

CHAPTER 9 OFFENSES

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Chapter 9 Board Action

Adopted December 20, 2011 as part of Village Incorporation
Revised March 3, 2014, Ordinance No. 2014-O-04
Repealed & Recreated February 1, 2016, Ordinance No. 2016-O-02
Amended 9.19 April 9, 2018, Ordinance No. 2018-O-01

9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following statutes, preceded by the prefix "A9", 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 municipality provided the penalty for the commission of such offenses hereunder shall be limited to a forfeiture imposed under Section 25.04 of this Municipal Code, unless otherwise limited by state law, in which case such limitation shall apply.

- 9.146.70(10).....Reporting of False Emergency to 911 Systems
- 9.174.042.....Dogs running at large
- 9.254.92.....Purchase or possession of cigarettes or tobacco products by persons
under age eighteen (18) prohibited
- 9.939.05.....Parties to offense
- 9.939.22.....Words and phrases defined
- 9.940.19(1).....Battery
- 9.940.34.....Duty to aid victim or report crime
- 9.940.42.....Intimidation of witness (only for municipal cases)
- 9.940.44.....Intimidation of victim (only for municipal cases)
- 9.940.46.....Attempt prosecuted as completed act
- 9.941.01.....Negligent operation of vehicle
- 9.941.10.....Negligent handling of burning material
- 9.941.12(2) and (3)Interfering with firefighting
- 9.941.13.....False alarms
- 9.941.20(1).....Endangering safety by use of dangerous weapon
- 9.941.23.....Carrying concealed weapon
- 9.941.235.....Carrying firearm in public building
- 9.941.237.....Carrying handgun where alcoholic beverages may be sold and
consumed
- 9.941.24.....Possession of switchblade knife
- 9.941.2965.....Restriction on use of facsimile firearms
- 9.941.297.....Sale or distribution of imitation firearms
- 9.941.35.....Emergency telephone calls
- 9.941.36.....Fraudulent tapping of electric wires or gas or water meters or pipes
- 9.941.37(1) and (2)Obstructing emergency or rescue personnel
- 9.942.01.....Defamation

9.942.03.....Giving false information for publication
9.942.05.....Opening letters
9.943.01.....Damage to property
9.943.017(1).....Graffiti
9.943.07.....Criminal damage to railroad
9.943.11.....Entry into locked vehicle
9.943.125.....Entry into locked coin box
9.943.13.....Trespass to land
9.943.14.....Criminal trespass to dwellings
9.943.145.....Criminal trespass to medical facility
9.943.15.....Entry onto a construction site or into a locked building, dwelling or
room
9.943.20.....Theft
9.943.207.....Transfer of recorded sounds for unlawful use
9.943.21.....Fraud on hotel or restaurant keeper
9.943.215.....Absconding without paying rent
9.943.22.....Use of cheating tokens
9.943.23(1), (4m) and (6).Operate without owner's consent
9.943.24.....Issuance of worthless check
9.943.26(1).....Removing or damaging encumbered real property
9.943.34(1)(a)and (2).....Receiving stolen property (Under \$1,000)
9.943.37.....Alteration of property identification marks
9.943.392.....Fraudulent data alteration
9.943.41.....Financial transaction card crimes
9.943.45.....Obtaining telecommunications services by fraud (under \$1,000)
9.943.455.....Theft of cellular telephone service
9.943.46.....Theft of cable TV services
9.943.47.....Theft of satellite cable programming
9.943.50.....Retail theft (shoplifting)
9.943.55.....Removal of shopping cart
9.943.61.....Theft of library materials
9.944.17.....Sexual gratification

9.944.20.....Lewd and lascivious behavior
9.944.30.....Prostitution
9.944.31.....Patronizing prostitutes
9.944.33.....Pandering
9.944.36.....Solicitation of drinks prohibited
9.945.01.....Definitions (for gambling)
9.945.02.....Gambling
9.945.04.....Permitting premises to be used for commercial gambling
9.945.12.....Endless sales chains
9.946.06.....Improper use of the flag
9.946.40.....Refusing to aid officer
9.946.41(1), (2) and (3)....Resisting or obstructing officer
9.946.42(1) and (2)Escape
9.946.46.....Encouraging violation of probation or parole
9.946.67.....Compounding crime
9.946.68.....Simulating legal process
9.946.69.....Falsely assuming to act as public officer or employee or utility
employee
9.946.70(1).....Impersonating peace officers
9.946.72(2).....Tampering with public records and notices
9.947.01.....Disorderly Conduct
9.947.012.....Unlawful use of telephone
9.947.0125.....Unlawful use of computerized communication systems
9.947.013.....Harassment
9.947.02.....Vagrancy
9.947.04.....Drinking in common carriers
9.947.06.....Unlawful assemblies and their suppression
9.948.01.....Definitions (crimes against children)
9.948.40.....Contributing to the delinquency of a child (except felony provisions)
9.948.45.....Contributing to truancy
9.948.55.....Leaving or storing loaded firearm within the reach or easy access of a
child

- 9.948.60.....Possession of a dangerous weapon by a child (except felony provisions)
- 9.948.63.....Receiving property from a child
- 9.948.70.....Tattooing of children
- 9.951.01 thru 9.951.17Crimes against animals (except felony provisions)
- 9.961.41(3g)(em)Synthetic Marijuana-Possession Prohibited
- 9.961.571.....Definitions (Drug Paraphernalia)
- 9.961.573(1) and (2)Possession of Drug Paraphernalia
- 9.961.574(1) and (2)Manufacture or Delivery of Drug Paraphernalia
- 9.961.575(1) and (2)Delivery of Drug Paraphernalia to a Minor

9.02 DISCHARGE OF WEAPONS.

- 1) DEFINITION. A weapon is defined as any instrumentality from which or within which a shot, bullet, pellet, arrow or bolt may be discharged or expelled, regardless of whether the propelling is provided by air, spring or other similar mechanical device or by gunpowder.
- 2) DISCHARGE PROHIBITED. No person, other than a police officer or other law enforcement officer in the performance of an official duty, may discharge or fire any weapon in the following locations:
 - a) On property owned or under the care, custody and control of the Village of Bloomfield.
 - b) On property that is zoned as and utilized as residential land.
 - c) Within 300 feet of any building that is normally utilized for human occupancy, regardless of the zoning of the land upon which it sits. This would include but not be limited to homes, businesses, schools, churches and public warming areas. The 300-foot distance shall not be effective on lands zoned agricultural when it is the owner/occupant that is discharging a firearm upon his own land.
 - d) No person shall discharge a firearm within the right-of-way of any State, County or Village highway or road or in any public park, parking area or other area marked by signs prohibiting the same.
- 3) EXCEPTIONS. This section shall not apply to the following:
 - a) Ceremonial discharges of blank rounds, or
 - b) As the Village Board otherwise permits.
 - c) Except as otherwise provided for by state law in Sec. 29.038(3), Wis. Stats.

9.03 THROWING OR SHOOTING MISSILES AND PROJECTILES.

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by another means, at any person or vehicle or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

9.04 FIREWORKS REGULATED.

- 1) **SALES PROHIBITED.** No person may sell, expose or offer for sale in the Village of Bloomfield any firecracker, bottle rocket, cherry bomb, the type of balloon which requires fire underneath to propel it, torpedoes, sky rockets, Roman candles, aerial salutes, American or Chinese bombs or other fireworks of like construction, or any other fireworks containing any explosives of like construction, or any fireworks containing any explosives or flammable compound.
- 2) **STORAGE AND WHOLESALING.** This section does not prohibit any resident, wholesaler, dealer or jobber firm from selling fireworks at wholesale, provided they are shipped or delivered directly outside the Village limits.
- 3) **EXCEPTIONS FOR USE.**
 - a) Permits for the use of fireworks other than those prohibited by Sec. 167.10(6), Wis. Stats., by public authorities, amusement parks or civic organizations, may be given by the Village President upon application and upon his or her satisfaction as to the purpose and supervision and handling of such fireworks.
 - b) The prohibition of the use or discharge of fireworks within the Village of Bloomfield without a permit from the Village President of the Village of Bloomfield shall not apply to the following type items:
 - i. Fuel or lubricant.
 - ii. Firearm cartridge or shotgun shell when used in accordance with all pertaining laws and ordinances.
 - iii. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, water craft or motor vehicle.
 - iv. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - v. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - vi. A toy snake which contains no mercury.

- vii. A model rocket engine.
 - viii. Tobacco and a tobacco product.
 - ix. A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inches in outside diameter which does not contain magnesium, chlorate or perchlorate.
 - x. A device designed to spray out paper confetti or streamers and which contains less than one quarter grain of explosive mixture.
 - xi. A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
 - xii. A device that emits smoke with no external flame and does not leave the ground.
 - xiii. A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inches designed to sit on the ground and emit only sparks and smoke.
 - xiv. A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.
- 4) PARENTAL RESPONSIBILITY. No parent, guardian or other adult with delegated authority of a minor shall knowingly permit such minor to violate any section of this chapter.

9.05 LOUD AND UNNECESSARY NOISE PROHIBITED.

- 1) NOISE RESTRICTIONS. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence, under the circumstances as they then exist.
- 2) OPERATION OF MOTOR VEHICLES. It shall be a violation of this section for a person to operate a motor vehicle so as to cause the tires thereof to squeal, the horn to blow excessively or the motor to race excessively.

9.06 REGULATION OF ALARMS.

- 1) DEFINITIONS.
 - a) ALARM shall mean any signal generated by any device designed to be activated by some physical act, fire, emergency or malfunction and intended to alert the police and/or result in the response of emergency services whether it be by police, fire, rescue or combination thereof.

- b) BURGLAR/FIRE ALARM shall mean any device which, when activated by a criminal act, fire, or other emergency requiring police response, transmits a signal to an alarm panel at a police dispatch center, to an alarm receiving firm, or produces an audible or visible signal designed to alert the public within the audible or visual range of the signal.
 - c) FALSE ALARMS shall mean a signal from a burglar/fire alarm resulting in the response by the police department, fire department or rescue unit or any combination thereof when an emergency situation does not exist. Excepted from this definition shall be errant alarms which are storm related or the result of malfunctions due to problems with or interruptions of power at its sources or in electrical lines or due to activity at the alarm site where the possibility of errant alarms during a specific period has been made known to the Police Department.
 - d) AUTOMATIC TELEPHONE CALLING DEVICE. Any device which, upon activation, is capable of automatically selecting a telephone trunk line and causing it to be transmitted over such line a pre-recorded message.
 - e) ANSWERING SERVICE. A facility equipped with incoming and outgoing telephone communications and operated by a natural person who acts to receive and interpret information through incoming telephone communications and to relay such information to another, by means of an outgoing person-to-person telephone communication.
- 2) PERMISSIBLE ALARMS. Burglar/Fire alarms which are not audible to the public and which can be properly connected to an alarm panel at a police dispatch center or to an alarm receiving firm are deemed to be permissible alarms and they shall be so maintained so as not to produce false alarms.
- 3) ALARM SYSTEMS PROHIBITED. Outside burglar/fire alarm systems whose alarms are or would be audible to the public, whether for business, industry or residential, or any other use are prohibited. Outside systems that were installed prior to the effective date of this ordinance may continue in operation; but when the system is in need of replacement, the replacement system shall conform with this ordinance.
- 4) USE OF AUTOMATIC TELEPHONE CALLING DEVICE REGULATED.
- a) No person shall install or use or permit the installation or use upon property owned by such person of an automatic telephone calling device in a manner that such device is capable of automatic selection of a telephone trunk line to the Village of Bloomfield Police Department and Fire Department.
 - b) Nothing in this section shall prohibit the use or installation of an automatic telephone calling device in a manner such that said device is capable of automatic selection of a telephone trunk line to an answering service other than the Village of Bloomfield Police Department and/or Fire Department.
- 5) REGISTRATION OF ALARM SYSTEMS AND KEYHOLDERS. Every alarm system operated within the Village of Bloomfield shall be registered prior to the time such system

becomes operable, and annually, on or before the 30th day of January, in each succeeding calendar year. Registration shall be upon forms provided by the Village of Bloomfield Police Department and shall include information required by said Department. The owner and the operator of such alarm system shall be responsible individually for such registration.

In registering an alarm system as required by this paragraph, the operator and/or the owner thereof shall provide to the Village of Bloomfield Police Department the names and telephone numbers of not less than two other persons who can be contacted by telephone at any and all times, day or night, who are authorized to respond to an alarm given by the alarm system. Persons who can open and enter the premises wherein the alarm system is located, and who have the capability of terminating the alarm being emitted by the alarm system.

- 6) NOTIFICATION OF DURATION OF MAINTENANCE OF ALARM SYSTEM. Any person providing maintenance with respect to any alarm system which might reasonably be expected to cause such system to emit a false alarm, or to cause such system to be deactivated so as to be incapable of emitting an alarm shall give notice to the Village of Bloomfield Police Department of the intention of such person to provide such maintenance not less than 24 hours in advance as required herein, unless it is impossible or impractical, the person providing such maintenance shall give the greatest prior notice, with respect to such maintenance, which is reasonably possible under the circumstances. In providing such notice, the location of the alarm system to be maintained, and approximate length of time required for such maintenance shall be disclosed.
- 7) FALSE ALARMS. General. Each false alarm requires the response of public safety personnel, involves unnecessary expense to the Village, increases the risk of injury to persons and/or damage to property and dilutes the overall public safety protection to the Village. Such false alarms constitute a public hazard and nuisance and must be abated.
- 8) PENALTIES FOR NON-INTENTIONAL FALSE ALARMS. Administration Charges. Any person, business, corporation or other entity having a permissible alarm system with alarm devices at one or more locations in accordance with this ordinance shall pay to the Village a charge for false alarms responded to by the Police, Fire Department or Rescue Unit according to the following schedule for each calendar year, for each location connected, separate accounts shall be kept for false alarms as to criminal activity, fire, and other emergencies.
 - a) Fee Schedule (Police/Rescue response)
 - i. First two(2) false alarms per calendar year - NO CHARGE
 - ii. Third false alarm per calendar year B - \$100.00 plus costs.
 - iii. Fourth false alarm per calendar year - \$150.00 plus costs.
 - iv. Fifth and all subsequent false alarm per calendar year - \$500.00 plus costs.
 - b) Fee Schedule (Fire Department Response)

- i. First two(2) false alarms per calendar year - NO CHARGE
- ii. Third false alarm per calendar year B - \$100.00 plus costs.
- iii. Fourth false alarm per calendar year - \$150.00 plus costs.
- iv. Fifth and all subsequent false alarm per calendar year - \$500.00 plus costs.

This section is designed to impose a strict liability on the person, business, corporation or other entity responsible for the alarm connection to either a police dispatch facility or alarm receiving firm to which the emergency services department(s) of the Village have responded and shall be applied regardless of the cause of the FALSE ALARM. Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this section and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof together with any additional forfeiture(s) which may be imposed by the Court in compliance with Section 25.04 of the Municipal Code.

9.07 LITTERING PROHIBITED.

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

It shall be unlawful to deliver any handbills or advertising material to any premises or motor vehicle 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.

9.08 RADIO OR TELEVISION INTERFERENCE PROHIBITED.

No person shall operate any machine or equipment which causes interference with radio or television interception, when such interference can be prevented by repairs, adjustments, the installation of corrective appliances or other practicable alterations, at a reasonable expense.

9.09 LOITERING PROHIBITED.

- 1) LOITERING OR PROWLING. 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 or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace 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 the person to identify themselves and explain their presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

- 2) **OBSTRUCTION OF HIGHWAY BY LOITERING.** No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.
- 3) **OBSTRUCTION OF TRAFFIC BY LOITERING.** No person shall loaf or loiter upon the public streets, alleys, sidewalks, street crossing or bridges or in any other public places within the Village in such manner as to prevent, interfere with or obstruct the ordinary free use of said public streets, sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.
- 4) **LOITERING AFTER BEING REQUESTED TO MOVE.** No person shall loaf or loiter upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move by any police officer or by any person in authority at such places.
- 5) **LOITERING IN PUBLIC PLACES.** No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by any police officer. Upon being requested to move, a person must immediately comply with such request by leaving the premises or area thereof at the time of the request.
- 6) **LOITERING IN SCHOOL AND PLAYGROUND AREAS.** No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in any school building or in or about any playground area adjacent thereto within the Village between 8 a.m. and 4 p.m. on official school days.

9.10 REPEALED. JULY 31, 2006.

9.11 BURNING REGULATED.

- 1) **DEFINITION.** "COMBUSTIBLE MATERIAL" used in this section means any substance that is capable of burning.
- 2) **BURNING PROHIBITED.** No person shall cause any combustible material, nauseous or offensive material, garbage, or petroleum-based material to be ignited or knowingly allow to burn, except as otherwise herein provided.
- 3) **EXCEPTIONS.** The following shall be excepted from Subs. (2) of this section:

- a) Burning in any incinerator or other device used for the burning of combustible materials, which shall be so maintained and operated that combustible materials placed therein cannot escape therefrom during the process of burning.
 - b) Burning in a furnace, fireplace, stove or other similar device located within a dwelling house or structure.
 - c) Outdoor cooking, when done in a suitable receptacle so as not to expose persons or property to danger of fire.
 - d) The burning of small amounts of dry combustible and non-offensive yard debris shall be excepted provided, however, this subsection shall not be interpreted to allow the burning of garbage, noxious materials, or offensive materials, or petroleum-based materials at any time. It is further provided that the aforestated allowable burning shall be subject to the following limitations:
 - i. There shall be on-site supervision of any burning by a person eighteen years of age or older.
 - ii. No burning shall take place nearer than 25 feet from any building, structure or edifice.
 - iii. Water or other flame retardant shall be immediately available to the site of burning.
 - iv. No burning shall take place nearer than 50 feet from any lake or stream.
 - v. No burning shall take place in or on any highway, as defined in Sec. 340.01(22), Wis. States.
 - e) Any fire deemed to be a conflagration by the Fire Chief or his designee.
 - f) Any fire deemed necessary by the Fire Chief for purposes of training and education.
- 4) EMERGENCY CONDITIONS. The exceptions set forth in (3) above, may be suspended by the Village Board at any time.

9.12 SALE AND CONSUMPTION OF INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES IN PUBLIC PLACES PROHIBITED WITHOUT PERMIT.

- 1) DEFINITIONS. For the purpose of this section, intoxicating liquor and fermented malt beverages shall be defined as defined in Sec. 125.02, Stats.
- 2) OPEN INTOXICANTS AND FERMENTED MALT BEVERAGES. Except as allowed by license, permit or the Municipal Code of the Village of Bloomfield, no person shall have on or about his person, or anytime dispense, sell, open or consume upon or in any public street, parkway, square, sidewalk, stadium, park or beach area, municipal building, library building, shrine, vehicle or any drives or parking areas for business held out to the public in the Village

of Bloomfield any open container which has in it any fermented malt beverage, intoxicating liquor or other intoxicant.

- 3) EXCEPTION. The provisions of this section as to fermented malt beverages shall not apply to a public place during the period covered by a special permit issued by the Village Board, or such other person as the Village Board shall designate.

9.13 FALSE I.D. CARDS, USE OF PROHIBITED.

- 1) FALSE IDENTIFICATION. No person shall use any false identification card or certificate, or any other means of misrepresenting his or her age, for the purpose of gaining unlawful admission to any place where intoxicating liquors or fermented malt beverages are sold, or for the purpose of unlawfully asking for, or unlawfully receiving, any intoxicating liquors or fermented malt beverages.
- 2) MISREPRESENTATION OF AGE. No person shall provide any other person with a false identification card or certificate, or any other means of misrepresenting age, which is to be used for any of the purposes prohibited in Sub. (1).

9.14 CURFEW.

- 1) CURFEW ESTABLISHED. Except as otherwise provided herein, no child under the age of 18 years shall loiter, idle or remain upon any street, alley or other public place in the Village between 11:00 p.m. and 6:00 a.m., unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.
- 2) EXCEPTIONS. Prior to determining whether a violation of sub. (1) has occurred, law enforcement officers shall perform a reasonable investigation to determine whether any of the following exceptions apply. If any of the following exceptions are determined by law enforcement officers to apply, there shall be no violation of sub. (1) herein:
 - a) The child is performing an errand as directed by his parent, guardian or person having legal custody of the child.
 - b) The child is on his or her own premises or in the areas adjacent thereto.
 - c) The child's employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
 - d) The child is returning to his or her home or other place where they are legally staying for the night, from an adult-supervised school activity, religious or church activity, or an activity conducted by a non-profit or governmental entity.
 - e) The child is engaged in interstate or international travel from a location outside Wisconsin.

- f) The child is engaged in, or going to or from, an activity involving the exercise of the child's rights as provided by the Wisconsin or United States Constitutions, including, but not limited to, the right of free speech, association or assembly.
- 3) PARENTAL VIOLATION. No parent, guardian or other person having legal custody of a child under the age of 18 years shall permit such child to loiter, idle or remain upon any street, alley or other public place in the Village between the hours in Sub. (1) above unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.
- 4) RESPONSIBILITY OF OPERATORS OF PLACES OF AMUSEMENT. No person operating a place of amusement or entertainment within the Village or any agent, servant or employee of such person, shall permit a child under the age of 18 years to enter or loiter in such place of amusement or entertainment between the hours specified in Sub. (1) unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.
- 5) RESPONSIBILITY OF OPERATORS OF HOTELS, MOTELS AND ROOMING HOUSES. No person operating a hotel, motel or lodging or rooming house within the Village, or any agent, servant or employee of such person, shall permit any child under the age of 18 years to visit, idle, wander or stroll in any portion of such hotel, motel or lodging or rooming house between the hours specified in Sub. (1) unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.
- 6) DETAINING A CHILD. A child believed to be violating the provision of this section shall be taken to the Police Department or the County Sheriff's Department for proper identification. Any law enforcement officer on duty may detain any child violating subs. (1) until such time as the parent, guardian or the adult having legal custody of the child has been immediately notified and the person so notified has, as soon as reasonably possible thereafter, reported to the Police Department or the Sheriff's Office for the purpose of taking the child into custody and has signed a release for such child.
- 7) WARNING. The first time a child is detained by law enforcement officers as provided in Sub. (6), the parent, guardian or person having legal custody shall be advised as to the provisions of this section; and any violation of this section occurring thereafter by this child or any other child under such adult's care or custody shall result in a penalty being imposed as provided in Sub. (8).
- 8) GENERAL PENALTY.
 - a) Any parent, guardian or person having legal custody of a child described in Subs. (1), (3), (4) or (5) who has been warned in a manner provided in Sub. (7) and who thereafter violates any of the provisions of this section shall be subject to a penalty as provided in Sec. 25.04 of this Municipal Code.
 - b) Any child who violates this section after being detained and released under Sub. (6) may be subject to the provisions of Chapters 48 and 938, Stats.

9.15 MARIJUANA-POSSESSION PROHIBITED.

No person shall possess, keep or maintain 25 grams or less of marijuana, as defined in Section 961.01 (14), Wis. Stats., subject to the exceptions of Sec. 961.41 (3g) (intro), Wis. Stats. No person may receive a citation under this ordinance following a conviction for possession of marijuana.

9.16 PROHIBITED DISCHARGES.

- 1) **PROHIBITED DISCHARGES.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public street, alley, or public property, or onto the ground, surface waters, subsurface waters, or aquifers, or on any private property within the Village, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.
- 2) **CONTAINMENT, CLEANUP AND RESTORATION.** Any person, firm, or corporation in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain, cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary personnel and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Village of Bloomfield.
- 3) **SITE ACCESS.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff and to Village Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- 4) **PUBLIC PROTECTION.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, his or her assistant, or the senior Village Police or Fire official on the scene of the emergency may order an evacuation of the area or take other appropriate protective steps for a period of time until the Village Board can take appropriate action.
- 5) **ENFORCEMENT.** The Coordinator of Emergency Government and his or her deputies, as well as the Village Police officers, shall have authority to issue citations or complaints under this Section.

- 6) CIVIL LIABILITY. Any person, firm or corporation in violation of this section shall be liable to the Village of Bloomfield for any expenses incurred by the Village or loss or damage sustained by the Village by reason of such violations.
- 7) PENALTIES. Any person, firm, L.L.C., L.L.P., or corporation in violation of this section shall be subject to a penalty as set forth in Sec. 25.04 of this Municipal Code.

9.17 LANDFILL SITES.

- 1) LANDFILL SITES PROHIBITED. No person, firm or corporation shall create or operate a landfill site or permit waste disposal or landfill activities on any property within the Village.
- 2) CLEANUP AND RESTORATION. Any person, firm or corporation in violation of the above section shall, upon direction of the Village Board, immediately cease and desist conducting such activities and shall begin immediate actions to clean up and remove any offending materials and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary personnel and equipment to comply or to complete the requirements of this section, the Village Board of the Village of Bloomfield may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Village.
- 3) CIVIL LIABILITY. Any person, firm, or corporation in violation of this section shall be liable to the Village of Bloomfield for any expenses incurred by the Village for loss or damage sustained by the Village by reason of such violation.
- 4) PENALTIES. Any person, firm, L.L.C., L.L.P. or corporation in violation of this section shall be subject to a penalty as set forth in Sec. 25.04 of this Municipal Code.

9.18 REPEALED. MARCH 10, 2011.

9.19 STORAGE OF JUNK, ETC., REGULATED.

Storage of Junk, Etc., Regulated. No person shall store junked or discarded property including, but not limited to, motor vehicles, motor vehicle parts, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks, or other unsightly debris except in an enclosure which houses such property from public view or upon permit issued by the Village Board.

9.20 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.

No person shall have or permit on any premises owned or occupied by him 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.

9.21 ABANDONED UNATTENDED ICE BOXES, ETC., 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 their 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 such door or lid, snap lock or other locking device from such ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.22 HABITUAL TRUANCY.

- 1) Prohibition of Habitual Truancy. A child is prohibited from being a habitual truant.
- 2) Definitions.
 - a) “Habitual truant” means a pupil who is absent from school without an acceptable excuse under (b) for part or all of 5 or more days on which school is held during a school semester.
 - b) “Acceptable excuse” shall mean an acceptable excuse as defined in Sections 118.15, 118.16(1m) and 118.16(4), Wisconsin Statutes.
 - c) “Child” means a person who has not reached eighteen years of age.
- 3) Penalty. The Court shall enter an order imposing one or more of the dispositions asserted in Section 118.163(2), Wisconsin Statutes.

9.23 PENALTIES.

Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 25.04 of this Municipal Code. In addition to any penalty imposed for violation of Section 9.943.01(1), any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 9.943.01(1) may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Section 895.035, Wis. Stats. This provision shall not apply to a Section herein if the enabling state statute for this Chapter provides for a lower forfeiture.

9.24 DISPOSAL OF ABANDONED PROPERTY.

1) DEFINITIONS.

- a) **ABANDONED** as used herein shall mean property not claimed by the rightful owner or person having a legal interest therein for a term of thirty days or more after coming into the possession or control of the Village, by virtue of any authority provided under federal or state law or the authority set forth in this Municipal Code.
- b) **PROPERTY** as used herein shall mean personal property of any nature.

2) **DUTY OF VILLAGE.** The Village shall immediately notify the Village Clerk in writing of the Village having taken possession of any property which shall be deemed to be abandoned, the Village shall take reasonable steps to secure and maintain such property.

3) **NOTICE REQUIRED.** The Village shall immediately notify the Village Clerk in writing of the Village having taken possession of any property hereunder, which shall include a description of said property. Thereupon, the Village shall attempt with reasonable diligence to ascertain the identity of the owner, lienholder if applicable, or any party having an interest in said property.

- a) **Notice to ascertainable interested party.** In the event the Village is able to identify the owner, lienholder is any, or person having a legal interest in property that is in the possession or control of the Village, the Village shall notify such person(s) by certified mail of the following:
 - i. a reasonable description of the property; and
 - ii. where the property is located; and
 - iii. a statement indicating costs of securing or storage of said property; and
 - iv. notice that such person(s) may claim such property upon payment of said costs; and
 - v. failure to claim said property within thirty days from the date of the notice shall be deemed a waiver of any claim to such property, and may result in the disposal of the described property as provided herein; and
 - vi. disposal of the property shall not preclude the Village from pursuing civil remedies against the owner of the property for any costs incurred by the Village.
- b) **Unascertainable Owner of Property.** If after the exercise of reasonable diligence, the Village is unable to ascertain the identity of the owner, lienholder if any, or person having a legal interest in property in the possession or control of the Village, or if notice as set forth herein to said owner or other person is impractical or unfeasible or notice cannot reasonably be given, the Village may dispose of abandoned property as set forth herein.

- 4) **DISPOSAL OF ABANDONED PROPERTY.** The Village, in its sole discretion, may dispose of any abandoned property, that has not been claimed as provided herein, as follows:
 - a) By public sale or auction, notice of which shall be posted where other municipal notices are otherwise posted not less than five days before such sale or auction, with the information set forth in subsec. (3)(a), herein.
 - b) By private sale if the Village shall maintain an inventory of such property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. Such inventory shall be kept as a public record for a period not less than two years from the date of disposal of the property.
 - c) Property having little or no commercial value may be destroyed or otherwise disposed of by the Village subject to the provisions herein. However, records of any such disposal shall be maintained as set forth in subsec. (4)(b), above.
 - d) Exceptions.
 - i. Dangerous weapons and ammunition shall be disposed of in accordance with Sec. 968.20, Stats.
 - ii. This ordinance shall apply to the disposal of motor vehicles, except to the extent that any provisions of Secs. 342.34, 342.40 and Chapter 342, Stats., may apply.
 - iii. Hazardous materials such as unclaimed flammable, explosive, or incendiary substances, materials or devices posing a danger to life or property in their storage, transportation or use may be disposed of without sale or notice to any owner, lienholder, or party claiming any interest therein. However, record of such disposal shall be maintained in accordance with subsec. (4)(b) above.
- 5) **PROCEEDS FROM SALE.** If the disposal is in the form of sale or action, all receipts therefrom, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid into the Village Treasury.
- 6) **RIGHT TO PURSUE OWNER FOR COSTS.** Costs of keeping property, sale of property or disposal of property, not recovered from a sale, auction or disposal may be recovered in a civil action by the Village.
- 7) **APPLICATION FOR PROCEEDS OF SALE.** At any time within one year after the sale of property as provided herein, any person claiming ownership of such property or a financial interest therein may present a claim to the Village Board setting forth such facts as are necessary to establish such ownership or interest, and that the failure of the claimant to reclaim the property prior to the sale was not the result of the neglect or fault of claimant. If the Village Board is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Village Treasury as a result of the sale of such property nor the amount of interest of the claimant therein.

9.25 MISUSE OF 911 EMERGENCY SYSTEM.

Any person who intentionally dials the telephone number “911” for any reason other than to report an emergency shall be subject to a forfeiture of not more than \$300.00 plus costs.

9.26 OBJECTS IN THE ROAD RIGHT OF WAY PROHIBITED.

- 1) **PURPOSE.** It is the Village of Bloomfield’s intention to preserve and maintain the safe passage over the Village’s right of ways, to protect property from damage and facilitate the timely delivery of municipal services. The Village considers the placement of personal property or fixtures in the road right of way to be a nuisance, creating a hazard to the community as a whole. A violation of the Village’s stated purpose is considered an active and exigent circumstance that requires immediate response and abatement.
- 2) **VIOLATION.** At no time shall any resident allow, permit, place, or otherwise leave any personal property or fixture in the road right of way, adjacent to their property, except for:
 - a) Mailboxes placed appropriately as described by the United States Post Office.
 - b) Garbage and recycling containers or other refuse, placed at the designated location for timely pickup by the appropriate authorities. The containers and other pickup items shall be left no more than 48 hours, 24 hours before pickup, and 24 hours after pickup.
 - c) Vehicles legally parked.
- 3) **ENFORCEMENT.**
 - a) Any resident in violation of this section shall first receive a written warning of the violation. All personal property or fixtures still in the road right of way after five (5) calendar days, in violation of this section, shall be deemed abandoned.
 - b) All abandoned personal property or fixtures shall be collected by the Village Highway Department and be stored by said department. Personal property and fixtures shall be held for at least thirty (30) days and thereafter may be disposed of pursuant to section 9.24 of the Village of Bloomfield Municipal Code.

The Village reserves to the right to use any other authority as allowed by law to preserve the safe passage over the roadway.

9.27 PROHIBITION OF WEAPONS IN PUBLIC BUILDINGS.

- 1) Weapons as defined in sec. 175.60 Wis. Stat., shall be prohibited from all buildings owned and operated by the Village of Bloomfield, except as provided for in subsection 2) hereinafter.
 - a) Weapons in a vehicle driven or parked in the parking facility adjacent to any buildings owned and operated by the Village of Bloomfield.
 - b) Armed forces/military personnel who go armed in the line of duty or any law enforcement officer.
 - c) A qualified out-of-state law enforcement officer as defined in sec. 941.23(1)(g), to whom sec. 941.23(2)(b) 1. to 3. applies.
 - d) A former officer, as defined in sec. 941.23(1)(c), to whom sec. 941.23(2)(c)1. to 7. applies.
- 2) Employees. No employee of the Village of Bloomfield shall be permitted to bring a weapon into a building owned and occupied by the Village of Bloomfield during the course of their employment.
- 3) If any section, clause, provision or portion of this section is adjudged unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.
- 4) The Village shall install a sign, that is at least 5 inches by 7 inches that states the restriction on weapons and is posted in a prominent place near all of the entrances to the public buildings.