

General Code of Ordinances
Chapter 6 - Public Peace and Good Order

CHAPTER 6
PUBLIC PEACE AND GOOD ORDER

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6.01 TITLE/PURPOSE. This Ordinance is entitled the "Town of Centerville Public Peace and Good Order Ordinance". The purpose of this Ordinance is to maintain peace and good order in the Town of Centerville.

6.02 AUTHORITY. The Town Board of the Town of Centerville has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this Ordinance and by adoption of village powers under Section 60.10 Wisconsin Statutes to regulate, control, prevent and enforce against certain uses, activities, businesses and operations by persons that may affect public safety and public order in the Town of Centerville.

6.03 ADOPTION OF ORDINANCE. The Town Board of the Town of Centerville has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and has established by these sections and this Ordinance the regulations, controls and enforcements against certain uses, activities, businesses and operations by persons that may affect public safety and public order.

6.04 FIREARMS GENERALLY.

A. DEFINITIONS. Firearms shall include any gun, rifle, pistol, air gun, shotgun, spring gun, cannon or other device or type of firearm which expels a missile or missiles by some means or element.

B. DISCHARGE OF FIREARMS RESTRICTED.

1. No person shall fire a rifle, pistol or other solid ball firearm in any residential, recreational or commercial district within the Town or within 500' of any such district, residence or structure used for human habitation.

2. No person shall discharge a firearm within 100 yards of the right-of-way of

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any State or County highway or within 100 feet of any Town highway or road, or in any public park, parking area or other area marked by signs prohibiting the same.

C. **CARRYING OF FIREARMS.** No person, except law enforcement, peace officer or his deputies, or conceal carry permit holder in accordance with Wisconsin State Statute 175.60, shall have any firearm in his possession or under his control unless it is unloaded and enclosed within a carrying case, unless such person is within exceptions specified in B. above. Subsections A. and B. of this section shall not prevent maintenance and use of supervised rifle or pistol ranges or shooting galleries as authorized by the Town Board.

D. **CARRYING CONCEALED WEAPON PROHIBITED.** Any person, except a law enforcement/peace officer, or conceal carry permit holder in accordance with Wisconsin State Statute 175.60, who goes armed with a concealed and dangerous weapon, may be penalized as provided in Section 6.18.

6.05 REGULATION OF HANDGUNS.

A. **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 this 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.

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

C. **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.

D. **EXCEPTIONS.** This section shall not apply to the following:

1. 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.

2. Any person who brings a handgun upon any 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 firearm 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.

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3. 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.

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

5. 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.

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

7. Any licensed conceal carry permit holder in accordance with Wisconsin State Statute 175.60.

E. 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 Chapter 13, Section 13.09, of this General Code.

6.06 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.

6.07 REGULATION OF FIREWORKS.

A. 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:

1. Fuel or a lubricant.
2. A firearm cartridge or shotgun shell.
3. A flare used, possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, water craft or motor vehicle.
4. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
5. A cap containing not more than 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.

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6. A toy snake which contains no mercury.
7. A model rocket engine.
8. Tobacco and a tobacco product.
9. A sparkler on a wire or wood stick not exceeding 36" in length or 1/4" in outside diameter which does not contain magnesium, chlorate or perchlorate.
10. A device designed to spray out paper confetti or streamers and which contains less than 1/4 grain of explosive mixture.
11. 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.
12. A device that emits smoke with no external flame and does not leave the ground.
13. A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 3/4", designed to sit on the ground and emit only sparks and smoke.
14. A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

B. SALE. No person may sell or possess with intent to sell fireworks, except:

1. A person holding a permit under Section 6.07 C.3.
2. The Town.
3. for a purpose specified under Section 6.07 C.2. (b-f).

C. USE.

1. No person may possess or use fireworks without a user's permit from the Town Chairman or from an official/employee designated by the Chairman. No person may use fireworks or a device listed under Section A. (5-7) or (9-14) above while attending a fireworks display for which a permit has been issued to a person listed under Section 3. (a-e) or under Section 3.f. below if the display is open to the general public.

2. Section C.1. does not apply to:

- a. The Town--but municipal fire and law enforcement officials shall be

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notified of the proposed use of fireworks at least two (2) days in advance.

b. The possession or use of explosives in accordance with rules or general orders of the Department of Commerce.

c. The disposal of hazardous substances in accordance with rules adopted by the Department of Natural Resources.

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

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

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

3. A permit under this subsection may be issued only to the following:

a. A public authority.

b. A fair association.

c. An amusement park.

d. A park board.

e. A civic organization.

f. A group of resident or nonresident individuals.

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

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

5. 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 in which 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

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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.

6. A permit under this subsection shall specify all of the following:
 - a. The name and address of the permit holder.
 - b. The date on and after which fireworks may be purchased.
 - c. The kind and quantity of fireworks which may be purchased.
 - d. The date and location of permitted use.
 - e. Other special conditions prescribed by ordinance.

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

8. A permit under this subsection may not be issued to a minor.

D. 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 Sections 194.01(1), (2) and (11) Wisconsin Statutes, 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 Section C.3. (a-g).

E. STORAGE AND HANDLING.

1. No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the Town.
2. No person may smoke where fireworks are stored or handled.
3. 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.
4. No wholesaler, dealer or jobber may store fireworks within 50' of a dwelling.
5. 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.

F. PARENTAL LIABILITY. A parent or legal guardian of a minor who consents to the

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use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

G. ENFORCEMENT.

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

2. Fireworks stored, handled, sold, possessed or used by a person who violates this section, or a court order under Section G.1. above shall be seized. The fireworks shall be destroyed after conviction for a violation and/or returned to the owner.

6.08 LOUD AND UNNECESSARY NOISE PROHIBITED.

A. 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.

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

6.09 LOITERING.

A. 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 makes it impractical, 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.

6.10 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.

6.11 STORAGE OF JUNK, ETC., REGULATED.

- A. "Junk" means any of the following junk materials:
1. Any junk or scrap metal.
 2. Any junk or scrap wood.
 3. Junk metal alloy.
 4. Junk synthetic or organic material.

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5. Two or more junked, ruined, dismantled or wrecked motor vehicles or machinery or parts thereof.

6. A collection of twenty (20) or more used tires that are not being put to a use. (Tires used to hold down covers over hay or straw are exempt).

7. Unusable appliance(s).

8. All or parts of dismantled buildings or structures that were not originally parts of the land's principal or accessory buildings and have not been reconstructed within six (6) months of their deposit on the land (i.e., dismantled buildings or parts thereof that are or were imported or relocated to a site are junk on that site.)

9. All or parts of dismantled buildings or structures that were originally part of the land's principal or accessory use which have been destroyed by act of man or nature and have been dismantled or destroyed for more than eighteen (18) months.

B. "Illegal Junk Yard" means any place other than a licensed junk yard, which is maintained, owned, operated, or used for the storage, keeping, processing, buying, or selling of junk outside of buildings.

C. "Screened" means hidden from view in a manner that is compatible with the surrounding environment and permitted under the applicable zoning.

D. 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.

E. ORDER FOR COMPLIANCE. The Law Enforcement Officer 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.

6.12 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.

6.13 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.

6.14 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

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children.

6.15 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.

6.16 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 8:00 A.M. and 4:00 P.M. on official school days.

6.17 TRESPASS TO LAND.

A. Whoever does any of the following is subject to forfeiture as provided in this chapter.

1. 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.

2. 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.

3. Hunts, shoots, fishes or gathers any product of the soil on the premises of another, or enters such premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.

4. Enters any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.

B. 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 two 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 six months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

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6.18 PENALTY. Any person, who violates any provision of this chapter, except as otherwise provided, shall be subject to a penalty as provided in Section 13.09 of this General Code.