

## CHAPTER 11

### ORDERLY CONDUCT

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11.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE (Am. Ord. #109). The following statutes following the prefix 11 defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Village provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Sec. 20.04 of this Code.

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- 11.947.01 Disorderly Conduct
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- 11.947.031 Harassment Prohibited
- 11.947.06 Unlawful Assemblies and Their Suppression
- 11.947.08 Crime Comics
- 11.948.02 Mistreating Animals

11.02 OFFENSES ENDANGERING PUBLIC SAFETY.

(1) **BURNING OF TRASH RESTRICTED.** No person shall ignite or set afire any rubbish, waste paper or refuse in any of the streets or alleys of the Village, or at any place within the fire limits of the Village, unless such rubbish, waste paper or refuse is confined within a fireproof receptacle or incinerator.

(2) **FIREARMS.**

(a) Discharge of Firearms. It shall be unlawful for any person to discharge a firearm, pellet gun or air rifle within the limits of the Village at any time, except for the following:

1. Law enforcement officers acting in their official capacity.
2. Private indoor ranges approved by the Chief of Police.
3. Public ranges approved by the Chief of Police.
4. Individuals who have received written permission from the Chief

of Police for the purpose of controlling rodents, birds or other mammals causing damage to property or otherwise constituting a public nuisance provided, however, that any person receiving such permission shall not discharge such firearm in an unsafe manner.

(b) Possession of Firearms Prohibited. In addition to the provisions of par. (a) above, no person except duly authorized city, village, county, state or federal law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while in any public building or on public land within the Village. No person shall possess a firearm while in any public place within the Village unless written consent to so possess a firearm has been given by the owner or lessee of such public place.

(3) **THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.** No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

(4) **SALE AND USE OF FIREWORKS REGULATED** (Rep. & Recr. Ord. #111).

(a) Definition. The definition of "fireworks" stated in §167.10(1), Wis. Stats., is hereby adopted by reference.

(b) Sale Regulated. Except as provided in Sec. 167.10(2) and (4), Wis. Stats., no person shall sell, or possess with the intent to sell, fireworks.

(c) Use Regulated. Except as provided in Sec. 167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit issued pursuant to par. (d) below.

(d) User's Permit. As provided in Sec. 167.10(3), Wis. Stats., fireworks user's permits may be issued by the Village President, or other Village official designated by the Village President. The official issuing the permit shall require a certificate of liability insurance, or similar proof of coverage, in an amount as deems necessary. A copy of the permit and proof of insurance shall be filed with the Clerk-Treasurer and the copies of the permit shall be given to the Fire Chief and the Chief of Police at least 2 days before the authorized use.

(e) Use of Certain Devices Regulated. No person may use fireworks or devices listed in Sec. 167.10(1)(e) to (g) and (i) to (n), Wis. Stats., including, but not limited to, caps, toy snakes, model rocket engines, sparklers or cone fountains at a fireworks display for which a permit has been issued if the display is open to the general public.

11.03 OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER.

(2) INTOXICATING LIQUORS (e) Except as provided in par. (f) of this subsection, the drinking of any intoxicating liquors as defined in Sec. 125.02(8), Wis. Stats., or any fermented malt beverages as defined in Sec. 125.02(6), Wis. Stats., or the carrying of any open container which contains an intoxicating liquor or fermented malt beverage, is prohibited in the following places:

1. On private property without the owner's consent.
2. On any street, roadway, alley, parking lot or sidewalk.
3. On any public property in the Village.

(f) The prohibition relating to the drinking of fermented malt beverages in any public park, street, public place or other public area within the Village as provided in par. (e) shall not apply to organizations and groups which have been issued a license or permit as follows:

1. Any organization enumerated in Sec. 125.32(4)(a)7, Wis. Stats., which has been issued a Class "B" fermented malt beverage picnic license pursuant to Sec. 9.01(3)(h) of this Code.

2. Permits may be granted at no cost by the Clerk-Treasurer for a picnic or similar gathering of a bona fide fraternal, patriotic, religious, philanthropic, veterans or other similar groups that have been in existence for at least one year. Any such organization requesting such permit shall furnish proof of their Wisconsin Sales Tax Permit and current registration with the Secretary of State, when applicable. No person shall attend these gatherings other than members of the group, their spouses and children.

3. Permits may be granted at no cost by the Clerk-Treasurer to family groups picnicking in the Village Park located on Mound Ave.

(3) DISORDERLY CONDUCT WITH MOTOR VEHICLE.

(a) No person shall, on public or private property located within the Village, by or through the use of a motor vehicle, motorcycle, snowmobile or mini-bike, under circumstances which tend to cause or provoke a disturbance or annoy one or more persons, engage in violent, abusive, unreasonably loud or otherwise disorderly conduct, including but not limited to the unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of the engine, blowing the horn, causing the engine to backfire, or causing the vehicle while commencing to move or in motion to raise one or more of its wheels off the ground.

(b) Any person who shall violate this subsection shall upon conviction be subject to a forfeiture of not less than \$25 nor more than \$200 for each offense.

(4) LOUD AND UNNECESSARY NOISE PROHIBITED. 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.

(5) MARIJUANA, POSSESSION AND USE.

(a) Definition. "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or

resin.

(b) Prohibited. It shall be unlawful for any person to possess, deliver, sell, or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this subsection for a first offense.

(c) Penalty. Any person who shall violate any provision of this subsection shall upon conviction be subject to a forfeiture of not less than \$25 nor more than \$100 for the first offense. Any person convicted of a second or subsequent offense under this subsection may be fined an amount up to twice that otherwise authorized.

(d) Exception. This subsection shall, not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.

(6) INTERFERENCE WITH RADIO AND TELEVISION RECEPTION. No person shall operate or cause to be operated, any machine, device, apparatus or instrument of any kind whatsoever within the Village which shall cause reasonably preventable electrical interference with radio or television reception within said municipal limits. However, x-ray pictures, examination or electrical treatments under direct instructions of any duly registered physician, chiropractor or dentist may be made at any time if the machine or apparatus used therefore is properly equipped to avoid all unnecessary or reasonably preventable interference and is not negligently operated.

(7) LOUDSPEAKERS REGULATED.

(a) Prohibited. No person shall operate on any street or alley or in any park or other public place in the Village any loudspeaker or other mechanical device for amplifying sound or any mechanical service for reproducing sound, or shall create any excessive noise or disturbance by force or instrument of any kind.

(b) Exceptions. The provisions of par. (a) shall not apply to patriotic observance of Memorial Day, Flag Day, Fourth of July or Veterans' Day held in public places in the Village by the American Legion or other similar patriotic organizations. Or to the annual celebration of the Christmas season held in the month of December by a nonsectarian association or group of persons, provided that no advertising for private purposes is done on any such occasion.

(8) PARK CLOSING HOURS. The Village Park located on Mound Avenue shall be closed between the hours of 10:00 P.M. and 6:00 A.M. and Bond Park located on Park Street shall be closed between the hours of 11:00 P.M. and 6:00 A.M. It shall be unlawful for any person to be on park premises during said period.

#### 11.05 OFFENSES ENDANGERING PUBLIC AND PRIVATE PROPERTY.

(1) DESTRUCTION OF PROPERTY PROHIBITED.

(a) No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Village of its departments or to any private person without the consent of the owner or proper authority.

(b) Pursuant to Sec. 895.035, WI Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed \$1,000.

(2) **LITTERING PROHIBITED.** No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the Village or upon any private property not owned by him or upon the surface of any body, of water within the Village.

(3) **THEFT OF CABLE TELEVISION AND TELECOMMUNICATIONS SERVICE.** The provisions of Sections 943.45(1) and (2) and Sections 943.46(1) and (2), Wis. Stats., are hereby adopted by reference as though fully set forth herein.

(4) **ISSUE OF WORTHLESS CHECK.**

(a) No person may issue any check or other order for the payment of money which, at the time of issuance, he or she intends shall not be paid.

(b) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money, intended it should not be paid:

1. Proof that, at the time of issuance, the person did not have an account with the drawee; or

2. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and the person failed within five days after receiving notice of non-payment or dishonor to pay the check or other order; or

3. Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five days after receiving notice of non-payment or dishonor to pay the check or other order.

(c) This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

11.06 **PENALTY.** Any person who violates any provision of this chapter or any order, rule or regulation made hereunder shall be subject to the penalty set forth in the VILLAGE OF BELMONT SCHEDULE OF PENALTIES which is part of the Village Ordinances or such other penalty or amount as the Court or Village shall deem appropriate in accordance with Section 20.04.

11.07 **HOUSING DISCRIMINATION PROHIBITED.**

(1) **DECLARATION OF POLICY.** It is hereby declared to be the policy of the Village of Belmont pursuant to the United States and Wisconsin Constitutions, and by virtue of its power and authority to protect the public health, safety, and promote the general welfare, that all persons, regardless of sex, race, color, sexual orientation, religion, national origin, marital status, lawful source of income, age, ancestry, disability or familial status shall be accorded full and equal access to housing in the Village of Belmont. The provisions of Section 101.22 entitled "Equal Rights" of Wisconsin Statutes, as amended, is hereby incorporated by reference and made a part hereof as if fully set forth herein. In case of conflict, the provisions of said law shall govern.

(2) **DEFINITIONS.**

(a) **HOUSING** means any improved property which is used or occupied or intended, arranged or designed to be used or occupied as a home or residence.

(b) **ACCOMMODATION** shall include any room, apartment, house, building or structure, any part of which is used for human habitation on a temporary or permanent basis.

(c) **DISCRIMINATE, DISCRIMINATION, DISCRIMINATING** shall mean to segregate, separate, exclude or treat any person unequally only because of sex, race, color,

sexual orientation, religion, national origin, marital status, lawful source of income, age ancestry, disability or family status, and shall refer to any type of act or refusal to act prohibited by Subsection (3), but shall not include and shall exempt herefrom acts not prohibited by Subsection (4).

(d) PERSON shall include any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee, trustee in bankruptcy or other fiduciary, or the lessee, proprietor, manager, employee or any other agent of any such person.

(e) OWNER-OCCUPIED DWELLING shall mean a building used for human habitation in which the owner thereof maintains his permanent living quarters.

(f) DWELLING UNIT shall mean that portion of a residential dwelling or building which is occupied by the members of the same immediate family.

(3) PROHIBITED ACTS.

(a) It shall be a prohibited discriminatory practice for any person to:

1. Print, publish, circulate, issue, display, post, mail or communicate in any other way, any announcement, statement, advertisement, publication or sign, the import of which indicates a decision, or purpose to impair in any way the access of any person, on the basis of his sex, race, color, sexual orientation, religion, national origin, marital status, lawful source of income, age, ancestry, disability or familial status, to any transferable interest in any housing or housing accommodation.

2. Refuse to sell, lease, sublease, rent, or in any other manner deny, withhold or impair the transfer of title, leasehold or any other interest in any part of any housing accommodation, when such refusal is based on a consideration of sex, race, color, sexual orientation, religion, national origin, marital status, lawful source of income, age, ancestry, disability or familial status of the person refused.

3. Refuse to lend money or security, guarantee any loan, accept any mortgage or in any other manner make available any other funds or resources for the construction, acquisition, purchase, rehabilitation, repair or maintenance of any housing or housing accommodation, when such refusal is based on a consideration of sex, race, color, sexual orientation, religion, national origin, marital status, lawful source of income, age, ancestry, disability or familial status of the person refused.

(b) It shall be a violation of this ordinance for any person to do any act which accomplishes the objectives of any activity prohibited by this ordinance.

(4) ACTS NOT PROHIBITED.

(a) Nothing in this ordinance shall be deemed to prohibit any person from selling or refusing to sell; renting or refusing to rent; leasing or refusing to lease; financing or refusing to finance; and contracting or refusing to contract housing to or for any person for any reason other than because of sex, race, color, sexual orientation, religion, national origin, marital status, lawful source of income, age, ancestry, disability or familial status.

(b) Nothing in this ordinance prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family, marital, financial and business status, but not concerning sex, race, color, physical condition, age, ancestry, nation origin, religion and creed.

(c) Nothing in this ordinance prohibits discrimination based on age or family status with respect to housing for older persons.

(d) Nothing in this ordinance shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with

disabilities in relation to such housing.

(5) ENFORCEMENT PROVISIONS.

(a) The provisions of this ordinance shall be administered and enforced by the Village Attorney as in the case of other violations of Village ordinances. No publicity shall be given a complaint in those cases where the Village Attorney obtains compliance with the provisions of this ordinance through conference, conciliation or persuasion, or if the Village Attorney, through investigation, finds that the complaint is without foundation.

(b) As an alternative to local enforcement, the Village Attorney is hereby authorized to refer complaints of violations of the provisions of this ordinance to the Department of Industry, Labor and Human Relations of the State of Wisconsin for appropriate action as provided under Sec. 101.22 Wisconsin Statutes.

11.08 (created 08/95) SEC. 48.983 WISCONSIN STATE STATUTES.

(1) Section 938.983 of the State of Wisconsin Statutes "Children Purchase or Possession of Tobacco Products Prohibited" is hereby adopted.

11.09 POSSESSION, SALE AND USE OF FIREWORKS (Created Ord #192)

(1) DEFINITION. In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (a) Fuel or lubricant.
- (b) A firearm cartridge or shotgun shell.
- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco and tobacco products.
- (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (k) A fuse-less device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
- (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effect, or audible and visible effects.
- (m) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- (n) A cone fountain that is classified by the federal department of



transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(2) SALE. No person may sell any fireworks, as that term is defined in sub. (1), within the village limits of the Village of Belmont.

(3) POSSESSION OR USE.

(a) No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village designated by the Village President. No person may use fireworks or a device listed under sub. (1)(e) to (g) or (i) to (n) while attending a fireworks display for which a permit has been issued to a person listed under par. (c) 1. to 5. or under par. (c)6. if the display is open to the general public.

(b) Paragraph (a) does not apply to:

1. The Village, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance.

2. The possession or use of explosives in accordance with rules or general orders of the department of commerce.

3. The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.

4. The possession or use of explosive or combustible materials in any manufacturing process.

5. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.

6. A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.

7. Except as provided in par. (bm), the possession of fireworks in any city, town or village while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance.

(bm) Paragraph (a) applies to a person transporting fireworks under par. (b) 7. if, in the course of transporting the fireworks through the Village, the person remains in the Village for a period of at least 12 hours.

(c) A permit under this subsection may be issued only to the following:

1. A public authority.

2. A fair association.

3. An amusement park.

4. A park board.

5. A civic organization.

6. A group of resident or nonresident individuals.

7. An agricultural producer for the protection of crops from predatory birds or animals.

(d) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

(e) The person issued a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate

liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Village Clerk-Treasurer.

- (f) A permit under this subsection shall specify all of the following:
  1. The name and address of the permit holder.
  2. The date on and after which fireworks may be purchased.
  3. The kind and quantity of fireworks which may be purchased.
  4. The date and location of permitted use.
  5. Other special conditions prescribed by ordinance.

(g) A copy of a permit under this subsection shall be given to Village fire and law enforcement officials at least 2 days before the date of authorized use.

(h) A permit under this subsection may not be issued to a minor.

(4) ENFORCEMENT.

(a) The Village may petition the Circuit Court for Lafayette County for an order enjoining violations of sub. (2) or (3).

(b) Fireworks stored, handled, sold, possessed or used by a person who violates this section or a court order under par. (a) may be seized and held as evidence of the violation. Except as provided in s. 968.20(4), only the fireworks that are the subject of a violation of this section or a court order under par. (a) may be destroyed after conviction for a violation. Except as provided in s. 968.20(4), fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.

(5) PENALTIES.

(a) A person who violates subs. (2) or (3) shall forfeit not more than \$1,000.

(b) A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit not more than \$1,000.

11.10 CURFEW. Created Ord. #212

(1) REGULATIONS AND EXCEPTIONS.

(a) Regulations. No person under the age of 15 years shall loiter, idle or remain upon any street, alley or other public place in the Village between 10:00 P.M. and 5:30 A.M. the following day on Sunday through Thursday, and 11:00P.M. and 5:30 A.M. the following day on Friday and Saturday.

(b) Exceptions. The following shall constitute valid exceptions to the operation of the curfew:

1. At any time, if the person is accompanied by his parent, legal guardian, or other responsible person who is over the age of 18 and who is approved by the person's parent or legal guardian.

2. At any time, in the event of an emergency which would justify the reasonableness of the person's presence.

3. At any time while the person is pursuing the duties of this employment.

4. Until the hour of 12:30 A.M. if the person is on an errand as directed by the person's parent or legal guardian.

5. If the person is coming directly home from a public meeting or

place of public entertainment such as a movie; play; or school, church or sporting event. This exception will apply for ½ hour after the completion of such event, but in no case beyond 12:30 A.M.

6. If the person is coming directly home from a private home which has been approved by the person's parent or legal guardian.

7. Until the hour of 12:30 A.M. if the person is on the property of or the sidewalk directly adjacent to the building in which he resides.

(2) PARENTAL RESPONSIBILITY. No parent, guardian or other person having legal custody of a child under the age of 15 years shall permit such child to loiter, idle or remain upon any street, alley or other public place in the Village during the hours prohibited in sub. (1) above unless such child is accompanied by his parent, guardian or other person having legal custody of such child.

(3) WARNING. The first time a child is detained by law enforcement officers for violation of this section, said child shall be delivered to the person having legal custody of said child and the child and 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 said child shall result in a penalty being imposed as provided in sub. (4) below.

(4) GENERAL PENALTY.

(a) Any parent, guardian or person having legal custody of a child who has violated sub. (1) above who has been warned in the manner provided in sub.(3) above and who thereafter violates any of the provisions of this section shall be subject to a forfeiture of not less than \$20.00 nor more than \$100.00.

(b) Any child who violates this section after being warned, as provided in sub. (3) above, shall be subject to any penalty, including a forfeiture not to exceed \$50.00, as described under WI Stat. sec. 938.343.

(5) BOND SCHEDULE. To ensure uniformity and equal treatment of all persons who violate any provision of this section, in the event a monetary penalty is imposed, the forfeitures set forth in the following Schedule of Penalties shall be the penalty imposed unless, in the opinion of the officer issuing the citation or the Village Attorney or the Court, unusual circumstances exist which justify a different penalty.

#### 11.11 TRUANCY AND HABITUAL TRUANCY PROHIBITED created Ord. #215

(1) DEFINITIONS. In this section:

(a) "Dropout" has the meaning given in WI Stat. Sec. 118.153(1)(b).

(b) "Habitual truant" means a pupil who is absent from school without an acceptable excuse under WI Stat. Secs. 118.15 and 118.16(4) for part or all of 5 or more days on which school is held during a school semester.

(c) "Operating privilege" has the meaning given in WI Stat. Sec. 340.01.

(d) "Truancy" means any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of s. 118.15.

(2) Upon finding that a person under 18 years of age is a truant, the Court shall enter an order providing one or more of the following dispositions:

(a) An order for the person to attend school

(b) A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any 2<sup>nd</sup> or subsequent violation committed within 12 months of a previous violation, subject to WI Stat. Sec. 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(c) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in WI Stat. Sec. 938.342(1d)(c).

(3) Upon finding that person under 18 years of age is a habitual truant, the Court shall enter an order providing one or more of the following dispositions:

(a) Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.

(b) An order for the person to participate in counseling or a supervised work program or other community service work as described in WI Stat. Sec. 938.34(5g). The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.

(c) An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.

(d) An order for the person to attend an educational program as described in WI Stat. Sec. 938.37(7d).

(e) An order for the department of workforce development to revoke, under WI Stat. Sec. 103.72, a permit under WI Stat. sec. 103.70 authorizing the employment of the person.

(f) An order for the person to be placed in a teen court program as described in WI Stat. Sec. 938.342(1g)(f).

(g) An order for the person to attend school.

(h) A forfeiture of not more than \$500 plus costs, subject to WI Stat. Sec. 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(i) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

(j) An order placing the person under formal or informal supervision, as described in WI Stat. Sec. 938.34(2), for up to one year.

(k) An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

(l) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at an other time that the person is not

under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in WI Stat. Sec. 938.342(lg)(k).

(3) Upon finding that a person who is at least 16 years of age but less than 18 years of age is a dropout, the Court may suspend the person’s operating privilege until the person reaches the age of 18. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.

(4) Bond Schedule. To ensure uniformity and equal treatment of all persons who violate any provision of this section, in the event a monetary penalty is imposed, the forfeitures set forth in the following Schedule of Penalties shall be the penalty imposed unless, in the opinion of the officer issuing the citation or the Village Attorney or the Court, unusual circumstances exist which justify a different penalty.

**VILLAGE OF BELMONT SCHEDULE OF PENALTIES FOR SECTION 11.11 VIOLATIONS (Add all court costs and surcharges to amounts listed)**

<b>DESCRIPTION</b>	<b>FIRST OFFENSE</b>	<b>SECOND AND SUSEQUENT OFFENSE WITHIN 12 MONTHS</b>
Truant (under age 17)	-0-	\$ 30.00
Truant (17 years of age)	\$ 30.00	\$ 70.00
Truant (Parent)	\$ 30.00	\$ 70.00
Habitual Truant (all ages)	\$100.00	\$100.00
Habitual Truant (Parent)	\$100.00	\$100.00

11.12 ANIMAL FECES. Created Ord. #223

(1) It shall be unlawful for any person to cause or permit any animal specifically including, but not limited to, dogs, horses, and cats, to be on property, public or private, including public rights-of-way or in any park in the village, that is not owned or possessed by such person unless such person has in his or her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. Any person causing or permitting a dog, horse, or cat to be on property, including public rights-of-way or in any park in the Village, that is not owned or possessed by such person shall immediately remove all excrement of such dog, horse, or cat to a receptacle located upon property owned or possessed by such person. “Public rights-of-way” includes streets and bridges and includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purpose of travel and includes the sidewalk and terrace to the roadway.

(2) As an alternative to the requirements of (1), horses, mules and other animals may be equipped with adequate devices including, but not limited to, a diapering apparatus, to prevent manure and other excrement from being deposited or left upon public rights of way, parks or upon other public or private property not owned or possessed by the person utilizing any such

animal. It shall be the responsibility of the person utilizing any such animal to see that the diapering apparatus or similar device is maintained in working order and to remove any excrement which should fall as required under (1).

(3) This section shall not apply to a person who is visually or physically handicapped.

(4) PENALTY. Any person who shall violate any of the provisions of this section shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) First Offense, Penalty. Any person who violates this section shall, upon conviction thereof, forfeit not less than \$25 together with court costs and surcharges.

(b) Second Offense, Penalty. Any person found guilty of violating this section who shall previously have been convicted of a violation of this section within the preceding 24 months shall, upon conviction thereof, forfeit \$50 together with court costs and surcharges.

(c) Third and Subsequent Offense, Penalty. Any person found guilty of violating this section who shall twice previously have been convicted of a violation of this section within the preceding 24 months shall, upon conviction thereof, forfeit \$100 for each such offense, together with court costs and surcharges.

#### 11.13 SMOKING PROHIBITED (Created Ord. 226)

(1) ADOPTION OF STATE LAW. The Village adopts the provisions of §101.123, Wis. Stats. regulating smoking except as otherwise provided in village ordinance provisions not in conflict with §101.123, Wis. Stats., or other state statutes or administrative rules.

(2) DEFINITION. For purposes of enforcing the smoking ban in the Village of Belmont, the following definition shall apply instead of the definition found in state statutes:

In this section “enclosed place” means all space between a floor and ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

(3) INSPECTION AND ENFORCEMENT. The Police Department shall have the power to enter any premises subject to the smoking ban under state law to ascertain whether the premises are in compliance with this section and take appropriate enforcement action pursuant to Wis. Stat. §101.123.

(4) PENALTIES. (a) Any person violating this ordinance incorporating the state prohibition against smoking in enclosed places or upon those unenclosed spaces identified in §101.123(d) and (e), Wis. Stats., shall be subject to a forfeiture of not less than \$100 nor more than \$250, and upon failure to pay the forfeiture, may be subject to confinement in the county jail.

(b) Any person in charge of property as defined in §101.123(1)(d) Wis. Stats., who violates the provisions of this ordinance incorporating §101.123(2m)(b) to (d), Wis. Stats., shall be subject to a forfeiture of \$100 and, upon failure to pay the forfeiture, may be confined in

the county jail. No person may be held subject to more than \$100 total forfeiture for violations occurring on the same calendar day. For violations subject to the forfeiture provided in this paragraph, no citation shall be issued to a person in charge who has not received a prior written warning notice.

(5) SEVERABILITY. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance.