

CHAPTER 7

OFFENSES ENDANGERING PUBLIC SAFETY PEACE, MORALS AND PROPERTY

I. VILLAGE CURFEW

An ordinance to provide for a curfew for minors under the age of 18 years within the limits of the Village of Rockland.

Be it ordained by the Village Board of the Village of Rockland as follows:

Title: This ordinance shall be known as the "Curfew Ordinance" of the Village of Rockland.

Purpose: The purpose of this ordinance is to provide for a curfew for minors under the age of 18 within the limits of the Village of Rockland as follows:

A. Hours:

1. No children of the following specified ages shall loiter, idle, or remain on any street, alley or other public place in the Village during the set times on the designated dates:
 - a. Children ages 16 and 17.
 1. School year:
11:00 p.m.- 5:00 a.m. Sunday through Thursday
12:00 a.m. (midnight) - 5:00 a.m. Friday through Saturday
 2. Summer:
12:00 a.m. (midnight) – 5:00 a.m. Sunday through Saturday
 - b. Children ages 13 through 15.
 1. School year:
10:00 p.m.-5:00 a.m. Sunday through Thursday
11:00 p.m. --5:00 a.m. Friday through Saturday
 2. Summer:
11:00 p.m. – 5:00 a.m. Sunday through Saturday
 - c. Children ages 12 and under.
 1. School year:
9:00 p.m.-5:00 a.m. Sunday through Thursday
10:00 p.m.-5:00 a.m. Friday through Saturday
 2. Summer:
10:00 p.m. – 5:00 a.m. Sunday through Saturday
2. Exceptions: This section shall not apply to a child:
 - a. performing an errand as directed by his parent, guardian or person having lawful custody
 - b. who is on his own premises or the areas immediately adjacent thereto
 - c. whose employment makes it necessary to be upon the streets,
 - d. returning home from a supervised school, church or civic function

These exceptions, however, shall not permit a child to unnecessarily loiter about the streets, alleys or public places or to be in a parked motor vehicle on a public street.

- B. Parental Violation: No parent, guardian or other person having legal custody of a child under the age of 18 years shall permit such child to loiter, idle or remain upon any street, alley or other public place in the Village during the hours specified in A.1. unless such child is accompanied by his parent, guardian or other adult having legal custody of such child.
- C. Responsibility of Operators of Places of Amusement: No person operating a place of amusement or entertainment within the Village, or any agent, servant or employee of such person, shall permit a child under the age of 18 years to enter or loiter in such place of amusement or entertainment during the hours specified in Section A.1. unless such child is accompanied by a parent, guardian or other adult person having legal custody of such child.
- D. Loitering in School and Playground Areas: No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in any school building on or in or about any playground area adjacent thereto within the Village between 8:00 a.m. and 4:00 p.m. on official school days.
- E. Detaining a Child: A child believed to be violating the provisions of this section shall be taken to the Village Hall of the Village of Rockland for proper identification. Every law enforcement officer while on duty may detain any child violating Sections A, C and D until the parent, guardian or other adult person having legal custody of the child has been immediately notified and the person so notified has, as soon as is reasonably possible thereafter, reported to the Village Hall of the Village of Rockland for the purpose of taking the child into custody and had signed a release for him/her. If the officer is unable to contact the parent, guardian or other person having legal custody of the child, or that person, after being contacted, fails to report to the Village Hall within a reasonable time, the child shall be taken to the La Crosse County Jail for detention.
- F. Warning: The first time a child is detained by law enforcement officers as provided in Section E, a parent, guardian or person having legal custody shall be advised as to the provisions of this section; and any violation of this section occurring thereafter by this child or any other child under such person's care or custody shall result in a penalty being imposed as herein provided.
- G. General Penalty: Any parent, guardian or person having legal custody of a child described in sub A, C, and D who has been warned in the manner provided in section F and who thereafter violates any of the provisions of this section, shall be subject to penalty as follows:
1. First Offense-Penalty: Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit \$50.00 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 such forfeiture and costs are paid, but not exceeding 30 days.
 2. Second Offense-Penalty: Any person found guilty of violating this ordinance or any part thereof who shall have previously been convicted of a violation of the same Ordinance within one year shall, upon conviction thereof, forfeit \$100.00 for each such offense thereafter, together with costs of prosecution and in default of

payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding 90 days.

3. Continued violations: Each violation shall constitute a separate offense.
4. Issuance of Citations:
 - a. Method: Pursuant to Section 66.119, Wis. Stats., the Village of Rockland elects to use the citation method of enforcement of this Ordinance other than those for which a statutory counterpart exists.
 1. Form: The citation shall contain the following:
 - a. The name and address of alleged violator.
 - b. Factual allegations describing the alleged violation.
 - c. The time and place of offense.
 - d. The section of the ordinance violated.
 - e. A designation of the offense in such manner as can readily be understood by a person making reasonable effort to do so.
 - f. The time at which the alleged violator may appear in court.
 - g. A statement which in essence informs the alleged violator:
 - i. That a cash deposit in the amount of the penalty may be made which shall be delivered or mailed to the Village Treasurer prior to the time of the scheduled court appearance.
 - ii. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 - iii. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 - iv. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
 - h. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under (g) above has been read. Such statement shall be sent or brought with the cash deposit.
 - i. Such other information as the Village deems necessary.

Any child who violates this section after being detained and released under section E shall be dealt with under Ch. 48 Wis. Stats.

Effective Date: This ordinance shall take effect and be in force after publication or posting as provided by law. (12/2001)

II. SKATEBOARDS

- A. Street Use: No person riding upon any play vehicle may attach the same or himself or herself to any vehicle upon a street or highway. Furthermore, there is no skateboarding on village streets.
- B. Park Use: Skateboards are not allowed in any park, with the exception of Gaylord Memorial Park on the concrete area with the basketball hoops.
- C. Penalty: Any person violating section A shall forfeit his/her play vehicle to a police officer. If the person is a juvenile, the play vehicle will then be turned over to the child's parents or legal guardian. Two warnings shall be given before parents are notified.
(03/2002)

III. CRIMINAL ORDINANCES

The Village of Rockland does hereby adopt the following Wisconsin Statutes: 943.01: Criminal Damage to Property

947.01: Disorderly Conduct

947.012: Unlawful Use of Telephone

943.13: Trespass to Land

946.41: Obstructing an Officer

125.07(4)(a): Underage-Purchase of Alcohol

125.07(4)(b): Underage Drinking

125.085(3)(b): False ID

125.09(2): Possession of Alcohol on School Grounds

947.01: Harassment

167.32: Safety at a Sporting Event

161.573(2): Underage-Possession of Drug Paraphernalia

161.574(2): Manufacture or Deliver of Drug Paraphernalia by a Minor

161.575(2): Manufacture or Delivery of Drug Paraphernalia to a Minor, by a Minor

48.344: Penalties

The ordinance number for each subsection shall be 7.03-statute number. The fine for any violation which does specify a penalty in the statute itself or which is not covered by 7.03-48.344 shall be not less than \$50.00 or more than \$500.00.

IV. USE OF CIGARETTES BY A MINOR

The Village of Rockland does hereby adopt Wis. Stats. Sec. 48.983 as follows:

7.04-48.983 Use of cigarettes and tobacco products prohibited.

A. In this section:

1. "Cigarette" has the meaning given in Section 139.30(1).
2. "Law Enforcement Officer" has the meaning given in Section 139.75(12).
3. "Tobacco Products" has the meaning given in Section 137.75(12).
4. "Child" has the meaning given in Section 48.02(2).

B. Except as provided in Section C, below, no child may do any of the following:

1. Buy or attempt to buy any cigarette or tobacco product.

2. Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
 3. Possess any cigarette or tobacco product.
- C. A child may purchase cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.635(1).
- D. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Sub 2 committed in his or her presence.
- E. Any person convicted of any violation of Sub B.1., Sub B.2. or Sub B.3. shall pay a forfeiture of not more than \$25.00 plus costs.

V. WEAPONS

- A. Discharging Firearms and Weapons Prohibited: No person shall fire or discharge any cannon, gun, pistol, air, spring, or gas charged weapon or any firearms of any description within 600 feet of any inhabited dwelling or building, or upon any public park, square or enclosure, provided, however upon application made in writing to the Chief of Police a person may be granted permission by the Chief of Police to such person. Penalty for violation of this subsection shall not be less than \$5.00 nor more than \$200.00. (07/2006)
- B. Carrying Dangerous Weapons Prohibited: It is unlawful for any person, other than a policeman or other officer authorized to maintain the peace and to serve process, persons maintaining a license or permit from the Wisconsin Department of Regulation and Licensing, pursuant to sec. 440.26, Wis. Stats. to carry or wear any pistol, slingshot, knuckles, bowie or switchblade knife, dirk or other dangerous weapons. In all cases of conviction hereunder, any and all dangerous weapons found on the person of the convicted shall be confiscated and become the property of the Village and may be destroyed by the Order of the Court. Penalty for violation of this subsection shall be not less than \$25.00 nor more than \$100.00.
- C. Use of Slingshot or Bow and Arrow Prohibited: It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot bow and arrow within 600 feet of any inhabited dwelling or building, or upon any public park, square or enclosure, provided, however upon application made in writing to the Chief of Police a person may be granted permission by the Chief of Police to such person to construct and maintain approved archery ranges if in the opinion of the Chief of Police and construction of such range will in no way endanger the public health and safety. Violation of this subsection shall result in a fine of not less than \$20.00 nor more than \$50.00.

VI. BURNING OF TRASH, GRASS AND REFUSE

- A. Registered: No person shall kindle or maintain a grass fire, bonfire or rubbish fire or authorize any such fire to be kindled or maintained within the Village without a permit from a Village Representative appointed by the Board. Said representative shall consider the location of the fire in determining the safety risk and nuisance problems caused by the proposed burning. Recreational fire permits (i.e. camp fires) will be issued a seasonal burning permit, however the owner is responsible for notifying La Crosse

County dispatch each day a burn is planned. Recreational fire pits can be no larger than three (3) feet in diameter. (09/2011) A fee of \$10 shall be charged for a seasonal permit. All other permits shall be granted for one burning only and not for ongoing burning. (07/2007), (11/2008).

- B. Prohibited: No person shall burn any refuse in streets or alleys. No garbage shall be burned. No cans, cartons, or any other substance which would create offensive, obnoxious fumes and/or odors shall be burned.
- C. Penalty:
 - 1. First offense: Written warning.
 - 2. Second offense or failure to comply with first offense request: Police and/or fire department will be called. Permit will be immediately revoked for current and following year. If police are called, violator is subject to a forfeiture of \$50 plus costs and fees.
 - 3. Third and subsequent offense: Police will be called and violation will be subject to a forfeiture of \$100 plus costs and fees. (09/2011)

VII. LITTERING

The Village of Rockland does hereby adopt Wis. Stats. Sec. 159.81 in reference as follows:

- A. Litter Prohibited- In this section:
 - 1. "Highway" has the meaning given in Section 340.01(22).
 - 2. "Vehicle" has the meaning given in Section 340.01(74).
 - 3. "Water of the State" has the meaning given in Section 144.01(19).
- B. Except as provided in Subsection C, a person who does any of the following may be required to forfeit not less than \$50.00 nor more than \$500.00:
 - 1. Deposits or discharges any solid waste on or along any highway, in the waters of the state, on the ice of any waters of the state, or on any public or private property.
 - 2. Permits any solid waste to be thrown from a vehicle operated by the person.
- C. Exceptions:
 - 1. Subsection B.1. does not apply to a person who places solid waste in a receptacle designed for solid waste storage that is located along a highway or on other public or private property.
 - 2. Subsection B. does not apply to a person who deposits or discharges solid waste in conformance with Ch 30, 31, 144, 147 of the Wisconsin State Statutes and who holds proper permits issued under those Chapters by the State of Wisconsin.

VIII. SMOKING IN PUBLIC BUILDINGS

- A. No person may smoke, carry, or possess a lighted cigarette, pipe, or any other lighted smoking equipment in any Village-owned building or vehicle, or any part thereof.
- B. This prohibition does not apply to open-air structures.
- C. Any person convicted of a violation of this section shall forfeit an amount not less than \$10 nor more than \$100.

IX. CONCEALED CARRY WITHIN VILLAGE BUILDINGS

WHEREAS, the state of Wisconsin has adopted a new statute known as "Concealed Carry Law", which takes effect November 1, 2011, and

WHEREAS, the Village of Rockland believes that it is not proper and necessary for anyone conducting business in village buildings to carry a weapon, and

WHEREAS, the Village of Rockland is committed to maintaining a safe and healthy work environment for its employees and citizens,

NOW, THEREFORE, the Village Board of the Village of Rockland does hereby ordain as follows:

- A. That weapons as defined herein shall be prohibited in the following Village buildings: any municipal-owned building including the Village Hall, Village Shop, Sewer Plant, Lift Stations, and Pumping Stations.
- B. That this prohibition does not apply to the outside grounds of said buildings or to law enforcement personnel in the course of their duties.
- C. That the following definitions shall apply:
 - 1. Firearm means a rifle, shotgun or handgun or any weapon made from or modifying a rifle, shotgun or handgun from which a projectile is discharged by and explosive or propellant.
 - 2. Electronic weapon as defined in WI Stats. §941.296(10)(a)
 - 3. Knife/switchblade as defined in WI Stats. §941.24
 - 4. Billy club as defined in WI Stats. §175.60(l)(j)
- D. Penalty: The Penalty for violation of the ordinance shall be a forfeiture of not less than \$50 nor more than \$250 for a first offense, a forfeiture of not less than \$100 nor more than \$500 for a second offense and a fine of not less than \$500 nor more than \$1,000 for subsequent offenses plus all applicable court costs.

X. LOUD & UNNECESSARY NOISE PROHIBITED

- A. Loud and Unnecessary Noise Prohibited: It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise. It shall be unlawful for any person knowingly or wantonly to use, operate, or to cause to be used or operated, any mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice, or any sound or noise in any public or private place in such 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.
 - 1. Types of Loud and Unnecessary Noises: The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
 - a. Horns, signaling devices: The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and

unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

- b. Radios, phonographs, similar devices: The using, operating, or permitting to be played, used, or operated any radio receiving set; musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- c. Loudspeakers, amplifiers for advertising: The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure.
Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- d. Animals, birds: The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- e. Exhausts: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- f. Construction or repair of buildings: The erection (including excavation), demolition, alteration, or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Police shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
- g. Schools, courts, churches, hospitals: The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court exists. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.
- h. Exceptions: The provisions of this Section shall not apply to:

1. Any vehicle of the Village while engaged in necessary public business.
 2. Excavations or repairs of streets or other public construction by or on behalf of the Village, county, or state at night when public welfare and convenience renders it impossible to perform such work during the day.
 3. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
2. Permits for Amplifying Devices:
- a. Permit Required: The use of loudspeakers or amplifying devices in the Village of Rockland is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Village. The cost of a permit is \$25 per event.
 - b. Grounds or Reasons for Denial or Allowance: The Village shall have the authority to revoke such permit when it believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.
 - c. Time Restrictions: No permit shall be granted to anyone who, in the opinion of the Village, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance. All permits expire at 10 p.m. with no exceptions.
3. Penalty: Any person violating this ordinance may be required to pay a forfeiture of not less than \$25 nor more than \$100, to be determined by the officer's discretion based on the cooperation of the person and any prior violations of this section of the ordinances.