

## **CHAPTER 22**

## **PEACE AND GOOD ORDER**

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- 22.01 State Statutes Adopted**
- 22.02 State Statutes Relating to Those Under Certain Ages Adopted**
- 22.03 Hunting and Firearms**
- 22.035 Bow Hunting**
- 22.04 Prohibited Weapons**
- 22.05 Possession of Marijuana**
- 22.06 Prescription Drug Violations**
- 22.07 Harm to Animals**
- 22.08 Damage to Property**
- 22.09 Interference with Public Safety Officer**
- 22.10 Failure to Obey Lawful Order**
- 22.11 Trespass**
- 22.12 Littering**
- 22.13 Loud and Unnecessary Noise**
- 22.14 Outdoor Amplified Sound Permit**
- 22.15 Disturbance of Lawful Assembly**
- 22.16 Encouraging or Contributing to Underage Alcohol Violations**
- 22.17 Curfew**
- 22.18 Prowling**
- 22.19 Unauthorized Presence on School Property**
- 22.20 Failure to Cause Juvenile to Attend School Regularly**
- 22.21 Fireworks**
- 22.22 Special Events Permit**
- 22.23 Graffiti and Scratchiti**
- 22.24 Disposition of Human Remains Prohibited**
- 22.25 Panhandling Prohibited**
- 22.26 Enforcement**

## CHAPTER 22

## PEACE AND GOOD ORDER

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### SECTION 22.01 State Statutes Adopted.

The provisions of the following Wisconsin Statutes are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future amendment of any statutory provision incorporated herein that the Village may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment. Any offense that would be a felony if charged as a violation of a Wisconsin Statute is not adopted.

29.601(3)	Deleterious substance in water
167.10	Fireworks violation
167.31	Firearm violation
175.25	Illegal storage of junked vehicle
940.19(1)	Battery
941.10	Negligent handling of burning material
941.12(2)	Interfering with fire fighting-equipment
941.12(3)	Interfering with fire fighting-hydrant
941.13	False alarm
941.20(1)	Reckless use of weapon
941.23	Carrying a concealed weapon
941.235	Carrying a firearm in a public building
941.24	Possession of switchblade knife
941.2965	Illegal use of a facsimile firearm
941.297	Sale of imitation firearm
941.35	Illegal conduct relating to emergency telephone call
941.36	Fraudulent tapping of electric wire or gas or water meter or pipe
941.37(2)	Obstructing emergency or rescue personnel
942.05	Illegal opening of letter
943.01(1)	Damage to property
943.017	Illegal graffiti
943.11	Illegal entry into locked vehicle
943.125	Illegal entry into locked coin box
943.13	Trespass to land
943.14	Trespass to dwelling
943.145	Trespass to a medical facility
943.15	Illegal entry into locked site
943.20	Theft
943.201	Unauthorized use of an individual's personal identifying information or documents

943.203 Unauthorized use of an entity's identifying information or documents  
943.21 Fraud on innkeeper or taxicab operator  
943.22 Use of cheating token  
943.225 Refusal to pay for motor bus ride  
943.24 Issue of worthless check  
943.37 Alteration of property identification mark  
943.38(3) Forgery  
943.392 Fraudulent data alteration  
943.41 Credit card crime  
943.455 Theft of cellular telephone service  
943.46 Theft of cable television service  
943.47 Theft of satellite cable programming  
943.50 Retail theft  
943.55 Removal of a shopping cart  
943.61 Theft of library material  
943.70 Computer crime  
944.20 Lewd and lascivious behavior  
944.23 Making lewd, obscene or indecent drawing  
944.36 Solicitation of drinks  
945.02 Gambling  
945.04 Permitting premises to be used for commercial gambling  
946.40 Refusing to aid officer  
946.41 Resisting or obstructing officer  
946.42 Escape  
946.46 Encouraging violation of probation or parole  
946.69 Falsely assuming to act as public officer or employee  
946.70 Impersonating peace officer  
946.72 Tampering with public record or notice  
947.01 Disorderly conduct  
947.012 Unlawful use of telephone  
947.0125 Unlawful use of computerized communication system  
947.013 Harassment  
947.06 Unlawful assembly  
948.51 Hazing  
951.02 Mistreating animal  
951.03 Dognapping or catnapping  
951.04 Leading animal from motor vehicle  
951.05 Cruel transportation of animal  
951.06 Expose animal to poisonous or controlled substance  
951.07 Illegal use of certain animal device  
951.08 Instigating fight between animals  
951.09 Shooting at caged or staked animal  
951.095 Harassment of police animal

- 951.10        Illegal sale of baby rabbit, chick or other fowl
- 951.11        Illegal artificially colored animal
- 951.13        Failure to provide proper food and drink to confined animal
- 951.14        Failure to provide proper shelter to animal
- 951.15        Illegal neglect or abandonment of animal
- 961.573(1)   Possession of drug paraphernalia
- 961.574(1)   Manufacture or delivery of drug paraphernalia
- 961.575(1)   Delivery of drug paraphernalia to a minor

**SECTION 22.02    State Statutes Relating to Those Under Certain Ages Adopted.**

The provisions of the following Wisconsin Statutes are hereby adopted as ordinances and are incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this section. Any future amendment of any statutory provision incorporated herein that the Village may adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective date of that future amendment.

- 254.92(1)    Possess, buy, attempt to buy, or falsely represent age to receive tobacco product
- 961.573(2)   Possession of drug paraphernalia
- 961.574(2)   Manufacture or delivery of drug paraphernalia
- 961.575(2)   Delivery of drug paraphernalia to a minor

**SECTION 22.03    Hunting and Firearms.**

- (a)    **No Hunting.** No person, except a law enforcement officer in the performance of an official duty, may shoot any object at or hunt any game, bird, or other animal within the Village limits.
- (b)    **No Discharge of Firearm.** No person, except a law enforcement officer in the performance of an official duty, may discharge any firearm, shotgun, rifle, handgun, black powder gun, spring gun, air gun, pellet gun, or other gun within the Village limits. This subsection does not apply to the following premises or circumstances:
  - (1)    To premises used for skeet shooting, trap shooting, dog training, or dog field trials if the owner of the premises obtains permission for an exception from the Village Board or its designee.
  - (2)    When one is defending life or property and such use is justified as a matter of law.
  - (3)    Blanks may be discharged as a part of a public event unless such discharge is prohibited by the Chief of Police.

(c) **Concealed Carry of Weapons Prohibited.**

- (1) Pursuant to Section 943.13(1m)(c)4 Wis. Stats., no person shall enter or remain in any part of a building that is owned, occupied or controlled by the Village of Cross Plains if the Village has notified the person not to enter or remain in the building while carrying a firearm. This provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.
- (2) The Village Clerk/Administrator/Treasurer shall cause signs to be erected at all entrances to Village-owned buildings providing notice that no person is to enter or remain in a Village-owned building while carrying a firearm.
- (3) Nothing in this section shall be construed to prohibit a peace officer or armed forces or military personnel armed in the line of duty, or any person duly authorized by the Village Clerk/Administrator/Treasurer to possess a firearm in a Village-owned building. Notwithstanding Section 939.22(22), Wis. Stats., for purposes of this paragraph “peace officer” does not include a commission warden who is not a state certified commission warden.
- (4) Nothing in this Section shall be construed to authorized the carrying of any firearm or dangerous weapon contrary to Section 941.23 or 941.235, Wis. Stats.

(d) **Production of License Required When Carrying A Concealed Weapon.**

- (1) Unless a licensee or out-of-state licensee is carrying a concealed weapon in a manner described under s. 941.23 (2) (e) Wis Stats, a licensee shall have with him or her his or her license document and photographic identification card and an out-of-state licensee shall have with him or her his or her out-of-state license and photographic identification card at all times during which he or she is carrying a concealed weapon.
- (2) Unless a licensee or out-of-state licensee is carrying a concealed weapon in a manner described under s. 941.23 (2) (e) Wis. Stats, a licensee who is carrying a concealed weapon shall display his or her license document and photographic identification card and an out-of-state licensee who is carrying a concealed weapon shall display his or her out-of-state license and photographic identification card to a law enforcement officer upon the request of the law enforcement officer while the law enforcement officer is acting in an official capacity and with lawful authority.
- (3) Any person who violates this section may be required to forfeit not more than \$25, except that the person shall be exempted from the forfeiture if the person presents, within 48 hours, his or her license document or out-of-state license and photographic identification to the law enforcement agency that employs the requesting law enforcement officer.

## SECTION 22.035 Bow Hunting.

- (a) **No Hunting.** No person, except a law enforcement officer in the performance of an official duty, may use a bow and arrow or crossbow to shoot any object or hunt any game, bird or other animal upon Village owned land.
- (b) **Hunting Allowed Under Certain Conditions.** Except as set forth in paragraph (a) above, hunting by use of a bow and arrow or crossbow is permitted within the Village limits under the following conditions:
  - (1) Any person hunting with a bow and arrow or crossbow must be at least one hundred (100) yards from any building used for human occupancy located on another person's land. The provisions of this ordinance do not apply if the person who owns or rents the land on which the building is located has given written consent to the hunter which allows the hunter to hunt within the one hundred (100) yard buffer zone. The hunter shall have the written consent in his possession at all times while hunting in the buffer zone.
  - (2) A person who hunts with a bow and arrow or crossbow must discharge the arrow or bolt from an elevated location so the projectile is discharged toward the ground.
- (c) **Purpose.** In creating this Ordinance, the Village Board specifically finds that the prohibitions set forth herein pose only an incidental effect on hunting, and the primary purpose of this Ordinance is to further the public health and safety of the public.

## SECTION 22.04 Prohibited Weapons.

- (a) No person may manufacture, sell, purchase, possess, or carry any of the following: metallic knuckles or knuckles of any substance that could be put to the same use with the same or similar effect as metallic knuckles; a numchuk (also called a "nunchaku") or any similar weapon; a churkin (also called a "suriken") or any similar weapon; a suchbai or any similar weapon; or any other martial arts device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person.
- (b) For the purposes of this section, the following terms shall have the meaning indicated:
  - (1) **Churkin.** A throwing knife consisting of several sharp points protruding from a disc.
  - (2) **Numchuk.** An instrument consisting of two or more sticks, clubs, or rods connected by a rope, cord, wire, chain, or similar device.
  - (3) **Suchbai.** A short length of wood or metal or similar material that, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short, pointed protrusions from either end.

## **SECTION 22.05 Possession of Marijuana.**

- (a) **Possession of Marijuana Prohibited.** No person shall possess marijuana, as the term “marijuana” is defined by Wisconsin law, except as authorized by law. However, a person may not be prosecuted for the possession of marijuana pursuant to this section under the following circumstances:
- (1) If the person obtains the substance directly from, or pursuant to a valid prescription, or order, of a practitioner who is acting in the course of his or her professional practice, or unless the person is otherwise authorized to possess the substance, and the person can provide written proof of the prescription or other authorization.
  - (2) If a complaint is issued regarding an allegation of possession of more than twenty-five (25) grams of marijuana, or possession of any amount of marijuana following a conviction in this state for possession of marijuana, the subject of the complaint may not be prosecuted under this paragraph for the same action that is the subject of the complaint unless the charges are dismissed or the District Attorney declines to prosecute the case.
- (b) **Possession of Other Controlled Substances Prohibited.** No person may possess a controlled substance as that term is defined in Section 961.14(4)(tb) of the Wisconsin Statutes. However, a person may not be prosecuted for the possession of a controlled substance pursuant to this section under the following circumstances:
- (1) If a complaint is issued regarding allegation of possession of more than twenty-five (25) grams of the controlled substance, or possession of any amount of the controlled substance following a conviction in this state for possession of the controlled substance, the subject of the complaint may not be prosecuted under this paragraph for the same action that is the subject of the complaint unless the charges are dismissed or the District Attorney declines to prosecute the case.

## **SECTION 22.06 Prescription Drug Violations.**

- (a) **Possession Prohibited.** Except as provided under Chapter 961, Subchapter III Wis. Stats., no person may possess, attempt to possess, obtain, use, deliver, distribute, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body any controlled substance, controlled substance analog or other drug that is prescribed or a sample provided by a lawful distributor to another person or dispensed for veterinary purposes except:
- (1) a person licensed or authorized as provided in Chapters 450 and 961, Wis. Stats.
  - (2) an authorized family member or other person authorized by the person to whom the prescription is assigned, for the sole purpose of delivering the prescription to that person as legally assigned.

- (b) **Delivery or Sale Prohibited.** No person may deliver, possess with the intent to deliver, dispense, administer, sell, trade, provide, distribute, give to another person any controlled substance, controlled substance analog or other drug that is prescribed or a sample provided by a lawful distributor to themselves or another person or is dispensed for veterinary purposes except a person licensed or authorized as provided in Chapters 961 or 450, Wis. Stats.
- (c) **Procurement Prohibited.** No person may obtain or attempt to obtain a prescription drug, procure or attempt to procure the administration of a prescription drug by fraud, deceit or willful misrepresentation, by forgery or alteration of a prescription order, by willful concealment of a material fact, by use of a false name or address or by any other unlawful manner as described in section 450.11, Stats.
- (d) **Uses Prohibited.**
  - (1) No person may use, inject, ingest, inhale, or otherwise introduce into the human body any prescription or over the counter drug in a manner inconsistent with the prescribed or directed usage and/or instructions.
  - (2) No person may combine, mix, liquefy or otherwise alter any prescription or over the counter drug in a manner inconsistent with the prescribed or directed usage and/or instructions, for the intended purpose to use, inject, ingest, inhale, or otherwise introduce into the human body.
- (e) **Penalty.** Any person found in violation of this ordinance shall be fined not more than \$10,000.

#### **SECTION 22.07 Harm to Animals.**

No person may molest, injure, or beat any animal, molest any bird's nest, or keep, feed, or house any animal in an inhumane, neglectful, or cruel manner.

#### **SECTION 22.08 Damage to Property.**

No person may negligently, recklessly, or intentionally damage, injure, deface, destroy, remove, or interfere with any property owned by another person without the consent of the owner, unless authorized to do so by law. No person may place, or permit to be placed, any sign, poster, advertisement, notice, or other writing or paper upon any property without the consent of the owner, unless authorized to do so by law. No person may climb any tree or pick any flower or fruit, wild or cultivated, or break, cut down, trample upon or negligently, recklessly, or intentionally damage, injure, deface, destroy, remove, or ill use any tree, grass, shrub, flower, flowerbed, turf, vegetation, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, sidewalk, bridge, building, structure, or other property without the consent of the owner. This section applies to public and private property.

**SECTION 22.09 Interference with Public Safety Officer.**

- (a) No person may interfere with any public safety officer as that officer discharges, or attempts to discharge, that officer's lawful duty.
- (b) For the purposes of this section, the following terms shall have the meaning indicated:
  - (1) **Interfere.** To impede, obstruct, hamper, burden, or increase the difficulty of the activity or response of a public safety officer.
  - (2) **Public Safety Officer.** Any law enforcement officer, police officer, sheriff, deputy sheriff, marshal, constable, fire fighter, emergency medical technician, ambulance driver, ambulance attendant, or hazardous materials team member.

**SECTION 22.10 Failure to Obey Lawful Order.**

No person may fail to obey the direction or order of a law enforcement officer that is given while such officer is acting in his or her capacity as a law enforcement officer.

**SECTION 22.11 Trespass.**

No person may enter or remain on any property after having been notified by the owner or lawful occupant not to enter or remain on the property, unless said person is authorized by law to so enter or remain.

**SECTION 22.12 Littering.**

No person may leave, drop, throw, deposit, or lose possession of any paper, plastic, glass, can, refuse, waste, weeds, sod, brush, gravel, stone, sand, boulder, machinery, garbage, rubbish, filth, litter, or chemical upon a street, alley, highway, public park, water, or other public or private property without the consent of the owner of the property. For the purposes of this section, "chemical" means a chemical for which a materials safety data sheet exists and is required to be maintained by the Community Right To Know Act.

**SECTION 22.13 Loud and Unnecessary Noise.**

- (a) **Loud and Unnecessary Noise Prohibited.** No person may make or continue, or cause to be made or continued, any loud and unnecessary noise. No person may knowingly or wantonly use or operate, or 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 a manner that the peace and good order of a neighborhood are disturbed or that persons owning, using, or occupying property in a neighborhood are disturbed or annoyed. The provisions of this section shall apply every day of

the week. For purposes of this paragraph only, the term “loud and unnecessary noise” is defined as being in excess of 100 decibels on the A-weighted scale measured at a point 50 feet from the lot line of the premises from which the noise emanates.

(b) **Other Types of Loud and Unnecessary Noises.** The following acts are declared to be loud and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

- (1) **Horns and Signaling Devices.** The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any signaling device; 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 horn or signaling device when traffic is for any reason held up.
- (2) **Radios, Phonographs, and Similar Devices.** The playing, using, or operating, or permitting to be played, used, or operated, of any radio, musical instrument, phonograph, or other machine or device used for the production or reproduction of sound in a loud and unnecessary manner. The operation of any such 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 boundary of the parcel, building, apartment, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) **Loudspeakers and Amplifiers for Advertising.** The playing, using, or operating, or permitting to be played, used, or operated, of any radio, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device used for the production or reproduction of sound which is broadcast 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 be made only by an announcer in person and without the aid of any mechanical device.
- (4) **Animals.** The keeping of any animal, including any bird, that causes frequent or long, continued, unnecessary noise.
- (5) **Exhausts.** The discharge into the open air of the exhaust of any motor or engine except through a muffler or other device that 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 other than between the hours of 7:00 a.m. and 9:00 p.m..
- (7) **Schools, Churches, and Courts.** The creation of any excessive noise near or adjacent to any school, institution of learning, church, or court while in use which unreasonably interferes with the normal operation of that

institution. 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) **Lawn and Garden Equipment.** The operation of lawn and garden equipment, including chain saws, shall be allowed only between the hours of 7:00 a.m. and 9:00 p.m.
- (9) **Motor Vehicle Noise.** No person shall make or cause to be made any unreasonably loud, disturbing, annoying, or unnecessary noises with a motor vehicle by the squealing or spinning of tires, revving, racing, or excessive acceleration of the engine, blowing of the horn, intentionally causing the engine to backfire, or by emitting unnecessary and loud exhaust system noises such as may tend to annoy or unreasonably disturb a person in or about any public street, alley, park, or in the surrounding neighborhood.
- (c) **Exceptions.** The provisions of this section shall not apply to:
  - (1) Any vehicle of the Village while engaged in necessary public business.
  - (2) 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 render it impossible to perform such work during the day.
  - (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses that are noncommercial in nature.

## **SECTION 22.14 Outdoor Amplified Sound Permit.**

- (a) **Definitions.**
  - (1) **“Person”** means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, municipal corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
  - (2) **“Operate”** means to operate, maintain, use, connect, and/or permit to be operated, maintained, used, or connected.
  - (3) **“Sound System”** includes, but is not limited to, sound amplifier, microphone, speaker, amplified or electrified instrument, connective cable or wire, and power source connections.
- (b) **Permit Required.** No person shall operate any sound system outdoors, cause amplified music or other sound, including music from a live performance to be projected outdoors, cause amplified sound to be projected outside of any building, or cause amplified sound to be projected from any vehicle in the Village without a permit issued under this section. A permit shall be required if the sound will exceed 100 decibels on the A-weighted scale measured at a point 50 feet from the lot line of the premises from which the noise emanates between the hours of 10:00

pm and midnight on Friday or Saturday night. At no time shall the sound exceed 115 decibels on the A-weighted scale measured at a point 50 feet from the lot line of the premises from which the noise emanates.

- (c) **Exemptions.** The following activities are exempt from the permit requirement of this section, however, the exemption granted herein shall not be construed as an exemption from any other applicable rules or regulations, including, but not limited to prohibitions on public nuisances or unreasonable noise.
- (1) Car stereos.
  - (2) Typical household radios, televisions, stereos, boom-boxes or similar equipment operated on residential premises.
  - (3) Amplification devices of any kind operated by police, fire, emergency medical or other public safety agencies in the course of their official duties.
  - (4) Equipment operated by the Middleton-Cross Plains School District or local, non-profit organizations for making announcements at organized athletic or similar events held on school or public property or equipment used by a school to signal the beginning or ending of classes.
  - (f) Amplified sound produced by churches and religious institutions used to simulate church bells traditionally used to signal the beginning of church services or events.
- (d) **Application for Permit.** The application for an amplified sound permit shall be submitted to the Village Clerk and shall include the following:
- (1) The application shall be signed by the person applying for the permit and by a person with control of the premises (if that person is different from the person applying for the permit). Each person signing the application must be over the age of eighteen (18).
  - (2) The application shall be accompanied by a nonrefundable application fee, as established by resolution of the Village Board. No fee is required for applications for Village operated events.
  - (3) No person or entity may receive more than three permits granted pursuant to this section during any calendar year.
- (e) **Issuance of Permit.**
- (1) An application, once received, shall be referred to the Chief of Police for review and recommendation to the Village Administrator/Clerk-Treasurer. The Police Chief may seek input from any other Village Staff member(s) as applicable when conducting his or her review.
  - (2) The Village Administrator/Clerk-Treasurer may approve, approve with conditions, or deny the application in order to protect the public health, peace, safety, and welfare. If the application is denied, the Village Administrator/Clerk-Treasurer shall state his or her reasons therefore in writing with reference to the standards set forth in this section and shall provide written notice of denial and the reasons therefore by regular mail send within three (3) business days of the decision.

- (3) Any application who has been denied a permit or has had an application modified, may upon written request to the Village Clerk, have the denial reviewed by the Village Board which shall either affirm, reverse, or modify the initial action on the application. Such determination by the Village Board shall constitute final action.
  - (4) The limitations in this section above may not be waived or relaxed except by approval of the Village Board.
- (f) **Expiration, Suspension and Revocation.**
- (1) Permits shall be effective for a specified time period not to exceed one night.
  - (2) Permits may be suspended or revoked for any violation of the permit conditions or of provisions of this ordinance. Proceedings for suspension or revocation may be initiated by the Chief of Police or by any member of the Village Board upon any citizen complaint. Before any permit is suspended or revoked, a hearing shall be held before the Village Board with 10 days written notice to the permit holder of the time, date and place of the hearing and a brief description of the reasons for suspension or revocation.
  - (3) The Police Chief may, at any time, order the immediate cessation of all amplified sound emitted pursuant to a permit if it is determined that the amplified sound constitutes a public nuisance and that the nuisance cannot be effectively abated by any other measures. Should any such order or orders be issued, the permit shall be reviewed by the Village Board at its next regular meeting for possible suspension, revocation or modification of the permit. In such case, the 10 day notice requirement in paragraph (b) shall not apply, but reasonable notice shall be provided.
- (g) **Enforcement.** Any person who violates this section or any condition of any permit issued under this section shall be subject to a forfeiture of not less than \$100.00. If a law enforcement officer finds any sound system operating in violation of this ordinance he or she may order the volume to be turned down to compliance level or order the system to be turned off. Failure to obey such order shall constitute a violation of this section and may lead to confiscation of the sound system.

### **SECTION 22.15 Disturbance of Lawful Assembly.**

No person may intentionally interrupt or in any way molest or disturb any public or private school, Sunday school, or church or other place where religious worship is held, or intentionally create or encourage any noise, riot, or disturbance at, in, or near the same, that has the effect of disturbing or hindering the exercise of any such school, church, or place of worship, or intentionally interrupt, molest, or disturb any lawful assemblage of people, or intentionally create any disturbance at or in any place of public gathering or entertainment.

**SECTION 22.16 Encouraging or Contributing to Underage Alcohol Violations.**

- (1) **Violation.** In conformity with Wis. Stats. § 125.07(1)(a)4., no adult may intentionally encourage or contribute to a violation of Wis. Stats. §§ 125.07(4)(a) or (b). Acts which violate this subsection include, but are not limited to:
- (a) Knowingly permitting underage persons not accompanied by their parent, legal guardian or adult spouse, to consume or possess alcohol on property owned or under the control of the adult or by otherwise managing, overseeing, supervising, organizing, facilitating or hosting underage persons engaged in such activity. Presence on the subject property at the time of the unlawful consumption or possession or at any other time is unnecessary to establish a violation of this subsection.
  - (b) Participating in any way, either by providing payment, signature or other action, a hotel, motel or other room or property for rent where it is known that underage persons not accompanied by their parent, legal guardian or adult spouse will consume or possess alcohol. Presence on the subject property at the time of the unlawful consumption or possession or at any other time, is unnecessary to establish a violation of this subsection.
  - (c) Encouraging or contributing to a violation of Wis. Stats. §§125.07(4)(a) or (b) shall include the failure to take reasonable action to prevent such violation or violations if the adult has information that would lead a reasonable person to conclude that such violations will occur or are occurring under circumstances described in subsection (a) and reasonable alternatives for action, including, but not limited to contacting law enforcement, are available to prevent or put a stop to such violation or violations.
  - (d) It is not necessary that the adult be aware of the presence of each individual underage person if it is proved that the circumstances of the adult person's intentional act or failure to act with respect to at least one underage person would be reasonably likely to lead to unlawful consumption or possession by other underage persons.
- (2) **Penalties.** Penalties for violation of this subsection shall be as set forth under Wis. Stats. § 125.07(1)(b). Each underage person committing a violation of Wis. Stats. §§ 125.07(4)(a) or (b) as a result of any adult action found to have encouraged or contributed to such violation shall constitute a separate violation of this subsection.

**SECTION 22.17 Curfew.**

- (a) **Curfew Established.**
- (1) No person 16 years of age and under may be in, on, or at (whether on foot, in or on any type of vehicle, or otherwise) any street, highway, road, alley,

park, school grounds, sidewalk, playground, vacant lot, place of amusement or entertainment, cemetery, public building, or any unsupervised public place in the Village between 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. the following day or between 11:00 p.m. on Friday or Saturday and 5:00 a.m. the following day.

- (2) No person who is 17 years of age may be in, on, or at (whether on foot, in or on any type of vehicle, or otherwise) any street, highway, road, alley, park, school grounds, sidewalk, playground, vacant lot, place of amusement or entertainment, cemetery, public building, or any unsupervised public place in the Village between 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. the following day or between 11:59 p.m. on Friday or Saturday and 5:00 a.m. the following day.

(b) **Exceptions.**

- (1) This section shall not apply to a person under 18 years of age:

- a. Who is accompanied by his or her parent, guardian, or person having legal custody of his or her person;
- b. Who is performing an errand as directed by his or her parent, guardian, or custodian;
- c. Who is on his or her own premises or in an area immediately adjacent thereto;
- d. Whose employment makes it necessary to be in such a place during such hours;
- e. Who is returning home from a supervised school, church, or civic function, but not later than 60 minutes after the conclusion of such function; or
- f. Who demonstrates that there is a reasonable necessity to be in such a place during such hours.

- (2) These exceptions shall not permit a person under 18 years of age to unnecessarily loiter about any aforementioned place or be in a parked motor vehicle at any of the aforementioned places.

- (c) **Prima Facie Evidence.** The fact that a person under 18 years of age is found in, on, or at any aforementioned place during the aforementioned hours unaccompanied by a parent, guardian, or custodian shall be prima facie evidence that said person is in violation of this section.

- (d) **Parental Responsibility.** No parent, guardian, or custodian may allow or permit his or her child or ward under 18 years of age to violate this section. The fact that prior to the present offense a parent, guardian, or custodian was informed by any law enforcement officer of a separate violation of this section occurring within 30 days of the present offense shall be prima facie evidence that such parent, guardian, or custodian allowed or permitted the present violation. Any parent, guardian, or custodian herein who has made a missing person notification to the Police Department shall not be considered to have allowed or permitted a child or ward to violate this section.

## **SECTION 22.18 Prowling.**

- (a) **Prowling Prohibited.** No person may prowl 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. Such circumstances include any situation in which a person takes flight upon the appearance of a law enforcement officer or attempts to conceal himself or herself or any object.
- (b) **Required Police Response.** Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to issuing any citation and prior to any arrest, afford the person an opportunity to identify himself or herself and to explain his or her presence and conduct. If it appears at any trial that the explanation given by the person prior to receipt of a citation or prior to arrest should have dispelled any alarm, the person shall be found not guilty of having violated this section.

## **SECTION 22.19 Unauthorized Presence on School Property.**

- (a) **Signs.** All school grounds of elementary and middle schools within the Village shall be posted with a notice that is in substantially the following form: “Entry upon school grounds by unauthorized persons is prohibited, except while in direct route to (describe room or place) to request authorization.” All entrances to such schools shall be posted with a notice that is in substantially the following form: “Entry into school building by unauthorized persons is prohibited, except while in direct route to (describe room or place) to request authorization.”
- (b) **Authorized Persons.** No person may be on elementary or middle school grounds or go within such buildings except while in direct route to request such authorization, unless that person is authorized. A person is so authorized if that person is:
  - (1) A student enrolled in that school who is required to be in the school at or about that time.
  - (2) A parent or guardian of a student enrolled in that school.
  - (3) An employee of the entity that operates the school.
  - (4) Authorized to do so by a person authorized to grant such authorization.
  - (5) Using the grounds or school after normal school hours for an activity approved by a person authorized to grant such authorization.
- (c) **Identification.** No person on elementary or middle school grounds, or in an elementary or middle school, shall refuse to identify himself or herself, or refuse to identify the basis of the person's authority to be on such grounds or in such school, if a law enforcement officer requests such information.

**SECTION 22.20 Failure to Cause Juvenile to Attend School Regularly.**

- (a) **Cause to Attend School.** Unless the juvenile is excepted or excused under Section 118.15, Wis. Stats., or has graduated from high school, any person having under his or her control a juvenile who is between the ages of six and 18 years shall cause the juvenile to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the juvenile should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes 18 years of age.
- (b) **Exceptions.** This section does not apply:
  - (1) To a person who has under his or her control a juvenile who has been sanctioned under Section 49.26(1)(h), Wis. Stats.
  - (2) To a person who proves that he or she is unable to comply with the requirements of this section because of the disobedience of the juvenile, in which case the action shall be dismissed and the juvenile officer or law enforcement authority shall refer the case to the District Attorney.
  - (3) Unless evidence has been provided by the school attendance officer that the activities under Section 118.16(5), Wis. Stats., have been completed or were not required to be completed as provided in Section 118.16(5m), Wis. Stats.
- (c) **Penalties.** Any person who violates this section is subject to a forfeiture of up to \$500.00.

**SECTION 22.21 Fireworks.**

- (a) **Fireworks use Regulated.** No person may sell, expose, offer for sale, use, keep, discharge, or explode any fireworks, except toy pistols, paper caps, sparklers, and toy snakes, unless he or she has a fireworks permit. The term “fireworks” is used in this section as that term is defined in Section 167,10, Wis. Stats. (as amended from time to time).
- (b) **Fireworks Permit Procedure.** Applications for fireworks permits shall be submitted to the Village Administrator/Clerk-Treasurer, who shall refer them to the Chief of the Fire Department for investigation. The Chief of the Fire Department may grant a permit allowing fireworks not prohibited by Wisconsin law to be used and displayed in open fields and parks by public authorities, fair associations, amusement parks, park boards, civic organizations, and other groups. The Chief of the Fire Department may grant a fireworks permit only after determining that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons, and that the display will be handled by a competent operator and will be conducted in a suitable and safe place and manner. Before granting any fireworks permit, the Chief of the Fire Department shall require the applicant to file proof of insurance with the Village Administrator/Clerk-

Treasurer. The insurance shall insure against any personal injury or property damage loss arising out of the use of the fireworks, shall provide that the Village is a named insured under the policy, and shall provide coverage of at least \$300,000.00 for the aggregate of all personal injuries and property damage.

- (c) **Sparklers.** No person may use any sparklers on any property owned by the Village.

## **SECTION 22.22 Special Events Permit**

- (a) **Definitions.** The following words, terms and phrases, when used in this Section, except where the context clearly indicates a different meaning, shall have the meaning ascribed as follows:

- (1) **Block Party** means a temporary outdoor public event organized by the residents of a neighborhood or Village block held within a specified public street or streets in the neighborhood or block for social or entertainment purposes.
- (2) **Participant** means only those persons actually taking part in the event, including, but not limited to, those sponsoring, organizing, promoting or initiating the event; those invited to attend; those paying to attend; or those for whom the event is sponsored organized or initiated, including the general public.
- (3) **Public Property** means streets, sidewalks, parkways, highways, roads, boulevards, avenues, alleys, plazas, parks, conservancies, medians, and any and all spaces dedicated to the public use or used in any way by the Village for the benefit of the public.
- (4) **Special Event** means any concert, show, performance, marathon, parade, race, walk or any other such activity or gathering of persons, animals or vehicles upon public property that is organized primarily for the purpose of amusement, athletic competition, block party, charity, commemoration, education or entertainment.
- (5) **Standard Services** means those services normally provided or Village personnel normally assigned for duty absent the existence of the special event by the applicable department head in accordance with standard operating procedures.

- (b) **Permit Required.** No person shall engage in, participate in, aid, form or start any special event on public property, unless a special event permit is issued by the Village Board in accordance with this Section. A permit is required when any of the following apply:

- (1) 200 or more individuals are expected to participate.
- (2) The Event will require the closure and use of public streets.
- (3) The Event will require Village Services above and beyond the Standard Services.

- (c) **Property and Events Exempt From Permit Requirement.** Notwithstanding subsection (b), the following events do not require a permit under this section:

- (1) The event is to take place on property which is under the control or jurisdiction of the federal government, the State of Wisconsin, Dane County or the Middleton-Cross Plains School District.
- (2) The event is a sporting event that is to take place on property equipped with facilities designed for the purpose of accommodating such events, including baseball diamonds, soccer fields and football fields, whether or not bleachers or other seating is provided.
- (3) Funeral processions.
- (4) Events for which an alcohol license is to be issued covering the entire premises upon which the event is to be held.
- (5) Events sponsored by the Village of Cross Plains subject to approval by the Village Board.

Exclusion from the terms of this Section pursuant to this subsection does not relieve the sponsors, coordinator, promoters, organizers or those otherwise holding an event from the responsibility of obtaining permission or authorization from the appropriate person or entity for the use of property this is not covered by this section.

(d) **Application.**

- (1) An application for a special event permit may be filed any time beginning 12 months prior to the date of event, but no later than 45 calendar days preceding the date of the proposed event. The Village Clerk may proceed to process applications at any time, however, no assurances shall be given or presumed that late applications can or will be processed in time for the proposed event.
- (2) A person seeking issuance of a special event permit shall file an application during regular business hours at Village Hall in the office of the Village Clerk. The Village Clerk shall promptly transmit a copy of all applications to the Chief of Police, Director of Public Facilities, and Parks/Recreation Director.
- (3) The application for a special event permit is to be drafted, updated, and kept as necessary for record keeping by the Village Clerk.

(e) **Review.**

- (1) The Chief of Police, Director of Public Facilities, and Parks/Recreation Director shall review and provide a recommendation to the Village Administrator/Clerk-Treasurer.
  - a. If the application meets at least 1 of the conditions as defined in 22.22(b), then the Village Administrator/Clerk-Treasurer may approve, approve with conditions, or deny the application.
  - b. If the application meets 2 or more of the conditions as defined in 22.22(b), then the Village Administrator/Clerk-Treasurer shall refer the application to the Village Board which may approve, approve with conditions, or deny the application.

- (2) If the application is denied, the Village Clerk shall state the reasons therefore in writing with reference to the standards set forth in this section and shall provide written notice of denial and the reasons therefore by regular mail sent within three (3) business days of the decision.
- (3) Any applicant who has been denied a Special Event Permit or has had an application modified by the Village Administrator/Clerk-Treasurer, may, upon written request to the Village Clerk, have the denial and/or modification reviewed by the Village Board which shall either affirm, reverse, or modify the initial action on the application. Such appeal determination by the Village Board shall constitute final action.

(f) **Insurance.**

- (1) The applicant shall, no later than seven (7) days prior to the start of the event, provide proof of bodily injury and property damage liability insurance naming the Village as an insured and covering the entire public area of the event for the duration of the event in a minimum amount of \$1,000,000 for the injury to or death of any one individual and \$1,000,000 for the injury to or death of any number of individuals in one occurrence, and property damage liability insurance in the amount of \$1,000,000.
- (2) Such policy shall insure both the Village and the sponsor, but shall be so endorsed as to create the same liability on the part of the insurer as though a separate policy had been written for the Village and the sponsor.
- (3) Such policy shall require thirty (30) days' written notice to the Village prior to cancellation, non-renewal or material change in the policy.
- (4) Such policy shall be issued by a company authorized to engage in the insurance business in the State of Wisconsin and shall be approved by the Village Attorney prior to the issuance of a permit.
- (5) Additional insurance requirements may apply in the reasonable discretion of the Village. The Village may waive or modify these insurance requirements for purely private events if it determines that the requirements would impose an undue hardship and that the public interest is otherwise adequately protected.

(g) **Fees and Expenses.**

- (1) The applicant shall pay a review fee at the time of submittal of the application in an amount established by resolution of the Village Board.
- (2) An applicant may be required to reimburse the Village for the actual costs it incurs, including costs for reviewing the application, planning for and setting up for the event, and for providing any security, traffic control, crowd control or other emergency service personnel required by the Village that is in excess of the standard complement of personnel provided by the Village or for the costs of any remedial actions including clean-up that are the applicant's responsibility that the applicant fails to fulfill. The Village may require all estimated costs under this paragraph or any portion thereof to be paid in advance of the event and held in escrow or for payment to be

secured by a letter of credit or other form of security approved by the Village Attorney. If money is held in escrow, unused funds shall be returned to the applicant within thirty (30) days of the end of the event. The applicant shall be sent an invoice for any deficiency in the escrow which shall be paid within thirty (30) days of issuance. In no case shall an applicant be required to reimburse the Village for the costs associated with providing personnel based on the actual or anticipated conduct of non-participants. Any required coverage for which reimbursement is sought shall be based on the following factors:

- a. The location or route of the event;
  - b. The physical characteristics of the location or route;
  - c. The duration of the event;
  - d. The day and time of the event;
  - e. The estimated number of the participants;
  - f. The potential danger to the event participants, the general public or public property;
- (3) Nothing in this subsection shall be construed to require the Village to provide any services including security, traffic control, crowd control or other emergency service.
- (h) **Permit Contents.** Unless waived by the Village, each permit issued under this chapter shall specify the following:
- (1) The specific portions of any street, park, sidewalk, trail, or other public place used by the permittee may be closed to traffic or use;
  - (2) The duration of the special event;
  - (3) The period of time during which any street, park, sidewalk, trail, or other public place used by the permittee may be closed to traffic or use;
  - (4) Requirements for placement and removal of barricades and the marking and lighting thereof;
  - (5) Requirements for the protection of persons and property abutting and near the portion of the public areas to be closed for the event from danger or annoyance which may be caused by such use;
  - (6) Requirements for security, crowd control and a traffic control plan for the event in conformance with the most recent edition of the Manual on Uniform Traffic Control Devices;
  - (7) Requirements and instructions for removal of litter or debris created by the event participants in connection with the event or use;
  - (8) The minimum and maximum speeds to be monitored by participating vehicles, if any.
- (i) **Grounds for Denial.** No application shall be unreasonably denied and, in no event, shall an application be denied based upon the content of any lawful message that may be connected with the special event. The grounds for the denial of an application are as follows:
- (1) The application is incomplete in any material respect.

- (2) The application was not received at least 45 days prior to the proposed event.
- (3) A portion of the event will take place on private property or property under the control or jurisdiction of any board, agency or other governmental entity and permission has not been obtained from such persons or entities.
- (4) The special event is a violation of federal, state or local ordinances, statutes or laws.
- (5) The conduct of the event will require the diversion of so great a number police officers or other Village personnel so as to impair service to the remainder of the Village.
- (6) There is insufficient complement of Village personnel available to provide the necessary security, traffic control, crowd control or other necessary services for the event because of other previously approved and scheduled special events.
- (7) The applicant has failed to reimburse the Village for expenses and fees charged for a prior special event.
- (8) If the time or location are unsafe and impracticable in the opinion of the Department Head.
- (9) The application contains a material falsehood or misrepresentation.
- (10) The applicant is legally incompetent to contract or to sue or to be sued.
- (11) Applications for special events requiring the use or closure of public streets shall be denied if any of the following apply:
  - a. The proposed street use is primarily for private or commercial gain;
  - b. The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property;
  - c. The application requests a period for the use of the street in excess of six (6) hours; or
  - d. The proposed use could be held in a public park or other location.

(j) **Duties of Participants.**

- (1) All persons involved with an event regulated by this section shall comply with all permit directions and conditions imposed under the terms of this section for the use of public property and with all applicable ordinances, statutes and laws.
- (2) All persons involved with an event regulated by this section shall stay within the area or route designated for the event during the conduct of this event.
- (3) The event chairman or other person leading such activity shall carry the special event permit upon his or her person during the conduct of the event.
- (4) The applicant shall be responsible for returning all premises used for the event or impacted by the event to the condition such premises were in prior to the event within twelve (12) hours after the permit expires.

(k) **Public Conduct.**

- (1) No person shall unreasonably hamper, obstruct or impede, or interfere with any event or event assembly or with any person, vehicle or animal participating or used in the event.
- (2) No driver of any vehicle, other than an authorized emergency vehicle, shall drive between the vehicles or persons comprising an event when such vehicles or persons are in motion and are conspicuously designated as a participant in the event.
- (3) The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along the street or highway or part thereof constituting a part of the route of the event. The Chief of Police shall see that signs are posted wherever parking is prohibited, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(l) **Revocation or Termination of an Event.**

- (1) Any special event permit issued under this section may be revoked or an event terminated on the day of the permitted activity without prior written notice and without a hearing if the Chief of Police determines that:
  - a. Revocation or termination is in the interest of the immediate public health or safety because of fire, casualty, act of God, or a public emergency;
  - b. Any term, standard for issuance, condition, duty, restriction or limitation of such permit or reservation has been violated by event participants and, as a result, the immediate health or safety of any participant or the general public is threatened;
- (2) The permittee shall immediately, upon receipt of the notification that the permit has been revoked, terminate the event and shall commence restoring the site to its condition prior to the event as soon as practicable and without delay.

**SECTION 22.23 Graffiti and Scratchiti.**

- (a) **Purpose and Intent.** The purpose and intent of this section are to prevent graffiti and scratchiti, to promote their eradication, and to prevent related vandalism, as graffiti and scratchiti adversely affect property, both public and private. It is the further intent of this section to fight against blight, to preserve the value of property, both public and private, and to promote the security of the community, all of which are threatened by graffiti, scratchiti and graffiti- or scratchiti-related vandalism.
- (b) **Graffiti and Scratchiti Prohibited.** It shall be unlawful for any person to intentionally or knowingly commit any overt act resulting in or attempting to result in application of graffiti or scratchiti on any surface on public or private property without the express permission of the owner of such property, including

but not limited to trees, signs, poles, fixtures, utility boxes, walls, windows, doors, paths, walks, streets, bridges, buildings or any other structures or surfaces. This subsection does not prohibit any person from using water-soluble chalk to mark words or figures, otherwise lawful, upon Village pavement and sidewalks.

- (c) **Possession of Graffiti or Scratchiti Implements Prohibited.** It shall be unlawful for any person to intentionally or knowingly possess any graffiti implement or scratchiti implement while on public or private property in a manner that warrants a justifiable and reasonable alarm or immediate concern for the safety of property in the vicinity without the express written consent of the owner of such property. Among the circumstances which may be considered by the enforcement officer in determining whether such alarm or immediate concern is warranted is the fact that the person takes flight upon appearance of an enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or the graffiti or scratchiti implement. Prior to any citation being issued to a person for a violation of this subsection, such person shall be afforded an opportunity by the enforcement officer to dispel any alarm or immediate concern which could otherwise be warranted by requesting such person to identify himself and explain his presence and conduct.
- (d) **Public Nuisance.** Graffiti or scratchiti on any public or private property visible from any public right-of-way, including but not limited to any sidewalk, street, highway, road, alley or walkway, is declared a public nuisance. The municipality shall give notice to the property owner requesting the owner to remove or cause to be removed such graffiti or scratchiti within 24 hours of notice.
- (e) **Parental Civil Liability.** Any act in violation of Subsection (b) or (c) of this section committed by a minor under the age of 17 years shall be imputed to that minor's parent or legal guardian. A parent or legal guardian of a minor who violates Subsection (b) or (c) of this section shall be liable for the payment of any civil fine and the expense of restoration as set forth in Subsection (f) of this section.
- (f) **Penalty.** Violators shall be ordered to remove the graffiti and/or scratchiti or, if it has already been removed, repay the property owner or the municipality the costs of such removal, including labor costs. Failure to comply with ordered removal or payment of costs shall create a cause of action that can be enforced by the property owner in a civil suit. Any person who commits a violation of Subsection (b) of this section shall be punished by a fine of not more than \$500.00 for each offense. Violations of Subsection (c) shall, upon conviction, be punished by a fine of not more than \$300.00 or each graffiti or scratchiti implement. Violations of Subsection (d) shall fall under Section 23.09 of this Code.
- (g) **Civil Remedies.**
  - (1) In addition to other penalty provisions as provided herein, any person, including the municipality, may seek appropriate injunctive relief for the enforcement of this section, its penalties and remedial provisions, including but not limited to actions for abatement, prevention of violations, and

enforcement of all remedial and preventive provisions of this section as may be appropriate.

- (2) As an alternative to the remedies, procedures and penalties provided in this section, a violation of this section may be charged as a civil violation subject to and prosecuted in accordance with Wisconsin law.
- (h) **Definitions.** For the purpose of this section, the following definitions shall apply:
- (1) **Aerosol Paint Container.** Any canister, can, bottle, container or other receptacle which contains any substance commonly known as paint, stain, dye or other pigmented substance which is or can be modified to contain pressure, or be pressurized, in order to impel or propel any such substance.
  - (2) **Etching Acid.** Any liquid, cream, paste or similar chemical substance that can be used to etch, draw, carve, sketch, engrave, or otherwise alter, change or impair the physical integrity of glass, metal or other hard surface.
  - (3) **Graffiti.** Any inscription, symbol, design or configuration of letters or numbers written, drawn, etched, marked, painted, stained, stuck on or adhered to any surface on public or private property without the express permission of the owner of such property, including but not limited to trees, signs, poles, fixtures, utility boxes, walls, paths, walks, streets, underpasses, overpasses, bridges, trestles, buildings or any other structures or surfaces.
  - (4) **Graffiti Implement.** Any implement capable of marking a surface to create graffiti, including but not limited to aerosol paint containers, markers and gum labels.
  - (5) **Gum Label.** Any material, such as, but not limited to, decals, stickers, posters or labels, which contains a substance commonly known as adhesive or glue which cannot be removed from the surface in an intact condition and with minimal efforts.
  - (6) **Marker.** Any indelible or permanent marker or similar implement containing an ink that is not water soluble.
  - (7) **Scratchiti.** Any writings, printings, marks, signs, symbols, figures, designs, inscriptions, or other drawings that are etched, carved, scratched, or engraved on any surface of a building, wall, fence, sidewalk, curb, door, window, or other structure on public or private property that have the effect of defacing the property, but shall not include “graffiti” as defined above.
  - (8) **Scratchiti Implement.** Any implement capable of marking a surface to create scratchiti, including but not limited to knives, screwdrivers, awls, chisels and other sharp-bladed objects.
- (i) **Anti-graffiti Trust Fund.** There is hereby created the municipal anti-graffiti trust fund. All civil fines paid by violators of this section and ultimately received by the municipality shall be placed in the fund. The fund may also receive monetary donations from citizens, businesses and other organizations. The Village President, or his designee, shall direct the expenditure of moneys in the fund. Such expenditures shall be limited to the payment of rewards under Subsection (j) of this section and restoration costs.

- (j) **Reward for Providing Information.** Any person who shall provide information which leads to the actual payment of a fine by a violator of Subsection (b) of this section is entitled to receive from the municipality a monetary reward up to \$500.00. The Village President, or his designee, shall determine the actual amount of reward and whether a particular reward shall be divided among persons based on the information provided and the number or persons providing the information. In no event shall the total reward relating to a particular violation exceed \$500.00.

**SECTION 22.24 Disposition of Human Remains Prohibited.**

- (a) **Prohibition.** No person shall dispose of human remains in any place within the Village limits, except in a legally recognized cemetery organized under Chapter 157 of the Wisconsin Statutes.
- (b) **Definition.** For purposes of this Section “human remains” means the body of a deceased individual that is at any stage of decomposition or has been cremated.

**SECTION 22.25 Panhandling Prohibited.**

- (a) **Purpose.** The purpose of this ordinance is to ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well-being of pedestrians and to otherwise foster a safe and harassment-free climate in public places in the Village of Cross Plains. The ordinance also provides protections in the Central Business District. This area is a special and unique area of the Village, having numerous businesses, restaurants and public venues. The Village has a significant public and governmental interest in encouraging the public presence of residents and visitors in the Central Business District, and their unimpeded use of public areas and private businesses in the area by insuring that residents and visitors are able to walk unobstructed in this area without being stopped and asked for a handout. The Village has a significant interest in providing a safe, pleasant environment and encouraging visitors to frequent this area. The Village finds that a ban on panhandling in this downtown area will serve these important interests.
- (b) **Definitions.** As used in this section:
  - (1) **“Central Business District”** is defined to include the Highway 14 corridor bounded by Brewery Road on the east, Market Street on the west, Bourbon Road to the south, and Park, Saeman and Church Streets to the north.
  - (2) **“Intersection”** has the meaning designated in Wis. Stat. § 340.01(25).
  - (3) **“Known panhandler”** means a person who within one year previous to the date of arrest for violation of this section has been convicted in a court of competent jurisdiction of any civil or criminal offense involving panhandling.
  - (4) **“Licensed alcohol establishment”** means any retailer that is licensed to sell alcohol beverages under Chapter 41.

- (5) **“Procure a handout”** means to request from another person an immediate donation of money, goods or other gratuity, and includes but is not limited to seeking donations.
- (6) **“Place open to the public”** includes all places open to the public and includes but is not limited to streets, sidewalks, plazas, parks, driveways, parking lots, and all buildings open to the general public.
- (c) **Prohibited Conduct.**
  - (1) It shall be unlawful for any person, either individually or as part of a group, to procure or attempt to procure a handout from another.
  - (2) This prohibition shall apply within twenty-five (25) feet of any of the following locations:
    - (a) any place open to the public;
    - (b) an alcohol licensed establishment;
    - (c) the Central Business District;
    - (d) an intersection;
    - (e) an open sidewalk café; or
    - (f) an automatic teller machine (ATM).
- (d) **Exceptions.** The prohibited conduct as set forth in paragraph (c) above shall not apply to organizations that are legally recognized as a charitable organization under section 501(c)(3) of the Internal Revenue Code, or any other locally recognized non-profit organization
- (e) **Penalty.** Any person violating this section shall be subject to a forfeiture of not less than ten dollars (\$10) nor more than five hundred dollars (\$500),

**SECTION 22.26 Enforcement.**

Except as provided elsewhere in this chapter, all violations of this Chapter shall be subject to the penalties set forth in Section 1.09 of this Code of Ordinances.