

Title 11 Offenses and Nuisances

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Chapter 1 State Statutes Adopted

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

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

(1) 29.288	Throwing Refuse in Waters
(2) 50.58	Careless Smoking
(3) 118.07	Safety Requirements
(4) 118.08	School Zones; Crossings
(5) 118.09	Safety Zones
(6) 118.10	School Safety Patrols
(7) 118.105	Control of Traffic on School Premises
(8) 118.11	School Fences
(9) 118.123	Reports and Records
(10) 118.163	Truancy and School Dropout Violations
(11) 134.65	Cigarette and Tobacco Products Retailer License
(12) 134.66	Restrictions on Sale or Gift of Cigarettes or Tobacco Products
(13) 167.10	Fireworks Regulated
(14) 175.25	Illegal Storage of Junked Vehicles
(15) 938.125	Jurisdiction – Juveniles Alleged to Have Violated Civil Laws or Ordinances
(16) 938.17	Jurisdiction – Juveniles – Traffic, Boating, Snowmobile and All-Terrain Vehicle Violations and Over Civil Law and Ordinance Violations
(17) 938.342	Disposition – Truancy and School Dropout Ordinance Violations
(18) 938.343	Disposition – Juvenile Adjudged to Have Violated a Civil Law or Ordinance
(19) 938.344	Disposition – Certain Intoxicating Liquor, Beer and Drug Violations
(20) 938.345	Disposition – Juvenile Adjudged in Need of Protection or Services
(21) 938.983	Purchase or Possession of Tobacco Products Prohibited
(22) 939.05(2)(b)	Aiding and Abetting
(23) 939.22	Words and Phrases Defined
(24) 940.19(1)	Battery
(25) 940.291	Failure of a Police Officer to Render Aid
(26) 940.42	Misdemeanor Intimidation of Witness's
(27) 940.44	Intimidation of Victims
(28) 941.01	Negligent Operation of a Vehicle
(29) 941.10	Negligent Handling of Burning Materials
(30) 941.12(2),(3)	Interfering With or Failing to Assist in Firefighting
(31) 941.13	False Alarms and Interference with Firefighting
(32) 941.20(1)	Reckless Use of a Weapon
(33) 941.23	Carrying a Concealed Weapon
(34) 941.235	Carrying a Firearm in a Public Building
(35) 941.24	Possession of Switchblade Knife
(36) 941.35	Emergency Telephone Calls
(37) 941.36	Fraudulent Tapping of Electric Wires, Gas or Water Meters or Pipes
(38) 941.37(1),(2)	Obstructing Emergency or Rescue Personnel
(39) 942.01	Defamation
(40) 942.03	Giving False Information for Publication
(41) 942.05	Opening Letters
(42) 942.20(1),(2)	Theft

(43) 943.01(1)	Criminal Damage to Property
(44) 943.11	Entry Into Locked Vehicle
(45) 943.125	Entry Into Locked Coin Box
(46) 943.13	Trespass to Land
(47) 943.14	Trespass to Dwellings
(48) 943.145	Criminal Trespass to a Medical Facility
(49) 943.15	Entry Into Locked Site
(50) 943.20(3)(a)	Theft of Property
(51) 943.21(3)(a)	Fraud on Innkeeper
(52) 943.22	Cheating Tokens
(53) 943.23(1)(4)(5)	Operating Vehicle Without Owner's Consent
(54) 943.24	I.O.W.C.
(55) 943.34(1)(a)	Receiving Stolen Property
(56) 943.37	Alteration of Property Identification Marks
(57) 943.38(3)	Forgery
(58) 943.41	Credit Card Crimes
(59) 943.46	Theft of Cable Services
(60) 943.50(1)-(3), (4)(a)	Retail Theft
(61) 943.55	Removal of a Shopping Cart
(62) 943.70	Computer Theft
(63) 944.15	Fornication
(64) 944.17	Sexual Gratification
(65) 944.20	Lewd and Lascivious Behavior
(66) 944.21	Obscene Material or Performance
(67) 944.23	Making Lewd , Obscene or Indecent Drawings
(68) 944.30	Prostitution
(69) 944.31	Patronizing Prostitutes
(70) 944.33	Pandering
(71) 944.36	Solicitation of Drinks Prohibited
(72) 945.01	Definitions Relating to Gambling
(73) 945.02	Gambling
(74) 945.04	Permitting Premises to be Used for Commercial Gambling
(75) 946.40	Refusing to Aid Officer
(76) 946.41	Resisting or Obstructing Officer
(77) 946.42(2)	Escape
(78) 946.46	Encouraging Violation of Probation or Parole
(79) 946.69	Falsely Assuming to Act as Public Officer or Employee
(80) 946.70	Impersonating Peace Officer
(81) 946.72(2)	Tampering with Public Records and Notices
(82) 947.01	Disorderly Conduct
(83) 947.012	Unlawful Use of Telephone
(84) 947.013	Harassment
(85) 947.047	Littering Shores
(86) 947.06	Unlawful Assemblies
(87) 948.01	Definitions Relating to Crimes Against Children
(88) 948.09	Sexual Intercourse with a Child Age 16 or older
(89) 948.10	Exposing a Sex Organ
(90) 948.11(1)(b), (2)(b)	Exposing a Child to Harmful Material
(91) 948.21	Neglecting a Child
(92) 948.40	Contributing to the Delinquency of a Child
(93) 948.50	Strip Search by School Employee
(94) 948.51(1),(2),(3),(a)	Hazing
(95) 948.60	Possession of a Dangerous Weapon by a Child
(96) 948.61(1),(2)	Dangerous Weapons on School Premises
(97) 948.63	Receiving Property from a Child
(98) 951.01	Definitions Relating to Crimes Against Animals

(99)	951.015	Construction and Application
(100)	951.02	Mistreating Animals
(101)	951.03	Dog-napping or Cat-napping
(102)	951.04	Leading Animal from Motor Vehicle
(103)	951.05	Transportation of Animals
(104)	951.06	Use of Poisonous and Controlled Substances
(105)	951.07	Use of Certain Devices Prohibited
(106)	951.08	Instigating Fights Between Animals
(107)	951.09	Shooting at Caged or Staked Animals
(108)	951.10	Sale of Baby Rabbits, Chicks and Other Fowl
(109)	951.11	Artificially Colored Animals; Sale
(110)	951.13	Providing Proper Food and Drink to Confined Animals
(111)	951.14	Providing Proper Shelter
(112)	951.15	Animals; Neglected or Abandoned; Police Powers
(113)	951.16	Investigation of Animal Cruelty Complaints
(114)	951.17	Reimbursement for Expenses
(115)	961.01-961.61	Uniform Controlled Substances Act

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

- a) **Penalty.** In addition to the general penalty provisions of this Code in Section 1-1-6 or any other penalty imposed for violation of any Section of this Title, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any un-emancipated juvenile who violates Section 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.
- b) **Attempt.**
 - 1) Whoever attempts to commit an act prohibited by Title 11 of the Code of Ordinances of the Village of Adell may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.
 - 2) An attempt to commit an act prohibited by the ordinances in Title 11 requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he/she does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he/she formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.
- c) **Parties to Acts Prohibited in Title 11.**
 - 1) Whoever is concerned in the commission of an act prohibited by Title 11 of this Code of Ordinances, is a principle and may be charged with and convicted of the commission of said act although he/she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
 - 2) A person is concerned in the commission of an act prohibited by these ordinances of he/she:
 - a) Directly commits the act; or
 - b) Intentionally aids and abets the commission of it; or
 - c) Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his/her mind and no longer desires that the act be committed and notifies the other parties concerned of his/her withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

Chapter 2 Offenses against Public Safety and Peace

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

a) Discharge of Firearms Regulated.

- 1) No person, except a law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description in his/her possession or under his/her control within the Village of Adell, provided that this Section shall not prevent the maintenance and use of duly 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 sixteen (16) or under the direct personal supervision of a parent or legal guardian. This section does not apply if individual discharging a firearm is legally justified, or had the individual been subject to a criminal penalty, would have been subject to a defense of self-defense described in Wis. Stat. 939.45. 12/13/2017
- 2) The Village President may issue written permits to owners or occupants of private premises to hunt or shoot on such premises if he/she finds such privileges necessary for the protection of life or property and subject to such safeguards as he/she may impose for the safety of the lives and property of other persons within the Village.

~~b) **Hunting Prohibited.** No hunting of any kind shall be allowed within the corporate boundaries of the Village of Adell except as permitted in Subsection (a) above. Open hunting seasons as defined by the Wisconsin Department of Natural Resources shall not be effective within such municipal boundaries.~~

c) **Shooting Into Village Limits.** No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village of Adell in a dangerous manner.

d) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village without first obtaining a permit to do so from the Village Board.

e) Throwing or Shooting of Arrows, Stones, or Other Missiles Prohibited.

1) It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow or other means within six hundred (600) feet of any inhabited dwelling or building or any public park, square or enclosure.

2) This Subsection shall not apply:

- a) To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
- b) To a supervised archery range approved by the Village Board;
- c) Within the interior of a single family dwelling.
- d) To private archery practice provided such targets are placed in front of a building or an open agricultural field in such a manner as to prevent stray arrows from crossing or entering adjacent properties, provided that such person first has been granted permission by the Village Board, in writing, to construct and maintain an approved archery range if in the opinion of the Village Board, the construction of such range will in no way endanger the public health and safety.

3) **Bow Hunting Authorized.** Hunting with a bow and arrow or crossbow is permitted in the Village at the times and in the manner prescribed by the Wisconsin Department of Natural Resources subject to the following limitations:

a) **Residence Proximity Limitation.** A person may not hunt with a bow and arrow or crossbow within one hundred (100) yards of any building used for human occupancy located on another's property, unless the owner of the property on which such building is located has authorized the hunter to hunt with a bow and arrow or crossbow within one hundred (100) yards from the building.

b) **Discharge Towards Ground.** Hunting with a bow and arrow or crossbow shall only be permitted from a tree stand or elevated platform which causes the discharge of the arrows or bolts towards the ground.

c) **Public Property.** To preserve the general health, safety, and welfare of the citizens of the Village, the use of a bow and arrow or crossbow for purposes of hunting under this Section shall not be permitted on any land owned by the Village of Adell. The use of a bow and arrow

or crossbow shall be prohibited on other properties located within the Village owned by other municipalities, schools, or other public entities, except where specifically authorized by the public body in control of such public property. 12/13/2017

- f) **Definitions.** For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

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

- a) **Obstructing Streets.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village of Adell in such a manner as to:
- 1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
 - 2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
 - 3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- b) **Obstructing Public Ways.**
- 1) No person shall obstruct or interfere with by any means any vehicular, railroad or pedestrian traffic on any public walk, highway, street, alley, railroad track or public thoroughfare for the purpose of disrupting the orderly movement of such traffic or to impede intentionally or unintentionally the flow of the vehicular, train or pedestrian traffic on a public walk, highway, street, alley, railroad track or public thoroughfare or at any public building or premises, parking lot or structure.
 - 2) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets and sidewalks is a violation of this Section.
- c) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- 1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - 2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Adell.
 - 3) **Obstruct.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
 - 4) **Sidewalk.** Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.
- d) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

Sec. 11-2-3 Loitering and Unlawful Assemblies Prohibited

- a) **Public Property Loitering Prohibited.**
- 1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any law enforcement officer.
 - 2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

- 3) No person shall loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious conduct or any unlawful act.
 - 4) No person shall loiter in or about any school or public place at or near which children or students attend or normally congregate. As used in this Subsection, "loiter" means to delay, to linger or to idle in or about any said school or public place without a lawful purpose for being present.
- b) **Private Property Loitering Prohibited.**
- 1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps or entrance of any business place of private residence without the expressed consent of the owner thereof, or at any time other than usual business hours. Under this Subsection, business place shall include public building at such times that the same shall be closed for the usual and normal business conduct thereat.
 - 2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
 - 3) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the expressed consent of the owner thereof, whether such be parked upon a public street, alley, parking lot, driveway or private premises.
 - 4) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.
- c) **Loitering or Prowling Prohibited.**
- 1) No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.
 - 2) No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.
 - 3) No person shall lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.
 - 4) No person shall loiter in or about a restaurant, tavern or other public building. As used in this Subsection, "loiter" means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.
- d) **Loitering by Underage Persons Where Alcohol Beverage is dispensed.**
- 1) **Underage Persons and Intoxicants.** No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
 - 2) **Permitting Loitering Prohibited.** No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

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

Sec. 11-2-4 Loud and Unnecessary Noise Prohibited.

- a) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise. It shall be unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.
- b) **Types of Loud and Unnecessary Noises.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
 - 1) **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device

except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

- 2) **Radios, phonographs, similar devices.** The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the properly line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
 - 3) **Loudspeakers, amplifiers for advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
 - 4) **Animals, birds.** The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
 - 5) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.
 - 6) **Construction or repair of buildings.** The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Village President or a law enforcement officer shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
 - 7) **Schools, courts, churches, hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.
 - 8) **Exceptions.** The provisions of this Section shall not apply to:
 - a) Any vehicle of the Village while engaged in necessary public business;
 - b) Excavations or repairs of streets or other public construction by or on behalf of the Village, county, or state at night when public welfare and convenience renders it impossible to perform such work during the day;
 - c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
- c) **Permits for Amplifying Devices.**
- 1) **Permit Required.** The use of loudspeakers or amplifying devices on the streets or in the parks of the Village of Adell is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Village Board.
 - 2) **Grounds or Reasons for Denial or Allowance.** The Village Board shall have the authority to revoke such permit when he/she believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.
 - 3) **Time Restrictions.** The Village Board shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 11:00 p.m. No permit shall be granted to anyone who, in the opinion of the Village Board, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

Sec. 11-2-5 Crossing a Police Line

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

Sec. 11-2-6 Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited

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

Sec. 11-2-7 Obstructing Emergency or Rescue Personnel

a) Definitions.

- 1) **Ambulance.** An emergency vehicle, including any motor vehicle, boat or aircraft, whether privately or publicly owned, which is designated, constructed or equipped to transport patients.
- 2) **Ambulance Service Provided.** A person engaged in the business of transporting sick, disabled or injured persons by ambulance to or from facilities or institutions providing health services.
- 3) **Ambulance Attendant.** A person who is responsible for the administration of emergency care procedures, proper handling and transporting of the sick, disabled or injured persons, including but not limited to, ambulance attendants and ambulance drivers.
- 4) **Person.** Any individual, firm, partnership, association, corporation, trust, foundation, company, any governmental agency other than the U.S. government, or any group of individuals, however named, concerned with the operation of an ambulance.
- 5) **Authorized Emergency Vehicle** means any of the following:
 - a) **Emergency Medical Personnel.** Any emergency medical personnel, ambulance attendant, peace officer or fire fighter, or other person operating or staffing an ambulance or an authorized emergency vehicle.
 - b) **Bonafide Emergency or Bonafide Request for Emergency Services.** Those circumstances wherein the caller reasonable believes that person(s) and or property may be in actual or potential danger of injury, and in the case of person(s), in danger of illness.

b) Prohibitions. It is the intent of the Village of Adell, in its adoption of this provision, to protect against the foregoing activities in a manner consistent with that provided by Sec. 941.37, Wis. Stats. The following acts are prohibited and perpetration thereof subjects the violator to penalty as provided by Section 1-1-6:

- 1) Knowingly obstructing any emergency medical personnel in the performance of duties relating to an emergency or rescue;
- 2) Intentionally interfering with any medical personnel in the performance of duties relating to an emergency or rescue, when it is reasonable that the interference may endanger another's safety;
- 3) Knowingly making any telephone call to any emergency medical personnel, police agency or fire department for any purpose other than to report a bona fide emergency or to make a bona fide request for emergency services.

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

- a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy, or unlawfully remove or interfere with any property belonging to the Village of Adell, the School District, or to any private person without the consent of the owner or proper authority, nor shall any person or organization place or permit to be placed any sign, poster, advertisement, notice, or other writing upon any utility ornamental light pole belonging to the Village without the consent of proper authority. Any signs, posters, advertisements, notices, or other writings so placed shall be removed by law enforcement authorities and the placing person or organization cited for violation of this Section.
- b) **Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
- c) **Penalty Provisions.**
 - 1) Any person seventeen (17) years of age or over who violates this Section is subject to a penalty as provided in Section 1-1-6, restitution to the injured party, and the costs of prosecution.
 - 2) Any person fourteen (14) years of age through sixteen (16) years of age shall be subject to a forfeiture not to exceed Twenty-five Dollars (\$25.00) and any other applicable penalty provided by Sec. 938.344, Wis. Stats., as that Section may exist, be amended or changed.
- d) **Victim Remedies.** Any person or entity injured by a violation of this Section by a minor child shall be advised of the rights and remedies available under Sec. 895.035, Wis. Stats.

Sec. 11-3-2 Littering Prohibited.

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

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

Sec. 11-3-3 Abandoned Refrigerators Prohibited.

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

Sec. 11-3-4 Damage to Public Property

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

Sec. 11-3-5 Graffiti

- a) **Definition.** "Graffiti" is any drawing, figure, inscription, symbol, or other marking which is scratched, painted, drawn in pen or marker, or placed by some other permanent or semi permanent means upon sidewalks, streets, public or private structures or any other place in public view without the express permission or consent of the property owner.
- b) **Public Nuisance.** Graffiti is hereby declared to be a public nuisance, as defined under Title 11, Chapter 5 of this Code, affecting peace and safety. Graffiti is deemed to be a public nuisance not only because it offends the aesthetic sensibilities of the community but because it may indicate the presence of gang activity or encourage gang activity and rivalry. It shall be the duty of every owner, lessee or occupant to promptly remove or obliterate graffiti on any building, fence, structure, parking lot or walkway over which the owner, occupant or lessee has control.
- c) **Prohibitions.** No person shall write, spray, scratch or otherwise affix graffiti upon any property whether private or public without the consent of the owner or owners of said property. Any person who shall

affix graffiti to any property without the consent of the owner shall be liable for the costs of removing or covering such graffiti in addition to any fines imposed for violating this Section. The parents of any unemancipated minor child who affixed graffiti shall be held liable for the cost of removing or covering said graffiti in accordance with Sec. 895.035, Wis. Stats.

d) **Removal by Property Owner.**

- 1) Every owner of a structure or property defaced by graffiti shall cover or remove the graffiti within fifteen (15) days in compliance with written notice served upon them by the Police Department to remove or cover such graffiti.
- 2) In the event any owner fails to comply with the above-mentioned notice, the Police Department may have the graffiti covered or removed, and in such event, all costs, fees and expenses will be assessed to said owners real estate taxes pursuant to Sec. 66.60(16), Wis. Stats.

Chapter 4 Offenses by Juveniles

Sec. 11-4-1 Curfew

- a) **Curfew Established.** It shall be unlawful for any juvenile under age seventeen (17) to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building or any other public place in the Village of Adell between the hours of 9:00 p.m. to 5:00 a.m. on school nights, 10:00 p.m. to 5:00 a.m. on weekends, unless such child is accompanied by his or her parent, legal guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore. The fact that said juvenile, unaccompanied by parent, legal guardian or other person having legal custody is found upon any such public place during the aforementioned hours shall be prima facie evidence that said juvenile is there unlawfully and that no reasonable excuse exists therefore:

b) **Exceptions.**

- 1) This Section shall not apply to a juvenile:
 - a) Who is performing an errand as directed by his/her parent, legal guardian or person having lawful custody.
 - b) Who is on his/her own premises or in the areas immediately adjacent thereto.
 - c) Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
 - d) Who is returning home from a supervised school, church or civic function, but not later than sixty (60) minutes after the ending of such function.
 - e) Who is at any time, in the event of an emergency which would justify the reasonableness of the person's presence.
 - f) Who is engaged in interstate travel.
 - g) Who is on the sidewalk in front of their home or an adjacent home.
 - h) Who are engaged in exercising First Amendment rights or activities.
- 2) These exceptions shall not, however, permit a juvenile to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

- c) **Parental Responsibility.** It shall be unlawful for any parent, legal guardian or other person having the lawful care, custody and control of any person under age sixteen (16) to allow or permit such person to violate the provisions of (a) or (b) above. The fact that prior to the present offense a parent, legal guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, legal guardian or custodian allowed or permitted the present violation. Any parent, legal guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any juvenile under age sixteen (16) to violate this Section.

- d) **Detaining a Juvenile.** Pursuant to Chapter 938, Wis. Stats., law enforcement officers are hereby authorized to detain any juvenile violating the above provisions and other provisions in this Chapter until such time as the parent, legal guardian or person having legal custody of the juvenile shall be immediately

notified and the person so notified shall as soon as reasonably possible thereafter report to the appropriate law enforcement department for the purpose of taking the custody of the juvenile and shall sign a release for him or her, or such juvenile may be taken directly from the scene of his/her apprehension to his/her home. If such juvenile's parents or relative living nearby cannot be contacted to take custody of such juvenile and it is determined by the apprehending officer that the juvenile's physical or mental condition is such as would require immediate attention, the law enforcement officer may make such necessary arrangements as may be necessary under the circumstances for the juvenile's welfare.

e) **Warning and Penalty.**

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

2) **Penalty.**

Any parent, legal guardian, or person having legal custody of a juvenile described in Subsection (a) above who has been warned in the manner provided in Subsection (e)(1) herein and who thereafter violates this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this Section because of the disobedience of the juvenile, the action shall be dismissed and the juvenile shall be referred to the court assigned to exercise jurisdiction under Chapter 938, Wis. Stats.

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

Chapter 5 Public Nuisances

Sec. 11-5-1 Public Nuisances Prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Adell.

Sec. 11-5-2 Public Nuisance Defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- b) In any way render the public insecure in life or in the use of property;
- c) Greatly offend the public morals or decency;
- d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

Sec. 11-5-3 Public Nuisances Affecting Health

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 11-5-2:

- a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- b) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- c) **Breeding Places for Vermin, Etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed..
- d) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- e) **Garbage Cans.** Garbage cans which are not fly-tight.
- f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- g) **Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- h) **Noxious Odors, Etc.** Any use of property, substances or things within the Village causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- i) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- j) **Animals at Large.** All animals running at large.
- k) **Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood and other refuse.
- l) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
- m) **Refuse.** Leaves, grass, refuse, disposable or breakable cans or bottles or other waste materials deposited on the public streets, alleyways, parks and beaches of the Village of Adell.
- n) **Improperly Removed Snow/Ice.** All snow and/or ice not removed from public sidewalks within twenty-four (24) hours after it has ceased to fall or accumulate thereon.

- o) **Multi-Family Bulk Refuse Containers.** Any owner of a building containing three (3) or more dwelling units who fails to supply bulk refuse containers sufficient to meet the needs of all the occupants of the dwelling for the sanitary and safe storage and disposal of rubbish and garbage. Bulk refuse containers over one (1) cubic yard in capacity shall be enclosed on three (3) sides by an opaque fence six (6) feet in height.

Sec. 11-5-4 Public Nuisances Offending Morals and Decency

- a) **Disorderly Houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- b) **Gambling Devices.** All gambling devices and slot machines, except as permitted by state law.
- c) **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Village.
- d) **Continuous Violation of Village Ordinances.** Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- e) **Illegal Drinking.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

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

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 11-5-2:

- a) **Signs, Billboards, Etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- c) **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- d) **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- e) **Tree Limbs.** All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- f) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- g) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Village.
- h) **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- i) **Wires over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- j) **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.

- k) **Obstructions of Streets; Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- m) **Abandoned Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- n) **Flammable Liquids.** Repeated or continuous violations of the ordinances of the Village or laws of the State relating to the storage of flammable liquids.
- o) **Unremoved Snow.** All snow and ice not removed shall be sprinkled with sand or other chemical removers, as provided in this Code.
- p) **Rummage Sale Signs.** All rummage/garage sale signs shall be removed within twenty-four (24) hours of the end of the sale.

Sec. 11-5-6 Abatement of Public Nuisances

- a) **Summary Abatement**
 - 1) **Notice to Owner.** If the inspecting officer determines that a public nuisance exists within the Village and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than twenty-four (24) hours or greater than seven (7) days and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.
 - 2) **Abatement by Village.** If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- b) **Abatement by Court Action.** If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspector or sanitarian shall file a written report of such findings with the Village President who, upon direction of the Village Board, shall cause an action to abate such nuisance to be commenced in the name of the Village in Sheboygan County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.
- c) **Court Order.** Except where necessary under Subsection (a), no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- d) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

Sec. 11-5-7 Cost of Abatement

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

Sec. 11-5-8 Enforcement; Penalty

- a) **Enforcement.** The Director of Public Works, Fire Inspector, Building Inspector and appropriate law enforcement agencies shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under Section 11-5-6 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
- b) **General Penalty.** Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 1-1-6.

