

CHAPTER 9
PUBLIC PEACE AND GOOD ORDER

- 9.01 Firearms Generally
- 9.02 Regulation of Handguns
- 9.03 Throwing or Shooting Missiles and Projectiles
- 9.04 Regulation of Fireworks
- 9.05 Obstructing Streets and Sidewalks Prohibited
- 9.06 Loud and Unnecessary Noise Prohibited
- 9.07 Loitering
- 9.08 Animals and Fowl Not to Run at Large
- 9.09 Storage of Junk, Etc. Regulated
- 9.10 Littering Prohibited
- 9.11 Obedience to Officers
- 9.12 Open Cisterns, Wells, Basements or other Dangerous Excavations Prohibited
- 9.13 Abandoned or Unattended Refrigerators, Etc. Prohibited
- 9.14 Loitering in School and Playground Areas Prohibited
- 9.15 Sanitary Landfill Regulations
- 9.16 Waste Disposal and Waste Disposal Sites Prohibited
- 9.17 Trespass to Land
- 9.18 Parking Restrictions
- 9.19 Snow Removal Regulations
- 9.20 Penalties

9.01 FIREARMS GENERALLY

(a) DEFINITIONS. "Firearms" shall include gun, rifle, pistol, airgun, shotgun, spring gun, cannon or other device or type of firearms which expels a missile or missiles by some means of element.

(1) DISCHARGE OF FIREARMS RESTRICTED.

(a) It shall be unlawful for any person to have in his possession or under his control any firearm or pellet gun while within sections 3 – 4 – 5 – 6 – 8 – 9 – 10 – 11 – 12 – 13 – 14 – 15 – 23 – 34 and 35 in the Town of Manitowoc Rapids, Manitowoc County, Wisconsin unless same is broken down or carried in a case or holster.

(b) It shall be unlawful for any person to have to shoot, fire, or discharge any firearm or pellet gun in said sections 3 – 4 – 5 – 6 – 8 – 9 – 10 – 11 – 12 – 13 – 14 – 15 – 23 – 34 and 35 in the Town of Manitowoc Rapids, Manitowoc County, Wisconsin except, however, any owner or occupant of any property within said sections may use, fire or discharge firearms or pellet guns and have same in their possession uncased and unbroken when and while using same to protect life or property.

(2) PENALTY. Any person violating any of the provisions of this ordinance shall upon conviction, be subject to a fine not exceeding one hundred dollars (\$100.00) for each conviction.

9.02 REGULATION OF HANDGUNS

(1) **PURPOSE.** The Board hereby determines that as a result of the ease with which handguns may be carried upon the person, the presence of such handguns constitute a danger to the general public if they are allowed to be carried, transported or brought inside of any public building or upon any premises open to the public, except as provided below. It is the purpose of the section to serve the interest of public safety by restricting and regulating the presence of handguns, which can be carried, transported or brought inside of any public building or place of business open to the public.

(2) **DEFINITION OF HANDGUN.** For purposes of this section, "handgun" means any firearm having a barrel less than 12" long.

(3) **REGULATION.** No handgun, either holstered, unholstered, cased or uncased shall be in the possession of or under the control of any person while such person is inside any public building or place of business including, but not limited to, a place of business where alcoholic beverages of any kind are sold or consumed.

(4) **EXCEPTIONS.** This section shall not apply to the following:

(a) A sheriff, deputy sheriff, warden, constable, State trooper, U.S. military Personnel or any member of a police force who carries a handgun in his official line of duty.

(b) Any person who brings a handgun upon a premises open to the public which has in effect a special use permit from the Town as a shooting gallery, skeet, trap shooting range or rifle range. This section shall also not apply to any person who brings a handgun to any firearms safety course conducted by or authorized by the Sheriff's Department or the law enforcement agency of the town within which the course is conducted.

(c) To any person who brings a handgun upon any premises in which handguns are sold, traded or serviced, provided the handgun is brought upon the premises for purposes relating to the sale, trade or servicing of such handgun.

(d) To any person or his employee who lawfully keeps or carries a handgun upon any premises open to the public owned by such person.

(e) To any person who brings a handgun directly to or from a motel or hotel room, or a resort rental unit, for storage purposes, provided that the handgun is unloaded and knocked down or enclosed within a carrying case, holster or other suitable container at all times.

(f) The display of unloaded and properly secured handguns by governmental bodies or the owners of places of business open to the public.

(5) **PENALTY.** Any person found guilty of violating this section or any part thereof shall, upon conviction, be subject to the penalty provisions set forth in Section 25.04 of this General Code.

9.03 THROWING OR SHOOTING MISSILES AND PROJECTILES

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

9.04 REGULATION OF FIREWORKS

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

(a) Fuel or a lubricant.

(b) A firearm cartridge or shotgun shell.

(c) A flare used, possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.

(d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.

(e) A cap containing not more than $\frac{1}{4}$ grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.

(f) A toy snake which contains no mercury.

(g) A model rocket engine.

(h) Tobacco and tobacco product,

(i) A sparkler on a wire or wood stick not exceeding 36" in length or $\frac{1}{4}$ " in outside diameter which does not contain magnesium, chlorate or perchlorate.

(j) A device designed to spray out paper confetti or streamers and which contains less than $\frac{1}{4}$ grain of explosive mixture.

(k) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight.

(l) A device that emits smoke with no external flame and does not leave the ground.

(m) A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding $\frac{3}{4}$ " , designed to sit on the ground and emit only sparks and smoke.

(n) A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

(2) SALE. No person may sell or possess with intent to sell fireworks, except:

(a) To a person holding a permit under sub. (3)(c).

(b) The Town.

(c) For a purpose specified under sub. (3)(b) 2. to 6.

(3) USE.

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

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

1. The Town, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance.
2. The possession or use of explosives in accordance with rules or general orders of the Department of Industry, Labor and Human Relations.
3. The disposal of hazardous substances in accordance with rules adopted by the Department of Natural Resources.
4. The possession or use of explosive or combustible materials in any manufacturing process.
5. The possession or use of explosive or combustible materials in connection with classes conducted by institutions of education.
6. A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.

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

1. A public authority.
2. A fair association.
3. An amusement park.
4. A park board.
5. A civic organization.
6. A group of resident or nonresident individuals.
7. An agricultural producer for the protection of crops from predatory birds or animals.

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

(e) The person issuing a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the Town wherein the fireworks are to be used, and any person injured thereby may bring an action on the bond

or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Clerk of the Town.

(f) A permit under this subsection shall specify all of the following:

1. The name and address of the permit holder.
2. The date on and after which fireworks may be purchased.
3. The kind and quantity of fireworks which may be purchased.
4. The date and location of permitted use.
5. Other special conditions prescribed by ordinance.

(g) A copy of a permit under the subsection shall be given to municipal fire or law enforcement official at least 2 days before the date of authorized use.

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

(4) OUT-OF-STATE. This section does not prohibit a resident wholesaler, dealer or jobber from selling fireworks at wholesale, if that wholesaler, dealer or jobber ships or delivers the fireworks outside of this State in sealed opaque containers by, as defined in SS194.01(5), (11) and (14), Wis. Stats., common motor carrier, contract motor carrier or private motor carrier engaged in the business of shipping or delivering property, or to a person or group granted a permit under sub. (3)(c)1. To 7.

(5) STORAGE AND HANDLING.

(a) No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the Town.

(b) No person may smoke where fireworks are stored or handled.

(c) A person who stores or handles fireworks shall notify the Town board in which the Fireworks are stored or handled of the location of the fireworks.

(d) No wholesaler, dealer or jobber may store fireworks within 50' of a dwelling.

(e) No person may store fireworks within 50' of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

(6) PARENTAL LIABILITY. A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

(7) ENFORCEMENT.

(a) The Town may petition the circuit court for an order enjoining violations of this section.

(b) Fireworks stored, handled, sold, possessed or used by a person who violates this section, or a court order under par. (a) shall be seized. The fireworks shall be destroyed after conviction for a violation, and otherwise returned to the owner.

9.05 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 town in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon, or to prevent or hinder free ingress to or egress from any place of business or amusement or any church, public hall or meeting place.

9.06 LOUD AND UNNECESSARY NOISE PROHIBITED

(1) No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

(2) No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, excessive acceleration of engine or by emitting unnecessary and loud muffler noises.

9.07 LOITERING

(1) LOITERING OR PROWLING PROHIBITED, GENERALLY. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a police or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) OBSTRUCTION OF TRAFFIC BY LOITERING. No person shall loaf or loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossings or bridges, or in any other public place within the Town in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, alleys, sidewalks, street crossings or bridges, or other public places by persons passing along and over the same.

9.08 ANIMALS AND FOWL NOT TO RUN AT LARGE

No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the Town.

9.09 STORAGE OF JUNK, ETC., REGULATED

(1) RESTRICTED. No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood, except in an enclosure which screens such property from public view or upon permit issued by the Town Board.

(2) ORDER FOR COMPLIANCE. The Constable may require by written order any premises in violation of this subsection to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

9.10 LITTERING PROHIBITED

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

9.11 OBEDIENCE TO OFFICERS

No person shall resist or interfere with any officer of the Town while such officer is doing any act in his official capacity, and with lawful authority, nor shall any person refuse to assist an officer in carrying out his duties when so requested by the officer.

9.12 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person; and any cover shall be of such design, size and weight that the same cannot be removed by small children.

9.13 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 discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside unless such door or lid, snap lock or other locking device has been removed from such ice box, refrigerator or container, or unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.14 LOITERING IN SCHOOL AND PLAYGROUND AREAS PROHIBITED

No person Not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in any school building, or in or about any playground area adjacent thereto, within the town between 8 am and 4 pm on official school days.

9.15 SANITARY LANDFILL REGULATIONS

(1) No person shall throw or dump any rubbish, garbage or other refuse any place within the limits of the Town except at the established Town sanitary landfill site.

(2) No person shall dump rubbish, garbage or other refuse in the Town sanitary landfill except in compliance with the rules and regulations of the landfill.

9.16 WASTE DISPOSAL AND WASTE DISPOSAL SITES PROHIBITED

(1) DISPOSAL PROHIBITED. No person shall dispose of garbage, waste, refuse or sludge within the limits of the Town.

(2) EXCEPTIONS. The following are specifically excepted from the terms of sub. (1) of the section:

- (a) A sanitary landfill or dump licensed by the State Department of Natural Resources on the effective date of this section.
- (b) A sanitary septic tank or seepage bed which is at all times in compliance with all Applicable Town ordinances and County and State laws and regulations.
- (c) A farm on which animal waste directly resulting from the operation of the farm is disposed of on the same farm premises.

(3) HEALTH HAZARD. The Town Board hereby declares the disposing of garbage, waste, refuse or sludge within the limits of the Town to be contrary to the health and welfare of the citizens of the Town and to create a health hazard to its citizens.

(4) DEFINITIONS. For the purpose of this section, the following definitions shall apply:

- (a) Dispose. Includes, but is not limited to, dump, unload, discard, throw away, abandon, empty or bury.
- (b) Garbage. Includes discarded materials resulting from handling, processing, storage or consumption of food.
- (c) Person. An individual, sole proprietorship, corporation, partnership, association or municipality, including town, village, city, county, sanitary district, state.
- (d) Refuse. Includes combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, industrial wastes, dead animals, toxic and hazardous wastes and material resulting from construction or demolition.
- (e) Sludge. Includes sewage treatment residue, in any form which has been processed or treated in any manner.
- (f) Waste. Includes garbage, refuse, sludge, all other discarded material and waste material resulting from industrial, commercial and agricultural operations, domestic use and public service activities.

(5) VARIANCE.

- (a) Any person may apply to the Town Board for a variance from the terms of this section on application forms supplied by the Town Clerk. Such variance application shall include as a minimum the name and address of the applicant and an explanation of the nature and purpose of the variance.
- (b) After an application for variance is filed, the Town Board shall schedule a public hearing within a reasonable time. The public hearing will be advisory only regarding any action taken by the Town Board concerning such application.

(c) A variance may be granted if the Town Board determines a literal enforcement of this section will result in practical difficulty or unnecessary hardship to the applicant, that a variance will be a public benefit and that the public benefit as a result of the variance is likely to be greater than any health hazard likely to be created by the variance.

(6) STATE LAW. Nothing contained in this section shall be deemed to limit or restrict the application of any State law or administrative rule regulating the subject matter of this section.

9.17 TRESPASS TO LAND

(1) Whoever does any of the following is subject to a forfeiture as provided in this chapter.

(a) Enters any enclosed or cultivated land of another with intent to catch or kill any birds, animals or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities.

(b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

(c) Hunts, shoots, fishes or gathers any product of the soil on the premises of another, or enters such premises with the intent to do any of the foregoing after having been notified by the owner or occupant.

(2) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign at least 11" square must be placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected within 6 months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

9.18 PARKING RESTRICTIONS

When an ordinance has been adopted by the Town Board and signs have been erected giving proper notice thereof, no person shall park, stop or leave standing any vehicle in violation of the parking restrictions so posted.

9.19 SNOW REMOVAL REGULATIONS

(1) For the purpose of removing snow from the streets and surrounding areas, the Town Board shall authorize signs to be erected prohibiting parking in the particular area where snow is intended to be removed.

(2) The Town Board may direct all vehicles parked in violation of the no parking signs erected pursuant to this subsection to be towed away.

(3) Any person who violates this subsection shall be subject to a forfeiture plus the cost of towing and storing the vehicle.

9.20 PENALTIES

Except as otherwise provided, any person who violates any provision of this chapter shall be subject to a penalty as provided in SS25.04 of this G