

CHAPTER 9 PUBLIC PEACE AND ORDER

(Title 9, "PUBLIC PEACE, MORALS AND WELFARE" repealed and recreated (partial), 2001-LGRS)

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INTRODUCTION

9.01 PURPOSE. This chapter is enacted by the Village of Brownsville to promote the health, safety, morals, prosperity, aesthetics, public peace, order, and general welfare of the people within the Village of Brownsville.

9.015 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. (1) STATE STATUTES ADOPTED. The statutory provisions following the prefix "9" describing and defining offenses against the peace and good order of the State, and their successors, are adopted by reference, as if fully set forth herein, to define offenses against the peace and good order of the Village of Brownsville, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sub. (2).

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(2) **PENALTY PROVISIONS.** Except as otherwise provided, 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.** Any person who shall violate any provision hereof shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.

(b) **Second Offense.** Any person found guilty of violating any provisions hereof, who has previously been convicted of a violation of the same provision within one year shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the Dodge County Jail until such forfeiture and costs are paid, but not exceeding 6 months.

(c) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in the Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(d) **Execution Against Defendant's Property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any provisions hereof, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

II. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

9.02 **FALSE FIRE ALARMS.** (1) **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.

(2) **VIOLATION AND PENALTY.** For violation of the provisions of this section, see Chapter 25, of this Code.

9.04 **OBSTRUCTION OF FIRE EXTINGUISHMENT.** (1) **FOLLOWING FIRE APPARATUS.** It is unlawful for the operator of any vehicle other than belonging to a firefighter to follow closer than five hundred feet, or drive or park any vehicle within the block or immediate area where fire apparatus has stopped in response to an alarm or fire.

(2) **REFUSING TO ASSIST AND OBSTRUCTING FIREMEN.** Any person who refuses to render assistance when called on by an officer at a fire, or who refuses to obey any lawful order of any officer of the department while on duty at a fire, or who interferes with the lawful efforts of firefighters to extinguish a fire, is guilty of a misdemeanor and subject to the penalty provisions set forth in Chapter 25, as authorized by §§941.12(1) and 941.13(3), Wis. Stats. These statutes also provide that persons who obstruct fire hydrants by piling or dumping material near them without permission from the appropriate municipal authority are subject to criminal penalties as authorized in §941.12(2), Wis. Stats.

(3) **FIREFIGHTING APPARATUS: INJURING AND DRIVING OVER HOSE.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the village. No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, private driveway, or other place, to be used at any fire or alarm of fire, or other emergency, without the consent of the fire department official in command.

9.06 FIRE INSPECTION AND INVESTIGATION. (1) INSPECTION: OBSTRUCTING PROHIBITED. (Was §9.06.010) No person shall deny the fire chief or his inspectors free access to any property within the village or outlying fire protection district at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire chief or his inspectors in the performance of their duty or refuse to observe any lawful direction given by them.

(2) **FIRE INVESTIGATION.** (Was §9.06.020) In accordance with §101.14(2), Wis. Stats., the fire chief is recognized as a deputy of the Wisconsin Industrial Commission. The fire chief of every city or village shall investigate or cause to be investigated the cause, origin, or circumstances of every fire occurring in his city or village by which property has been destroyed or damaged when the damage exceeds twenty-five dollars (this provision is authorized by §105.55(1), Wis. Stat. All fires of unknown origin shall be especially investigated by the fire chief as to whether such fire was the result of carelessness, accident, or design. If the investigation by the fire chief shows that a fire may be of incendiary origin, it must be reported to the state fire marshal.

(3) **REMOVAL OF HAZARDS.** (Was §9.06.030) Whenever or wherever in the Village any inspection by the fire chief or his deputies reveals a fire hazard, the chief or his deputies shall serve a notice in writing upon the owner of the property giving said owner a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The fire chief or his deputy may

have the same removed by the Village, and the cost of such removal shall be recovered in an action by the Village against the owner of the property.

(4) **RECORDS AND REPORTS.** (Was §9.06.040) The chief shall keep a written record of each property inspected which shall conform to the requirements of the Industrial Commission and shall make the quarterly report of inspections required by the State Department of Industry, Labor and Human Relations.

(5) **VIOLATION AND PENALTY.** (Was §9.06.050) Any person violating any of the provisions of this SECTION shall, upon conviction, be subject to the penalty set forth in Chapter 25, of this Code..

9.08 **OBEDIENCE TO OFFICERS.** (1) **REQUIRED.** (Was §9.08.010) 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.

(2) **VIOLATION AND PENALTY.** (Was §9.08.020) The penalty for violation of the provisions of this section is set forth in Chapter 25, of this Code.

9.12 **IMPERSONATING POLICE OFFICER.** (1) **PROHIBITED.** (Was §9.12.010) No person shall impersonate a policeman or peace officer within the Village.

(2) **VIOLATION AND PENALTY.** (Was §9.12.020) The penalty for violation of the provision of this section is set forth in Chapter 25, of this Code.

9.16 **AIDING ESCAPE OF PRISONERS.** (1) **PROHIBITED.** (Was §9.16.010) No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the Village.

(2) **VIOLATION AND PENALTY.** (Was §9.16.020) The penalty for violation of the provisions of this section is set forth in Chapter 25, of this Code.

III. OFFENSES AGAINST THE PERSON (RESERVED)

IV. OFFENSES AGAINST PUBLIC DECENCY

9.17 **SEXUAL OFFENDER RESIDENCY RESTRICTIONS**

I. Section 9.17 of the Brownsville Municipal Code is hereby repealed in its entirety.

Passed by the Village Board of the Village of Brownsville in the County of Dodge, in the State of Wisconsin on the 9th day of August, 2017.

9.24 **ADULT-ORIENTED ESTABLISHMENTS.** (1) **DEFINITIONS.** Whenever used in this section, unless a different meaning appears from the context, the following words and phrases shall have the meaning as provided:

(a) "Adult oriented establishment" shall include, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments or adult cabaret, and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

(b) "Adult bookstores" means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing books, films, video cassettes, magazines or other periodicals which distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, including adult oriented films, movies or live performances, for observation by patrons therein.

(c) "Adult motion picture theater" means an enclosed building with a capacity of 50 or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined in par. (j), for observation by patrons therein

(d) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined in par. (j), for observation by patrons therein.

(e) "Adult cabaret" means a cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

(f) "Board" means the Village Board for the Village of Brownsville, Wisconsin.

(g) "Adult entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on any actual or simulated "specified sexual activities," or "specified anatomical areas" as defined below, or the removal of

articles of clothing or appearing partially or totally nude.

(h) "Operators" means any person, partnership, or corporation operating, conducting, maintaining or owning any adult oriented establishment.

(i) "Specified sexual activities" means simulated or actual: 1. Showing of human genitals in a state of sexual stimulation or arousal;

2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia; sadomasochistic abuse, fellatio or cunnilingus;

3. Fondling or erotic touching of human genitals, pubic region; buttock or female breasts.

(j) "Specified anatomical areas" means: 1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola;

2. Human male genitals in a discernible turgid state, even if opaquely covered.

(2) LICENSE. (a) License Required. Except as provided in subd. 3., from and after the effective date of the ordinance establishing this section, no adult oriented establishment shall be operated or maintained in the Village of Brownsville without first obtaining a license to operate issued by the Village of Brownsville.

1. A license may be issued only for 1 adult oriented establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than 1 adult oriented establishment must have a license for each.

2. No license or interest in a license may be transferred to any person, partnership or corporation.

3. All adult oriented establishments existing at the time of the passage of the ordinance establishing this section shall have submitted an application for a license within 90 days of the passage of said ordinance. If an application was not received within said 90 day period, then such existing adult oriented establishment shall cease operations.

(b) Application for License. 1. Any person partnership or corporation desiring to secure a license shall make application to the Village Clerk. The application shall be filed in triplicate with and dated by the Village Clerk. A copy of the application shall be

distributed promptly by the Village Clerk/Treasurer to the Brownsville Police Department and to the applicant.

2. The application for a license shall be upon a form provided by the Village Clerk/Treasurer. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers or directors of a corporate applicant and all stockholders holding more than 5% of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:

- a. Name and address, including all aliases.
- b. Written proof that the individual is at least 18 years of age.
- c. All residential addresses of the applicant for the past 10 years.
- d. The applicants height, weight, color of eyes and hair.
- e. The business, occupation or employment of the applicant for 10 years immediately preceding the date of application.
- f. Whether the applicant previously operated in this or any other county, city or state under an adult oriented establishment license or similar business license; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
- g. All criminal statutes, whether federal or state, or Village ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- h. Fingerprints and 2 portrait photographs at least 2 inches by 2 inches of the applicant.
- i. The address of the adult oriented establishment to be operated by the applicant.
- j. If the applicant is a corporation the application shall specify the name of the corporation the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than 5% of the stock in

said corporation and all officers and directors of the corporation.

3. Within 21 days of receiving an application for a license the Village Clerk/Treasurer shall notify the applicant whether the application is granted or denied.

4. Whenever an application is denied, the Village Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within 10 days of receipt of notification of denial, a public hearing shall be held within 10 days thereafter before the Board, as hereinafter provided.

5. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Village Clerk/Treasurer.

(c) Standards for Issuance of License. To receive a license to operate an adult oriented establishment an applicant must meet the following standards: 1. If the applicant is an individual:

a. The applicant shall be at least 18 years of age.

b. The applicant shall not have been convicted of or pleaded no contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within 5 years immediately preceding the date of the application.

c. The applicant shall not have been found to have previously violated this section within 5 years immediately preceding the date of the application.

2. If the applicant is a corporation: a. All officers, directors and stockholders required to be named under subs.(2)(b)2., shall be at least 18 years of age.

b. No officer, director or stockholder required to be named under subs. (2)(b)2., shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within 5 years immediately preceding the date of the application;

c. No officer, director or stockholder required to be named under

subs.(2)(b)2., shall have been found to have previously violated this ordinance within 5 years immediately preceding the date of the application.

3. If the applicant is a partnership, joint venture, or any other type of organization where 2 or more persons have a financial interest: a. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.

b. No persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within 5 years immediately preceding the date of the application.

c. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this section within 5 years immediately preceding the date of the application.

4. No license shall be issued unless the Brownsville Police Department has investigated the applicant's qualifications to be licensed. The result of the investigation shall be filed in writing with the Village Clerk/Treasurer no later than 14 days after the date of the application.

(d) Fees. A license fee of \$250.00 shall be submitted with the application for a license. If the application is denied 1/2 of the fee shall be returned.

(e) Display of License or Permit. The license shall be displayed in a conspicuous public place in the adult oriented establishment.

(f) Renewal of License or Permit. 1. Every license issued pursuant to the section will terminate at the expiration of 1 year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Village Clerk/Treasurer. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be filed in triplicate with and shall be dated by the Village Clerk/Treasurer. A copy of the application for renewal shall be distributed promptly by the Village Clerk/Treasurer to the Brownsville Police Department and to the operator. The application for renewal shall be upon a form provided by the Village Clerk/Treasurer and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

2. A license renewal fee of \$250.00 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of \$100.00 shall be assessed against the applicant who files for a renewal less than 60 days before the license expires. If the application is denied, 1/2 of the total fees collected shall be returned.

3. If the Brownsville Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Village Clerk.

(g) Revocation of License. 1. The Board shall revoke a license or permit for any of the following reasons: a. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

b. The operator or any employee of the operator violates any provision of the ordinance or any rule or regulation adopted by the Board pursuant to this ordinance; provided however, that in the case of a first offense by an operator where the conduct was solely that of an employee the penalty shall not exceed a suspension of 30 days if the Board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

c. The operator becomes ineligible to obtain a license or permit.

d. Any cost or fee required to be paid by this ordinance is not paid.

e. Any intoxicating liquor or fermented malt beverage is served or consumed on the premises of the adult oriented establishment.

2. The Board, before revoking or suspending any license or permit, shall give the operator at least 10 days written notice of the charges against him, and the opportunity for a public hearing before the Board, as hereinafter provided.

3. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

4. Any operator whose license is revoked shall not be eligible to receive a license for 1 year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult oriented establishment for 6 months from the date of revocation of the license.

(3) LOCATION OF ADULT ORIENTED ESTABLISHMENT. No adult

oriented establishment shall be located nearer than 1000 feet from any property occupied by a school, church, daycare, youth center, park or playground in the Village of Brownsville.

(4) **PHYSICAL LAYOUT OF ADULT ORIENTED ESTABLISHMENT.** Any adult oriented establishment having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(a) Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment, and shall be unobstructed by any door, lock or other control-type device.

(b) Construction. Every booth, room or cubicle shall meet the following construction requirements: 1. Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall.

2. Have at least one side totally open to the public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.

3. All walls shall be solid and without any openings, extended from the floor to a height of not less than 6 feet and be light colored, non-absorbent, smooth textured and easily cleaned.

4. The floor must be light colored, non-absorbent, smooth textured and easily cleaned.

5. The lighting level of each booth, room or cubicle, when not in use shall be a minimum of 10 foot candles at all times, as measured from the floor.

(c) Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

(5) **RESPONSIBILITIES OF THE OPERATOR.** (a) The operator shall maintain a register of all employees, showing the name and aliases used by the employees, home address, age, birth date, sex, height, weight, color of hair and eyes, phone numbers, Social Security number, date of employment and termination, and duties of each employee. The above information on each employee shall be maintained in the

register on the premises for a period of 3 years following termination.

(b) The operator shall make the register of employees available immediately for inspection by police upon demand of a member of the Brownsville Police Department at all reasonable times.

(c) Every act or omission by an employee constituting a violation of the provisions of this section shall be deemed the act of omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(d) Any act or omission of any employee constituting a violation of the provisions of this section shall be deemed the act of omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(e) No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or to allow any minor to view adult entertainment as defined herein.

(f) The operator shall maintain the premises in a clean and sanitary manner at all times.

(g) The operator shall maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided however, at no time shall there be less than 1 foot candle of illumination in said aisles, as measured from the floor.

(h) The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance.

(6) ADMINISTRATIVE PROCEDURE AND REVIEW. Chapter 227, Wisconsin Statutes, concerning contested cases shall govern the administrative procedure and review regarding the granting, denial, renewal, non-renewal, revocation or suspension of a license.

(7) EXCLUSIONS. All private schools and public schools, as defined in Ch.

115, Wis. Stats., located within the Village of Brownsville are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

(8) **PENALTIES AND PROSECUTION.** (a) Any person, partnership or corporation who is found to have violated this section shall be fined a definite sum not to exceed \$250.00 and shall result in the revocation of any license.

(b) Each violation of this section shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

(9) **SEVERABILITY.** If any provision of this ordinance is deemed invalid or unconstitutional by a court competent jurisdiction, each invalidity or unconstitutionality shall not affect the other provisions of same.

(10) **ENFORCEMENT.** The Village of Brownsville Police Department shall have the authority to enter any adult oriented establishment at all reasonable times to inspect the premises and enforce this section.

9.25 NUDE DANCING IN LICENSED ESTABLISHMENTS. (Created during Codification 2001) (1) **AUTHORITY AND INTENT.** (a) Statutory Authority. This section is created in accordance with the authority granted under §§125.10(1) and 61.34(1), Wis. Stats.

(b) Secondary Effects. The Village Board is aware, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs may and do generate secondary effects which the Village Board believes are detrimental to the public health, safety and welfare of the citizens of the Village of Brownsville. The Village Board desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the Village; protect citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and, deter the spread of urban blight.

(2) **DEFINITIONS.** (a) Licensed Establishment. For purposes of this ordinance, the term "licensed establishment" means any establishment licensed by the Village Board of the Village of Brownsville to sell alcohol beverages pursuant to ch. 125, Wis. Stats.

(b) Licensee. The term "licensee" means the holder of a retail "Class A", "Class B", "Class C", "Class A", or "Class C" license granted by the Village Board to Ch. 125, Wis. Stats.

(3) **NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED.** It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition the premises of a licensed establishment which:

(a) Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or

(b) Shows any portion of the female breast below a point immediately above the top of the areola; or

(c) Shows the covered male genitals in a discernable turgid state.

(4) **EXEMPTIONS.** The provisions of this section do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(5) **PENALTIES.** Any person, partnership, or corporation who violates any of the provisions of this section shall be subject to a forfeiture of not less than \$250.00, and not more than \$500.00 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this section constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under § 125.12, Wis. Stats.

(6) **SEVERABILITY.** If any provision of this section is found to be unconstitutional or otherwise invalid, the validity of the remaining provision(s) shall not be affected.

V. OFFENSES AGAINST PUBLIC PEACE

9.36 OFFENSES AGAINST PUBLIC PEACE. (1) NOISE. (Was §9.36) (a) 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. Included under the provisions of

this section are loud and unnecessary noises resulting from the use of any fuel operated vehicle on any public street, alley or park.

(b) Violation And Penalty. The penalty for the violation of any provision of this section is set forth in Chapter 25, of this Code.

(2) **DISORDERLY CONDUCT.** (Was §9.40, r. recr., 2001-LGRS) (a) No person within the Village of Brownsville shall: 1. 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.

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

3. Make a telephone call with intent to annoy another, whether or not conversation ensues.

4. Operate a motor-driven vehicle in a public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed or in any other manner which would annoy or disturb persons in the Village of Brownsville or endanger the public peace and safety Included under the provisions of this section is the operation of motor driven vehicles on any public or private property not intended for the use of such vehicles.

5. Use, possess, control or consume fermented malt beverages or intoxicating liquor upon the public streets, alleys, sidewalks, street crossings, public parking lots or upon premises held out to the public for use of their motor vehicles in the Village, except for municipally approved community functions or events where authorized by specific resolution of the Village Board;

5m. All purchases of intoxicating liquor or fermented malt beverages by the glass or in open containers shall be consumed in the licensed premises where served and shall not be removed therefrom to any public street, alley, sidewalk, street crossings, bridges, public parking lots or premises held out to the public for use of their motor vehicles in the Village.

(b) Violation and Penalty. Any person who shall violate this subsection shall forfeit not more than \$200.00 and the cost of prosecution and in default of payment of

such forfeiture and cost of prosecution shall be imprisoned in the County Jail until the forfeiture and costs of prosecution are paid, but not more than 5 days

(3) **BATTERY.** (Created codification, 2001-LGRS) No person shall intentionally cause bodily harm to a Village law enforcement officer or fire fighter as those terms are defined in §§102.47(8)(b)and (c), Wis. Stats., acting in an official capacity and such person knows or has reason to know that the victim is a law enforcement officer or firefighter by an act done without the consent of the person so injured.

(4) **DRINKING ON PUBLIC ROADS .** (Created codification, 2001-LGRS) No person shall drink from, open a container of, or have in his possession an open container of, fermented malt beverage or intoxicating liquor upon a public parking lot, highway, street, roadway, alley, street crossing, sidewalk, or upon premises held out to the public for use of their motor vehicles within the Village.

(5) **OPEN CONTAINERS.** (Created codification, 2001-LGRS) (a) Whoever has in their possession an open container of fermented malt beverage or intoxicating liquor while upon a public parking lot, highway, street, roadway, alley, street crossing, sidewalk, or upon premises held out to the public for use of their motor vehicles within the Village or while in Village parks may be fined not more than: \$50.00 for the first offense; \$100.00 for the 2nd offense; and, \$250.00 for the 3rd and subsequent offense(s).

(b) The foregoing subsection shall not apply to those groups making application for a special permit for parties, community functions or social events to be held in the park(s) or where authorized after receiving special permission from the Village Board in and by specific resolution.

(6) **POSSESSION OF HAND GUNS IN PUBLIC BUILDINGS.** (Created codification, 2001-LGRS) (a) Definitions. 1. "Handgun" shall be defined as in §175.35, Wis, Stats., or its successor.

2. "Public Building" shall mean any church, school, store, (except stores in which handguns are sold), office, Village-owned building, tavern, restaurant or other building in which the public is allowed to congregate.

(b) Prohibitions. 1. No person shall enter or remain in any public building located within the Village of Brownsville while in possession of any handgun. This prohibition applies to all handguns, including those in cases, holsters, and other enclosures,

2. No parent or adult guardian shall permit his or her child or ward to violate this subsection.

(c) Exceptions. 1. The owner of any public building other than a Village-owned building, or such owner's authorized employee, may keep handguns on his premises as a means of protecting himself, his patrons, and his property.

2. Nothing in this subsection shall be construed to limit the right of duly-authorized peace officers to possess handguns while on duty.

(d) Penalties. See Ch. 25, this Code.

(7) **SALE AND DISCHARGE OF FIREWORKS RESTRICTED.** (Created codification, 2001-LGRS) (a) State Law Adopted. Section 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby is adopted by reference and made a part of this subsection as if fully set forth herein.

(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. All applications shall be referred to the Fire Chief for investigation and no permit shall be granted unless the Village authority, from the report of the 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.

(8) **AIRCRAFT REGULATIONS.** (Created codification, 2001-LGRS) No person operating an aircraft over the Village shall: (a) Engage in trick or aerobatics flying.

(b) Except for the purpose of taking off or landing, operate at a height of less than 1000 feet.

(c) Drop any object except loose water or loose sand ballast and then only in case of an emergency.

(9) **POSSESSION OF MARIJUANA.** (Created codification, 2001-LGRS) (a) Prohibition. It is unlawful for any person to possess any material, compound, mixture or

preparation which contains any quantity of marijuana, or its salts, isomers or salts of isomers, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner, within the meaning of §96134, Wis. Stats. while acting in the course of his professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.

(b) Penalty. The penalty for violation of this subsection shall be a forfeiture of not less than \$100.00 nor more than \$500.00.

9.37 POSSESSION OF CONTROLLED SUBSTANCES. (Created codification, 2001-LGRS) (1) POSSESSION. 'No person may possess or attempt to possess a controlled substance or a controlled substance analog unless the person obtains the substance or the analog directly from, or pursuant to a valid prescription or order of, a practitioner who is acting in the course of his or her professional practice, or unless the person is otherwise authorized by Ch. 961, Wis. Stats., to possess the substance or the analog.

(2) POSSESSION OF MARIJUANA (THC). (a) No person may possess or attempt to possess 25 grams or less of marijuana (Tetrahydrocannabinols), as defined in §961.01 (14)(t), Wis. Stats., unless it was obtained directly from or pursuant to a valid prescription or order of, a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats. Any person who violates this subsection may be fined not less than \$25.00 and not more than \$500.00.

(b) In this subsection "practitioner" means: 1. A physician, advanced practice nurse, dentist, veterinarian, podiatrist, optometrist, scientific investigator or, subject to §448.21(3), Wis. Stats., a physician assistant, or other person licensed, registered, certified or otherwise permitted to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in this state.

2. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

(c) In this subsection "controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance included in schedule I or II, Ch. 961, Wis. Stats., and: 1. Which has a stimulant, depressant, narcotic or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, narcotic or hallucinogenic effect on the

central nervous system of a controlled substance included in schedule I or II, Ch. 961, Wis. Stats.; or

2. With respect to a particular individual, which the individual represents or intends to have a stimulant, depressant, narcotic or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, narcotic or hallucinogenic effect on the central nervous system of a controlled substance included in schedule I or II, Ch. 961, Wis. Stats.

(d) This subsection does not apply to any person who is charged with possession of more than 25 grams of marijuana (THC), or who is in charge with possession of any amount of marijuana following conviction for possession of any amount of marijuana (THC), in the State of Wisconsin.

9.38 POSSESSION, MANUFACTURE AND DELIVERY OF DRUG PARAPHERNALIA. (Created codification, 2001-LGRS) (1) STATE STATUTES ADOPTED. The provisions of §§961.571, 961.572, 961.573(2), 961.574(2), 961.575(2) and 961.576, Wis. Stats., describing and defining regulations with respect to possession, manufacture and delivery of drug paraphernalia for which the penalty is a forfeiture, including penalties to be imposed and procedures for prosecution, and any future amendments thereto, are hereby adopted and by reference are made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. therein are adopted by reference as if fully set forth herein.

(2) **DEFINITION.** In this section "drug paraphernalia" means all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of this section. "Drug paraphernalia" includes, but is not limited to, any of the following:

(a) Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant that is a controlled substance or from which a controlled substance or controlled substance analog can be derived.

(b) Kits used, designed for use or primarily intended for use in manufacturing,

compounding, converting, producing, processing or preparing controlled substances or controlled substance analogs.

(c) Isomerization devices used, designed for use or primarily intended for use in increasing the potency of any species of plant that is a controlled substance.

(d) Testing equipment used, designed for use or primarily intended for use in identifying, or in analyzing the strength, effectiveness or purity of, controlled substances or controlled substance analogs.

(e) Scales and balances used, designed for use or primarily intended for use in weighing or measuring controlled substances or controlled substance analogs.

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, designed for use or primarily intended for use in cutting controlled substances or controlled substance analogs.

(g) Separation gins and sifters used, designed for use or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

(h) Blenders, bowls, containers, spoons and mixing devices used, designed for use or primarily intended for use in compounding controlled substances or controlled substance analogs.

(i) Capsules, balloons, envelopes and other containers used, designed for use or primarily intended for use in packaging small quantities of controlled substances or controlled substance analogs.

(j) Containers and other objects used, designed for use or primarily intended for use in storing or concealing controlled substances or controlled substance analogs.

(k) Objects used, designed for use or primarily intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.

2. Water pipes.

3. Carburetion tubes and devices.
4. Smoking and carburetion masks.
5. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
6. Miniature cocaine spoons and cocaine vials.
7. Chamber pipes.
8. Carburetor pipes.
9. Electric pipes.
10. Air-driven pipes.
11. Chilams.
12. Bongs.
13. Ice pipes or chillers.

(L) "Drug paraphernalia" excludes: 1. Hypodermic syringes, needles and other objects used or intended for use in parentally injecting substances into the human body.

2. Any items, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products.

(3) DETERMINATION OF DRUG PARAPHERNALIA. (a) In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. The proximity of the object, in time and space, to a direct violation of this section.
3. The proximity of the object to controlled substances or controlled substance

analogs.

4. The existence of any residue of controlled substances or controlled substance analogs on the object.

5. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows intend to use the object to facilitate a violation of this section; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this section shall not prevent a finding that the object is designed for use or primarily intended for use as drug paraphernalia.

6. Instructions, oral or written, provided with the object concerning its use.

7. Descriptive materials accompanying the object that explain or depict its use.

8. Local advertising concerning its use.

9. The manner in which the object is displayed for sale.

10. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

11. The existence and scope of legitimate uses for the object in the community.

12. Expert testimony concerning its use.

(b) In determining under this subchapter whether an item is designed for a particular use, a court or other authority shall consider the objective physical characteristics and design features of the item.

(c) In determining under this subchapter whether an item is primarily intended for a particular use, a court or other authority shall consider the subjective intent of the defendant.

(4) POSSESSION, MANUFACTURE AND DELIVERY OF DRUG PARAPHERNALIA. (a) Possession of drug paraphernalia. 1. No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce

into the human body a controlled substance or controlled substance analog in violation of this section. Any person who violates this subdivision may be fined not more than \$500 or imprisoned for not more than 30 days or both.

2. Any person who violates subd. 1 who is under 17 years of age is subject to a disposition under §938.344(2e), Wis. Stats.

(b) Manufacture or Delivery of Drug Paraphernalia. 1. No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this section. Any person who violates this subdivision may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.

2. Any person who violates subd. 1 who is under 17 years of age is subject to a disposition under §938.344(2e), Wis. Stats.

(c) Delivery of Drug Paraphernalia By a Minor to a Minor. 1. Any person 17 years of age or over who violates §9.38(4)(b)1 by delivering drug paraphernalia to a person 17 years of age or under who is at least 3 years younger than the violator may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

2. Any person who violates this section who is under 17 years of age is subject to a disposition under §938.344(2e), Wis. Stats

VI. OFFENSES AGAINST PROPERTY

9.40 TRESPASSING ON VILLAGE PROPERTY. (§9.42, r. recr., codification, 2001-LGRS) (1) PROHIBITED. Trespassing is prohibited on posted Village property.

(2) SIGNS TO BE POSTED. It is unlawful for any unauthorized person to enter upon, by foot or by vehicle, any property owned by the Village and which has been posted with appropriate signs indicating that such entry is prohibited by Village ordinance.

(3) AUTHORITY TO DESIGNATE AREAS. The Village Board is authorized to designate by resolution or ordinance which areas are to be posted. Such designations shall be kept on file in the office of the Village Clerk/Treasurer.

(4) **VIOLATION AND PENALTY.** The penalty for violation of the provisions of this section is set forth in Ch. 25 of this Code.

9.41 PROHIBITED CONDUCT ON SCHOOL PROPERTY. (1) LIQUOR PROHIBITED ON SCHOOL PROPERTY. (a) It shall be unlawful for any person to bring intoxicating liquor or fermented malt beverages into any building or onto any premises under the jurisdiction, supervision, management and control of any school located within the Village.

(b) Any person violating the provisions of this subsection shall, upon conviction, forfeit an amount not to exceed one hundred dollars \$100.00.

(2) **SMOKING PROHIBITED ON SCHOOL PREMISES.** (a) It shall be unlawful for any person to use any tobacco products or material that can be smoked in any building or on any premises under the jurisdiction, supervision, management and control of any school in the Village, and any vehicle used for school purposes and including in any vehicle located on any school premises located within the Village.

(b) Any person violating the provisions of this subsection shall, upon conviction, pay a forfeiture of \$25.00 for the first offense, and \$50.00 for any subsequent offense.

(3) **UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY.** (a) No person who is not a student or parent of a student or an employee of the School District or of any school building in the village may be present during normal school hours on any school property located within the Village without the authorization of the district administrator, his or authorized agent or the building's principal.

(b) Any person who violated sub. (a) who refused to leave such property upon request by the district administrator or his authorized agent or any person aiding, counseling or abetting another to violate sub. (a) may be punished as provided herein.

(c) The school district administrator shall cause to be permanently displayed at all main entrances to the grounds and buildings of the affected school district property herein a sign stating the content of sub. (a).

(d) Any person who shall violate any provision of this subsection shall upon conviction for the first offense forfeit a sum not less than \$25.00 nor more than \$50.00 together with the cost of prosecution and upon conviction for the second and subsequent offenses forfeit a sum not less than \$50.00 nor more than \$100.00 together with the costs

of prosecution.

9.42 SMOKING PROHIBITED IN BROWNSVILLE VILLAGE OFFICES. (a) It shall be unlawful for any person to use any tobacco products or material that can be smoked in the Village of Brownsville office and Police Department Building.

(b) Any person violating the provisions of this subsection shall, upon conviction, pay a forfeiture of \$25.00 for the first offense; and \$50.00 for any subsequent offense.

9.43 SHOPLIFTING. (1) Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without his consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of such merchandise may be penalized as provided in subs. (4).

(2) The intentional concealment of non-purchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of nonpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

(3) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this subsection in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he shall not be interrogated or searched against his will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

(4) Penalties for violation of this subsection are as follows:

(a) A forfeiture of not less than \$100.00 nor more than \$500.00, if the value of the merchandise does not exceed \$200.00.

(b) A forfeiture of not less than \$300.00 nor more than \$1,000.00, if the value of the merchandise exceeds \$200.00.

9.45 LOITERING ON POSTED PRIVATE PROPERTY. (1) It shall be unlawful for any person to congregate, loiter, wander, stroll or stand upon any private property in the Village of Brownsville which has been posted with a notice stating "No Loitering", "Patrons Only", or other notice indicating that the said property is not a thoroughfare for the use of the general public. Such notice shall be at least 12 inches by 18 inches in size, or of comparable area, and plainly posted at least one to each property intended to be so posted. This subsection shall include loitering in parked motor vehicles.

(2) Any person who shall violate this subsection shall forfeit no more than \$25.00 and the cost of prosecution for the first offense and not more than \$50.00 and the cost of prosecution for each subsequent offense.

9.46 VEHICLE OWNER LIABILITY FOR THEFT OF MOTOR FUEL

- (1) The owner of a vehicle involved in a violation of Brownsville Municipal Code section 9.015(1) - 9.943.21 of this chapter (theft of motor fuel) shall be liable for such violation as provided in this section.
- (2) The complainant shall provide a report containing the following information to the police department within three days of the alleged violation:
 - (a) The time and location of the violation.
 - (b) The license number and description of the vehicle involved in the violation.
 - (c) The description of the operator if known.
 - (d) Video recordings or photo if available.
- (3) It shall be no defense to a violation of this section that the owner was not operating or in control of the vehicle at the time of the violation.
- (4) The following are defenses to a violation of this section:
 - (a) The vehicle owner has made documented report to a law enforcement agency that the vehicle was stolen before the violation occurred. In such case, the owner has not violated this section.
 - (b) The vehicle owner provides the police department with the name and address of the person operating the vehicle at the time of the violation and the person so named admits to operating the vehicle at the time of the violation. In such case, the person operating the vehicle and not the owner shall be charged under this section.
 - (c) The vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the police department with the information required under § 343.46(3), Wis. Stats. In such case, the lessee and not the lessor shall be charged under this section.
 - (d) The vehicle is owned by a dealer, as defined in § 340.01(11), Wis. Stats., but including the persons specified in § 340.01(11)(a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by any person on a trial run,

and the dealer provides a traffic officer with the name, address and operator's license number of the person operating the vehicle. In such case, the person operating the vehicle, and not the dealer, shall be charged under this section.

(5) PENALTY PROVISIONS

Any person violating this Section 9.46 shall be subject to a forfeiture of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00) for the first violation and not less than one hundred dollars (\$100.00) and not more than four hundred dollars (\$400.00) for subsequent violations.

9.47 CREATING PUBLIC NUISANCE PROHIBITED

(1) **PURPOSE.** When buildings or structures and the premises area are in a state of disrepair or not in a neat and attractive appearance, a condition is created which may cause or contribute to injury of persons or property, unsanitary conditions endangering the health and safety of persons using the premises and the depreciation of real estate property values in the Village. Property not maintained as provided in this section 9.47 is hereby declared a public nuisance, and the owner or occupant of the property in violation of this section 9.47 shall be subject to penalties as provided herein.

(2) **NUISANCE DEFINED AND PROHIBITED.** Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, or navigable stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this ordinance. No person shall commit, create, or maintain any nuisance.

(3) **PLANTINGS AND LAWNS.** The owner or occupant of property in the Village shall maintain trees, shrubs, and other plantings to have a neat and attractive appearance. Dead or dying trees or shrubs shall be removed. Grass shall be cut as often as may be necessary to maintain a neat and attractive appearance. If grass exceeds four inches in height there is a presumption that there is not a neat and attractive appearance except in the case of a maintained natural lawn.

(4) **STORAGE OF PROPERTY.** The owner or occupant of property in the Village shall not store outside on property in the Village any item of personal property which is not in good operating condition or which is not usable.

(5) **LITTER.** The owner or occupant of property in the Village shall at all times keep the property clean and clear of all litter and shall take such necessary measures to prevent litter from being carried by the elements to adjoining premises. Litter may include, but is not limited to, any garbage, trash, refuse, debris, grass clippings, lawn and garden waste, newspapers, wrapping papers, magazines, glass, containers and construction material except where permitted by Village rules and regulations.

(6) **DANGEROUS STRUCTURES AND PREMISES.** No person shall maintain any structure which is a menace to the health, morals or safety of the public. No person owning or occupying

any premises shall permit any condition to exist thereon which endangers the public health or safety.

(7) **NON-RESIDENTIAL PREMISES.** In addition to the above, the owner or occupant of all non-residential property in the Village shall:

- (a) Use only refuse, litter garbage and trash receptacles outside that are leak proof, secure against rodents and have permanent covers.
- (b) Screen all outside refuse, litter, garbage and trash receptacles.
- (c) Maintain all parking areas, driveways and approaches in a neat and attractive appearance and in a manner which is structurally sound which means (but is not limited to) the property is free of holes, excavations, continual wet spots, breaks, broken surfaces and bumps.

(8) **PENALTY PROVISIONS.** Any person violating Section 9.47 shall be subject to a forfeiture of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00) for the first violation and not less than one hundred dollars (\$100.00) and not more than four hundred dollars (\$400.00) for subsequent violations.

VII.OFFENSES BY OR AGAINST MINORS

9.50 LOITERING BY MINORS PROHIBITED..(Ch. 9.44, Am. and recr., codification 2001-LGRS) (1) **PROHIBITIONS.** No minor person under the age of 18 years shall loiter, idle, wander or play either on foot or in a vehicle of any nature whatsoever upon the street, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, vacant lots or other unsupervised places of the Village of Brownsville, Wisconsin, between the hours of 11:00 P.M. and 6:00 A.M., unless accompanied by a parent, guardian or other adult person having custody of the minor, or unless said minor is engaged in lawful employment, school authorized activities, or on an errand of urgent necessity.

(2) **RESPONSIBILITY OF PARENTS AND GUARDIANS.** No parent, guardian or other adult person having the care and custody of a minor person under 18 years of age shall knowingly permit such minor to loiter, idle, wander or play either on foot or in a vehicle of any nature whatsoever upon the streets , alleys, vacant lots or other unsupervised places in the Village of Brownsville, Wisconsin, between the hours of 11:00 P.M. and 6:00 A.M. unless accompanied by a parent, guardian or other adult person having care and custody of the minor for unless said minor is engaged in lawful employment, school authorized activities, or on an errand of urgent necessity.

(3) **VIOLATION AND PENALTY.** (a) Any minor found violating the provisions of this section for the first time shall be warned of the penalty for second and subsequent violations by any police officer or deputy of the Village of Brownsville,

Wisconsin, and shall be taken and delivered by such officer to the custody of the person having legal custody over the minor. A record of such violation shall be made and filed in the records of the police department. Any minor violating the provisions of subs.(1) a second or subsequent time shall be dealt with in accordance with the provisions of Chapter 48 of the Wisconsin Stat. of 1979-80.

(b) Any person who shall violate any provisions of subs. (2) shall upon conviction thereof, forfeit \$25.00 together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding five (5) days.

(C) Each Violation of any of the provisions of this Ordinance shall constitute a separate offense.

9.55 REGULATION OF UNDERAGE PERSONS AND INTOXICATING BEVERAGES. (Created codification, 2001-LGRS) In addition to any other provisions of this Code, the statutory provisions contained in § 125.07(a)(b), Wis. Stats., describing and defining regulations with respect to the use, consumption, possession and purchase of alcohol beverages by underage persons for which the penalty is a forfeiture, including penalties to be imposed, and any future amendments thereto, are hereby adopted and by reference are made a part of this subsection as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this subsection.

9.80 DISCHARGING AND CARRYING WEAPONS.

(1) FIREARMS PROHIBITED.

(a) Unless otherwise specifically permitted by state statutes or village ordinances, no person, except a law enforcement officer, shall fire or discharge any cannon, firearm rifle, spring or airgun of and description within the Village or have any firearms, rifle, spring or airgun in his possession or under his control 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.

(b) Unless otherwise specifically permitted by state statutes or village ordinances, it is unlawful for any person, except a law enforcement officer to carry or wear about his person any pistol, sling-shot, cross-knuckle, knuckles of lead, brass or other metal, or dagger or knife having a blade over five inches in length, or any other dangerous or deadly weapon, within the village limits, unless licensed so to do as provided by this code.

(c) This subsection prohibits hunting within the village except for archery deer hunting pursuant to the restrictions found in village ordinance § 6.19 and Ch. 29 Wis. Stats.

(2) MISSILES PROHIBITED. Unless otherwise specifically permitted by state statutes or village ordinances, no person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, including firecrackers, by hand or by any other means within the village, except that contests or practice may be held under the direct supervision of a parent, guardian or some other responsible person.