

CHAPTER 11

ORDERLY CONDUCT

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11.01 OFFENSES ENDANGERING PUBLIC SAFETY.

(1) Discharging and Carrying Firearms and Guns Prohibited. No person, except a sheriff, constable, or other police officer or their deputies, shall fire or discharge any firearm or rifle of any description within that part of the Village of Bagley described as follows: All of the Village of Bagley excepting only lands which are not platted into blocks and lots and excepting only land used primarily for agricultural purposes; or have any firearm or rifle in his possession or under his control within the hereinabove described part of the Village of Bagley, unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container, provided that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board. This subsection shall be deemed to prohibit hunting within the hereinabove described part of the Village of Bagley, provided that the Village President may issue written permits to owners or occupants of premises to hunt or shoot on said premises if he finds such privileges necessary for the protection of life or property and subject to such safeguards as he may impose for the safety of the lives and property of other persons within the Village.

(2) Throwing or Shooting 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 other person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village of Bagley.

(3) Burning of Grass and Trash Restricted.

(a) Grass Fires Regulated. No person shall kindle any grass fire within the Village of Bagley without first such permit subject to any conditions for the protection of life and property that he deems necessary or appropriate.

(b) Trash Burning Restricted. No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private ground within the Village within 25 feet of any building unless the same be confined within a wire refuse burner, basket or metal or other fireproof enclosure (with a cover attached to prevent the escape of sparks and burning material), and unless he shall first secure a

permit from the Village Fire Chief.

(4) Sale and Discharge of Fireworks Restricted.

(a) Private Use and Sale. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol, paper caps, sparklers and toy snakes within the limits of the Village unless he shall be authorized by a fireworks permit as hereinafter provided. The term "fireworks" as used in this section shall be defined as provided in s. 167.10(1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.

(b) Fireworks Permits. Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the Village President. All applications shall be referred to the Village Fire Chief for investigation and no permit shall be granted unless the Village President from the report of the Village Fire Chief determines 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 conducted in a suitable, safe place and manner. Before granting any fireworks permit, the Village President may require the applicant to post with the Village Clerk an approved indemnity bond in the sum of \$25,000.00 or evidence of liability insurance in the amount of \$25,000.00 for the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit.

(5) Obstructing Streets and Sidewalks Prohibited. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusements, churches, public hall or meeting place.

(6) Abandoned or Unattended Refrigerators, 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 his control in a place accessible to children, any abandoned, unattended or discharged ice box, refrigerator, freezer or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator, freezer or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

ORDINANCE NO. 2010-10

AN ORDINANCE TO AMEND SECTION 11.01(3) OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, RELATING TO OUTDOOR BURNING.

THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: Section 11.01(3) of the Municipal Code shall be and hereby is amended to read as follows:

“(3) Burning of Grass and Trash Restricted.

(a) **Grass Fires Regulated.** No person shall kindle any grass fire within the Village of Bagley without first such permit subject to any conditions for the protection of life and property that he deems necessary or appropriate.

(b) **Trash Burning Restricted.** No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private ground within the Village within 25 feet of any building unless the same be confined within a wire refuse burner, basket or metal or other fireproof enclosure (burn barrels require an attached cover to prevent the escape of sparks and burning material), and unless he shall first secure a permit from the Village Fire Chief.

(c) **Prohibited Material.** No person shall burn any plastics, rubber, wood that has been chemically treated to retard rot or decay, wood that has been treated or modified with glues, laminates, stains, finishes, paints, glosses, insecticides, fungicides or fumigates, tires, glass, petroleum products, coated wire, pvc pipe, fiberglass, appliances, furniture, asbestos shingles, asphalt shingles, cloth, carpet, upholstery, tarpaper, vehicle parts, business/commercial waste, linoleum, diapers, motor oil, pressure-treated wood, creosote-treated wood, demolition/construction debris, dimensional lumber, household garbage, styrofoam, plywood, pressboard, oil filters, animal waste, painted wood, batteries, pesticides, or any other material restricted by federal or state regulation or law.

(d) **Permitted Material.** A person may burn leaves, brush, vines, prunings, weeds, clippings, grass, trees, and other natural vegetation. Small amounts of newspaper and other clean paper/cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

(e) **Right of entry and inspection.** The Fire Chief may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with section 66.0119, Wis. Stats.

(f) Permit Issuance and Renewal. Permits are valid from the date of issuance until the April 30th following the date of issuance unless sooner revoked. A new permit shall be required annually as of May 1 of each year.

(g) Permit Revocation. In addition to or in lieu of the penalties prescribed under s. 11.05, any person who violates the provisions of this section or the conditions of any permit issued pursuant to this section may have his or her burning permit revoked by the Fire Chief and no new permit may be issued to a person whose permit has been revoked for a period of one (1) year after the date of such revocation.

Section II: This ordinance shall take effect upon its passage and posting as required by law.

Adopted and approved this 30 day of Sept 2010.

Roger L. Straka
Roger Straka, Village President

COUNTERSIGNED:

Kristine M. Zenz
Kristine M. Zenz, Village Clerk

Date Adopted:	<u>7 Sept 2010</u>
Date Recorded:	<u>30 Sept. 2010</u>
Date Posted:	<u>1 Oct. 2010</u>
Date Affidavit Filed:	<u>1 Oct. 2010</u>
Effective Date:	<u>1 Oct 2010</u>

(7) 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 opening. 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.

11.01(1M)

(1) Discharging and Carrying Firearms and Guns Prohibited.

(a) No person, except a sheriff, constable or other police officer or their deputies shall fire or discharge any firearm, handgun or rifle of any description within that part of the Village of Bagley described as follows: All of the Village of Bagley excepting only lands which are not platted into blocks and lots and excepting only land used primarily for agricultural purposes, provided that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board. This subsection shall be deemed to prohibit hunting within the hereinabove described part of the Village of Bagley, provided that the Village President may issue written permits to owners or occupants of premises to hunt or shoot on said premises if he finds such privileges necessary for the protection of life or property and subject to such safeguards as he may impose for the safety of the lives and property of other persons within the Village.

(b) No person shall have any firearm or rifle in his possession or under his control within the hereinabove described part of the Village of Bagley, unless it is unloaded, knocked down and enclosed within a carrying case or other suitable container, provided, that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board.

(c) No person shall carry a handgun, whether loaded or unloaded, and whether concealed or unconcealed, in any building opened for business to the public, except for a person's place of lodging in the Village of Bagley. A handgun shall be defined as any hand held weapon which uses explosive as a propellant.

(d) The provisions of this section shall not apply to a law enforcement officer while acting as a law enforcement officer within the Village of Bagley, a licensed gun dealer or a customer of a licensed dealer in the licensed dealer's place of business within the Village of Bagley, or a duly supervised rifle, pistol or a shooting range or gallery which has been approved by and authorized by the Village Board.

11.02 OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER.

(1) Disorderly Conduct Prohibited. No person shall within the Village of Bagley:

(a) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.

(b) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

(c) With intent to annoy another, make a telephone call, whether or not a conversation ensues.

(2) 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.

(3) False Fire Alarms Prohibited. No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false.

(4) Obedience to Officers. No person shall, without reasonable excuse or justification resist or in any way interfere with any officer of the Village while such officer is doing any act in his official capacity and with lawful authority.

(5) Assisting Escape of Prisoner. No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the Village.

(6) Personating Police Officers. No person shall personate a policeman or peace officer within the Village of Bagley.

(7) Cruelty to Animals. No person shall within the Village commit any act of cruelty on any animal or bird or disturb any birds nest or birds eggs, except where necessary for the protection of life or property.

(8) Presence of Persons Under Sixteen Years in Public Places at Certain Hours.

(a) It shall be unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll, or play in or upon public streets, highways, roads, alleys, parks, unsupervised public buildings, unsupervised places of amusement or entertainment, vacant lots or other unsupervised places, between the hours of 11:00 P.M., and 5:00 A.M. of the following day on any Friday, or Saturday, or between the hours of

10:00 P.M. and 5:00 A.M. of the following day on any other day of the week; provided, however, that the provisions of this section shall not apply to a minor accompanied by his or her parent, guardian, or other adult person having care and custody of the minor, or when the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor.

(b) It shall be unlawful for the parent, guardian, or other adult person, having the care and custody of a minor under the age of sixteen (16) years to knowingly permit such a minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, unsupervised public buildings, unsupervised places of amusement or entertainment, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 5:00 A.M. of the following day on any Friday or Saturday or between the hours of 10:00 P.M. and 5:00 A.M. of the following day on any other day of the week; provided, however, that the provisions of this section shall not apply when the minor is accompanied by his parent, guardian, or other adult person who has the care and custody of the minor, or when the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other person having the care and custody of the minor.

(c) Whenever any police officer believes that a minor is violating the provisions of this ordinance, the said police officer may detain the said minor. It shall be the duty of the police officer to notify the parent, guardian or person having legal custody of the minor as soon as reasonably possible after the minor is first detained, but not more than two hours after first detaining said minor. The police officer shall release the said minor to the parent, guardian or person having legal custody of the child as soon as the parent, guardian, or other person having legal custody shall appear before the police officer to take custody of the minor.

(d) Any minor violating the provisions of Section 11.02(8)(a) of this code shall, upon conviction, pay a forfeiture of not less than \$1.00 nor more than \$25.00. Any parent, guardian or other adult person having the care or custody of a minor who shall violate the provisions of 11.02(8)(b) of this code, shall, upon conviction thereof, pay a forfeiture of not less than \$1.00 nor more than \$100.00 and in the event of failure to pay such forfeiture together with the costs of prosecution shall be confined to the County Jail for not more than 10 days.

(9) Operation of Mini-Bikes Prohibited Under Certain Conditions.

(a) A mini-bike for the purpose of enforcement of this code shall be any motor driven cycle as defined by section 340.01(33) of the Wisconsin Statutes which is not registered for operation on public highways pursuant to Chapter 341 of the Wisconsin Statutes.

(b) No persons shall operate a mini-bike within the Village of Bagley on any of the following property:

- (1) On any public street or alley.
- (2) On any public property.
- (3) On any private property without the express consent and permission of the owner of such property.

(c) No person shall operate a mini-bike in the following manner:

- (1) At a rate of speed that is unreasonable or improper under the circumstances.
- (2) In any careless way so as to endanger the operator, any other person or any other property or another person.
- (3) In such a way that the exhaust of the motor makes excessive smoke or the motor makes excessive or unusual noise.
- (4) Without a functioning or properly working muffler.

(d) No owner or other person having charge or control of a mini-bike shall knowingly authorize or permit any person to operate or use any mini-bike in violation of any section of this code or to authorize or permit any person to operate or use a vehicle when such a person is reasonably likely to endanger the person or property of another because of his incapacity by reason of age, physical or mental disability or impairment.

(e) Any person violating any of the provisions of Section 11.02(9) of this code shall, upon conviction thereof, forfeit a sum of not less than Ten Dollars (\$10.00) nor more than Twenty Dollars (\$20.00) for the first offense, and not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for the second or subsequent offenses within one year, together with the costs of prosecution. In default of payment of such forfeiture he shall be imprisoned in the County Jail not to exceed ten (10) days.

(10) Disturbing Peace with Motor Vehicle. No person shall, by squealing the tires on an automobile or by the use of unnecessarily loud or out-of-repair mufflers on an automobile, make or cause to be made any loud, disturbing or unnecessary sounds or noises as such as may tend to annoy or disturb another in or about any public street, alley, park or any private residence.

(11) Drinking on Public Streets or Sidewalks. No person shall drink any intoxicating liquor or fermented malt beverage, or be in possession of an open container containing intoxicating liquor or fermented malt beverage, on any public street or sidewalk within the

ORDINANCE NO. 2010-09

AN ORDINANCE TO REPEAL AND RECREATE SECTION 11.045 OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, RELATING TO SMOKING

THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: Section 11.045 of the Municipal Code of the Village of Bagley is hereby repealed and recreated to read as follows:

"11.045 SMOKING PROHIBITED.

(1) Adoption of State Law. The Village adopts the provisions of s. 101.123, Wis. Stats., regulating smoking except as otherwise provided in village ordinance provisions not in conflict with s. 101.123, Wis. Stats., or other state statutes or administrative rules.

(2) Definition. For purposes of enforcing the smoking ban in the Village of Bagley, 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 Village President or his or her designee 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.

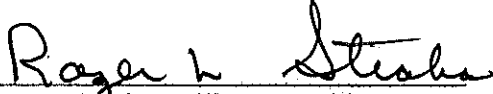
(4) Penalties. (a) Any person violating this ordinance incorporating the state prohibition against smoking in enclosed places or upon those unenclosed spaces identified in s. 101.123(d) and (e), Wis. Stats., shall be subject to a forfeiture of not less than \$100 nor more than \$250, and upon failure to pay the forfeiture, may be subject to confinement in the county jail. The bond amount shall be \$100.00, together with court costs and assessments.

(b) Any person in charge of property as defined in s. 101.123(1)(d) Wis. Stats., who violates the provisions of this ordinance incorporating s. 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.

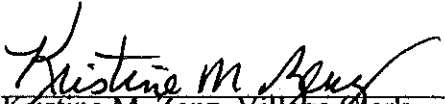
(5) Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not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

Section II: This ordinance shall take effect upon its passage and posting as required by law.

Adopted and approved this 7th day of September 2010.


Roger Straka, Village President

COUNTERSIGNED:


Kristine M. Zenz, Village Clerk

Date Adopted:	<u>7 Sept 2010</u>
Date Recorded:	<u>30 Sept 2010</u>
Date Posted:	<u>1 Oct 2010</u>
Date Affidavit Filed:	<u>1 Oct 2010</u>
Effective Date:	<u>1 Oct 2010</u>

Village of Bagley, provided, however, that this shall not prohibit any persons from carrying or drinking such intoxicating liquor or fermented malt beverage within an area which has been licensed for the sale of intoxicating liquor or fermented malt beverage.

11.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY.

(1) Indecent Conduct and Language Prohibited. No person shall use any indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the Village.

(2) Sale of Obscene Literature. No person shall within the Village sell, offer for sale, give away or exhibit any obscene book, pamphlet, paper, card, picture, toy or device.

(3) Indecent Advertising Prohibited. No person shall within the Village of Bagley display any indecent or obscene advertisements.

11.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY.

(1) Destruction of Property Prohibited. 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 Bagley or its departments or to any private person without the consent of the owner or proper authority.

(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 of Bagley.

11.05 PENALTIES.

Any person who shall violate any provisions of Chapter 11 of this Code, for which a penalty is not specifically set forth, shall be as provided in Section 15.04 of this Code. In addition to any penalty imposed for violation of Section 11.04(1) of this Chapter, any person who shall cause physical damage or destroy any public or private 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 11.04(1) of this Chapter may also be held liable for the costs of replacing or repairing such damaged or destroyed property in accordance with Section 895.035 of the Wisconsin Statutes.