user's permit issued by the Town except as is specifically authorized under the provisions of Sections. 167.10(3), Wis. Stats. The burden of proving compliance with and authorization under Section 167.10(3), Wis. Stats., shall be the individual or entity claiming authorization or permission.
- (4) Penalty. Any individual or entity found in violation of this Section shall forfeit not more than \$1,000.00.

3.07 REGULATION OF NOISE.

(1) Definitions.

- (a) ANSI Definitions Adopted. All acoustical terminology shall be that contained in ANSI, S1.1, "Acoustical Terminology" is hereby adopted and incorporated herein by reference.
- (b) Additional Definitions.
 1. "ANSI" shall mean the "American National Standards Institute".
 2. "Daytime Hours" shall mean the time between 7:00 A.M. and 10 P.M.
 3. "Light Motor Vehicle" shall mean any automobile, van, motor-cycle, motor driven cycle, motor scooter, or light truck with a gross vehicular weight of less than eight thousand (8,000) pounds.
 4. "Nighttime Hours" shall mean the hours between 10:00 P.M. and 7:00 A.M.
 5. "Person" shall mean any person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.
 6. "Real Property Boundary" shall mean an imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(2) Limitations.

- (a) General Limitation. No person shall allow, permit or cause a noise level, as measured from a real property boundary, to exceed the following:

<u>Octave Band Frequency</u> <u>(Cylces per Second)</u>	<u>Sound</u> <u>(Decibels)</u>
0 to 75	79 dBa
76 to 150	67 dBa
151 to 300	59 dBa
301 to 600	52 dBa
601 to 1200	46 dBa
1201 to 2400	40 dBa
2401 to 4800	34 dBa
Above 4801	32 dBa

- (b) Light Motor Vehicle Limitation. No person shall cause noise levels from the operation of a light motor vehicle to exceed 80 dBA within the Town as measured from at least fifteen (15) feet from the vehicle.
 - (c) Electrical Sound Amplification. During nighttime hours, no person may operate a radio, jukebox, or other electrical sound amplification device emitting a sound that is audible from a distance of more than 75 feet from the real property boundary of the property from which the sound is emanating.
- (3) Measurement. When required pursuant to his ordinance, measurement of sound pressure shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 - 1971) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 - 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order and operated in accordance with the manufacturer's instructions.
- (4) Exemptions. The following activities shall be exempt from the noise regulations, prohibitions and limitations under this Section provided that reasonable steps are taken to minimize the noise emitted:
- (a) Construction Sites, Public Utility Projects, Public Works. The limitations, as set forth in Subsection (2) hereof, shall not apply to construction sites, public utilities, and public works projects and operations during daytime hours Monday through Saturday, however, the noise therefrom shall be minimized through proper equipment operations and maintenance; provided, however, that stationary equipment on construction projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.
 - (b) Emergency Operations. Emergency short-term operations necessary to protect the health and welfare of the citizens.
 - (c) Noises Required By Law. Any noise required specifically by law for the protection, health, welfare, or safety of people or property.
 - (d) Power Equipment. Power equipment during daytime hours such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment necessary for the maintenance of property, kept in good repair and maintenance, which, when new, would not comply with the standards set forth in this section.
 - (e) Bells and Chimes. Bells, chimes, and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than 15 minutes in any given hour during daytime hours.
 - (f) Warning Device. Any device being used to request assistance or warn against an unsafe condition.
- (5) Variances.
- (a) Special Variance Permits.

1. General. A special variance permit may be issued for an event or circumstance of limited duration, including, but not limited to, special community events.
 2. Application. Any person seeking a special variance permit pursuant to this section shall file an application with the Town Clerk, at least 30 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application for a special variance permit must be made in writing and shall contain all information deemed necessary by the Town. A special variance permit may be granted when the Town Board finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare.
 3. Issuance. Special variance permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of these special variance permits shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance is granted.
- (b) Conditional Variances.
1. General. Conditional variances may be issued for ongoing or recurring sources of sound which do not comply with the standards of this ordinance for technical or economic reasons.
 2. Application. The Town Board, may grant conditional variances if it finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The application shall be made in writing to the Town Clerk not less than 30 days prior to commencement of sound producing operations.
 3. Hearing. The application shall be publicly heard before the Town Board. The applicant may be required to submit such additional information as the Committee reasonably requires.
 4. Issuance. Conditional variances shall not be issued until the applicant has agreed, in writing, to the conditions therein.
 5. Noncompliance with any condition of a conditional variance shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity.
 6. Bonding. The Town Board may require the applicant to post a performance bond prior to issuing the variance.

3.08 SPEED LIMITS

- (1) 45 Mile Per Hour Limit. The following roads shall have a speed limit of 45 miles per hour:
 - (a) All Town Roads South of County "S"

- (b) Gary Alberts Lane – entire length
- (c) Sandy Alberts Lane – entire length
- (2) 35 Mile Per Hour Limit. The following roads shall have a speed limit of 35 miles per hour:
 - (a) Yurek Road – entire length, Highway “32” to County “S”
 - (b) Karen Lane – entire length
 - (c) Brown County Line Road – from Village of Pulaski, east one (1) mile
 - (d) Hilbert Road – entire length, from County Road C to Allen Road
- (3) 25 Mile Per Hour Limit. The following roads shall have a speed limit of 25 miles per hour:
 - (a) Franks Lane – entire length
 - (b) Pleasant View Drive – entire length
 - (c) Saindon Road – entire length