

Chapter 2

Offenses Against Public Safety and Peace

- 11-2-1 Regulation of Firearms, Explosives, and Other Missiles
- 11-2-2 Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited
- 11-2-3 Sale and Discharge of Fireworks Restricted
- 11-2-4 Obstructing Street and Sidewalks Prohibited
- 11-2-5 Loitering Prohibited
- 11-2-6 Loud and Unnecessary Noise Prohibited
- 11-2-7 Defecating or Urinating in Public Places
- 11-2-8 Unauthorized Presence on School Property
- 11-2-9 Possession of Controlled Substances; Marijuana
- 11-2-10 Crossing a Police Line
- 11-2-11 Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited
- 11-2-12 Gambling, Lotteries, Fraudulent Devices and Practices Prohibited
- 11-2-13 Firearms in Public Buildings
- 11-2-14 Sex Offender Loitering
- 11-2-15 Unlawful Use of Communication Devices
- 11-2-16 E911 Emergency Telephone Line Abuse Prohibited

Sec. 11-2-1 Regulation of Firearms, Explosives, and Other Missiles

- (a) **Discharge of Firearms Regulated.** No person, except a law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun, paint gun, or pneumatic pellet gun or bow and arrow of any description in his possession or under his/her control within the Village of Muscoda, unless it is unloaded and lawfully enclosed in a proper carrying case or otherwise in compliance with Wisconsin law, 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, or the firing or discharging of BB guns upon private premises by persons over sixteen (16) or under the direct personal supervision of a parent or guardian.

- (b) **Hunting Prohibited.** Hunting within the Village of Muscoda is prohibited.
- (c) **Shooting Into Village Limits.** No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village of Muscoda.
- (d) **Shooting Ranges.** This Section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Village Board, upon the recommendation of the Chief of Police, where proper safety precautions are taken.
- (e) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village without first obtaining a permit to do so from the Village Board.
- (f) **Throwing or Shooting of Arrows, Stones, or Other Missiles Prohibited.**
 - 1) It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow or other means within three hundred (300) feet of any inhabited dwelling or building or any public park, square or enclosure.
 - (2) This Subsection shall not apply:
 - a. To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
 - b. To a supervised archery range approved by the Village Board.
 - c. Within the interior of a single family dwelling.
- (g) **Definitions.** For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

Sec. 11-2-2 Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited.

- (a) **Concealed Weapons Prohibited.**
 - (1) **Prohibition.** No person shall, within the Village of Muscoda, wear or in any manner carry under his/her clothes or conceal upon or about his/her person any

deadly or dangerous weapon, provided this Subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons or persons possessing a concealed carry permit.

- (2) **Dangerous Weapon Defined.** "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
- (b) **Concealed Weapons in Public Establishments.** No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display, or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This Subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This Subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell, or trade firearms to or from a retailer.
 - (c) **Specific Concealed Weapons Prohibited.** No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties or a concealed carry permittee, shall carry or wear concealed about his/her person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the Village.
 - (d) **Possession, Sale, and Manufacture of Certain Weapons Prohibited.**
 - (1) No person shall sell, manufacture, purchase, possess or carry metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, a "numchuk" (also called a "nunchaku") or any similar weapon, a "cestus" or similar material weighted with metal or other substance and worn on the hand, a "churkin" (also called a "suriken") or any similar object intended to injure a person when thrown, a "sucbai" or similar weapon, a "manrikigusari" or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person within the Village of Muscoda.
 - (2) For the purpose of this Section, the following definitions shall apply:

- a. "Numchuk" or "Nunchaku. " An instrument consisting of two (2) or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.
 - b. "Churkin. " A round throwing knife consisting of several sharp points protruding from a rounded disc.
 - c. "Sucbai. " A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
- (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

Sec. 11-2-3 Sale and Discharge of Fireworks Restricted.

No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village unless he shall be authorized by a fireworks permit as provided in Title 7, Chapter 6, of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Section 167.10(1), Wis. Stats. , and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

Sec. 11-2-4 Obstructing Streets and Sidewalks Prohibited.

- (a) **Obstructing Streets.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village of Muscoda in such a manner as to:
- (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
 - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
 - (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- (b) **Obstructing Sidewalk Prohibited.** No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (c) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Muscoda.
 - (3) **Obstruct.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
 - (4) **Sidewalk.** Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.
- (d) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

Sec. 11-2-5 Loitering Prohibited.

(a) **Public Property Loitering Prohibited.**

- (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any law enforcement officer.
- (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) No person shall loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious conduct or any unlawful act.
- (4) No person shall loiter in or about any school or public place at or near which children or students attend or normally congregate. As used in this Subsection, "loiter" means to delay, to linger or to idle in or about any said school or public place without a lawful purpose for being present.

(b) **Private Property Loitering Prohibited.**

- (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps or entrance of any business place of private residence without the expressed consent of the owner thereof, or at any time other than usual business hours. Under this Subsection, business place shall include public building at such times that the same shall be closed for the usual and normal business conduct thereat.
- (2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the expressed consent of the owner thereof, whether such be parked upon a public street, alley, parking lot, driveway or private premises.
- (4) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.

(c) **Loitering or Prowling Prohibited.**

- (1) 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 impracticable, a police or peace officer shall, prior to any arrest for an offense under this Section, 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 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) No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.

- (3) No person shall lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.
 - (4) No person shall loiter in or about a restaurant, tavern or other public building. As used in this Subsection, "loiter" means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.
- (d) **Loitering by Underage Persons Where Alcohol Beverage is Dispensed.**
- (1) **Underage Persons and Intoxicants.** No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
 - (2) **Permitting Loitering Prohibited.** No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Muscoda.
- (f) **Soliciting.** No person shall loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, that such person repeatedly beckons to stop or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other

bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or produce another to commit an act of prostitution. No arrest shall be made for a violation of this Subsection unless the sworn police officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this Subsection:

- (1) Public Place is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.
- (2) Known Prostitute or Panderer means a person who, within five (5) years previous to the date of arrest for violation of this Section, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

Sec. 11-2-6 Loud and 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 or 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.

(b) **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:

- (1) **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.

- (2) **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 properly line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (3) **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.
- (4) **Animals, birds.** The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- (5) **Steam whistles.** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
- (6) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.
- (7) **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 Chief of 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.
- (8) **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 street. 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.

(9) **Exceptions.** The provisions of this Section shall not apply to:

- a. Any vehicle of the Village while engaged in necessary public business.
- b. 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.
- c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
- d. The reasonable use of amplifiers or loudspeakers when an Outdoor Entertainment Permit has been obtained.

(c) **Permits for Amplifying Devices.**

- (1) **Permit Required.** The use of loudspeakers or amplifying devices on the streets or in the parks of the Village of Muscoda is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police: School and civic organizations are exempt from this requirement.
- (2) **Grounds or Reasons for Denial or Allowance.** The Chief of Police shall have the authority to revoke such permit when he 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.
- (3) **Time Restrictions.** The Chief of Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 10:00 p.m. No permit shall be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

(d) **Outdoor Entertainment Permit.**

- (1) a. In this section “outdoor entertainment” shall mean live outdoor performances by musicians, stand-up comics, persons playing prerecorded music, commonly referred to as a “disk jockey”, or other similar functions, sponsored or paid for by any person that occurs on private property which is generally open to the public for business purposes.

b. Permit Required. Any person who sponsors or pays for outdoor entertainment shall first procure an outdoor entertainment permit before allowing any such entertainment. The Chief of Police, or his designee, shall issue a permit in accordance with this section upon application thereof.

c. Application for Permit. The application for an Outdoor Entertainment Permit shall provide the name of the applicant and address of the premises where the performance will occur; and the name of the person proposed by the applicant to serve as the inspector during the time of the performance. The application shall be filed with the Chief of Police no later than 72 hours before the day of the performance. The Chief of Police shall review the application for the purpose of approving or disapproving the person proposed to serve as an inspector. Approval shall be granted in the discretion of the Chief of Police after taking into consideration the age of the proposed inspector, his or her knowledge of statutes and ordinances governing alcohol beverage licenses, and such other factors as are relevant to the ability of the person to perform the duties of an inspector.

d. Hours. No permit shall be issued under this section unless the time for the musical performance is restricted to the hours between 12 noon and 12 midnight.

e. Inspector's Duties. The inspector shall see that all rules, regulations, ordinances and laws, whether City or state, are enforced, including without limitation ordinances regulating disorderly conduct and open containers of alcohol beverages. Regulations covered by Village of Muscoda Ordinance 7-2-14(2) Nude Dancing, are included.

(2) Grounds or Reasons for Denial or Allowance

(a) The Chief of Police or his designee shall have the authority to revoke such permit when he or she believes the activity performed 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. Whenever possible a warning will be given to the inspector to lower the volume before the permit is revoked.

Sec. 11-2-7 Defecating or Urinating in Public Places

- (b) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.

Sec. 11-2-8 Unauthorized Presence on School Property.**(a) Unauthorized Presence.**

- (1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him from attending any school located within the Village or any person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise "authorized person," shall be present within any school building or upon any school grounds without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.
- (2) Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection (a)(1), shall be guilty of trespass.
- (3) "Authorized person" shall include:
 - a. Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;
 - b. Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;
 - c. Any person utilizing a designated area for attending an athletic or other organized school event.
- (4) Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the School System's published rules and regulations shall be considered in violation of this Section. The published rules and regulations of the School System are incorporated as if fully set forth herein.
- (5) All entrances to the school buildings referred to in Subsection (a) shall be posted with a notice stating "Entry Into School Building by Unauthorized Person Prohibited."
- (6) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a Village summons that regulates parking

or may be towed away at the direction of the school principal or person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.

- (c) **Loitering Near School Prohibited.** No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the Village of Muscoda or upon any Riverdale School District grounds or within adjacent posted school zones on any day when such schools are in session.
- (d) **Possession of Intoxicating Liquor and Fermented Malt Beverages.** Without a license, no person shall possess intoxicating liquor or fermented malt beverages while on any school property.
- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
 - (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Muscoda.
- (f) **Possession of Tobacco by a Student.** No student, regardless of age, shall possess any tobacco product while on school property.

Sec. 11-2-9 Possession of Controlled Substances; Marijuana

- (a) **Possession of Controlled Substances.** It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in schedule I and II which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his/her professional practice, or except as otherwise authorized by this Code of Ordinances.
- (b) **Possession of Marijuana.**
 - (1) No person shall possess twenty-five (25) grams or less of marijuana, as defined in Sec. 961.01(14), 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.
 - (2) For purposes of this Section, "practitioner" means:

- a. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person 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 the State of Wisconsin.
 - b. 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 the State of Wisconsin.
- (3) This Section does not apply to any person who is charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

State Law Reference: Sec. 66.051(4) and Ch. 961, Wis. Stats.

Sec. 11-2-10 Crossing a Police Line.

No individual shall cross a police or fire line that has been so designated by banner, signs or other similar identification.

Sec. 11-2-11 Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited.

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

Sec. 11-2-12 Gambling, Lotteries, Fraudulent Devices and Practices Prohibited.

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the Village of Muscoda, except as provided by state law. Any police officer of the Village of Muscoda may seize anything devised solely for gambling or found in actual use for gambling within the Village and dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling.

Sec. 11-2-13 Firearms in Public Buildings.

- (a) **Prohibition.** Pursuant to Sec. 943.13(lm)(c)4, Wis. Stats., no person shall enter or remain in any part of a building owned, occupied or controlled by the Village of Muscoda if the Village of Muscoda has notified the person not to enter or remain in the building while carrying a firearm or a specific type of firearm.

- (b) **Signage.** The Village President shall cause signs to be created at all entrances to all buildings owned, occupied or under the control of the Village of Muscoda providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five (5") inches by seven (7") inches or larger.
- (c) **Exceptions.** Nothing in this Section shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building. Notwithstanding Sec. 939.22(22), Wis. Stats. , for purposes of this Subsection, peace officer does not include a commission warden who is not a State-certified commission warden.
- (d) **Compliance With Statutory Requirements.** Nothing in this Section shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Secs. 941.23 or 941.235, Wis. Stats.

State Law Reference: Secs. 939.22(22), 941.23, 941.235, and Wis. Stats.

Sec. 11-2-14 Sex Offender Loitering

(a) **Findings and Intent.**

- (1) This article is a regulatory measure aimed at protecting the health and safety of children in the Village of Muscoda from the risk that sexual offenders may re-offend in locations close to where children congregate. Reducing opportunity and temptation is important to minimizing the risk of re-offense; there is a need to protect children where they congregate or play. Therefore, the Village of Muscoda finds and declares that sexual offenders are a serious threat to the public safety of children if regulatory measures are not in place that prohibit their presence in specified areas designated as places children commonly congregate. The Village of Muscoda finds and declares that in addition to schools and daycare centers, children congregate or play at child-oriented facilities such as parks and playground and other facilities.
- (2) It is not the intent of this ordinance to impose a criminal penalty but, rather to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the children of the Village by prohibiting sexual offenders from loitering or being present in specified areas around locations where children regularly congregate in concentrated numbers. It is the further intent of this ordinance to recognize that sexual offenders must reenter the community, and the Village of Muscoda hereby accepts that it has a responsibility to sexual offenders and the surrounding area municipalities to ensure that, in addition to promoting regulatory measures aimed at protecting children, its

regulatory measures are not aimed at prohibiting sexual offenders from being part of this society.

- (b) **Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings as described to them in this section except when the context clearly indicates a different meaning:
- (1) **Designated Offender.** Any person who is required to register under Wisconsin State Statute 301.45 or any person who has been accused of a sex offense but has been deemed incompetent.
 - (2) **Loitering.** Whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle.
 - (3) **Restricted Zones.** Any facility used for;
 - a. A public park, parkland, park facility, or golf course;
 - b. A public swimming pool;
 - c. A public library;
 - d. A recreational trail;
 - e. A public playground;
 - f. A school for children, including elementary, middle or high schools;
 - g. Athletic fields used by children;
 - h. A state-licensed day care center;
 - i. Any specialized school for children including but not limited to a gymnastics academy or dance academy.
 - j. Any house of worship or church.
 - (4) **Loiter Free Zones.** The five hundred-foot (500') radius surrounding all restricted zones. The distance shall be measured from the closest boundary line of the real property boundary line of the applicable above enumerated restricted zones.
 - (5) **Riverdale School Zone.** Any area owned or maintained by the Riverdale School District. This also includes any public park or area that may be holding a sporting event sponsored by the Riverdale School District.

(c) **Prohibited Acts.**

- (1) No designated offender shall enter or be physically present upon any real property, building designated as a restricted zone.
 - a. **Restriction Zone Exceptions.** A designated offender may be physically present within a restricted zone if all of the following are present;
 - i. The designated offender has official business, which is determined by the reasonable person standard; and
 - ii. The designated offender is accompanied by another adult who is not a designated offender.
 - iii. The designated offender is a juvenile and is residing or accompanied by their parents.
 - b. **Riverdale School Zone Exception.** A designated offender may be physically present within the Riverdale School Zone as follows: if designated offender has official business, which is determined by the reasonable person standard and must have written consent from a Riverdale school principal or the Riverdale District Administrator to be present in the Riverdale School Zone as defined above.
- (2) **Loitering.** No designated offender shall enter or loiter in the designated Loiter Free Zone as described above.
- (3) **Property Owners Prohibited from Renting Real Property to Designated Offenders.** It is unlawful for a property owner to let or rent any place, structure, or part thereof, trailer, or other conveyance, if the property owner knows or should have known that it will be used as a permanent or temporary residence by any designated offender prohibited from establishing such residence by this section.

Sec. 11-2-15 Unlawful Use of Communication Devices

(a) **Definitions.**

- (1) A communication device is a telephone, computer, personal communication devices such as an iPhone, Smartphone, iPad, or any similar device that uses telephone lines, the internet, cellular communication systems, or other electronic means to send messages to specific persons.
- (2) Message means any transmission of text, signs, signals, symbols, writing, images, sounds, data, or any ordered set of instructions or statements that, when executed by a computer, causes the computer to process data, (id est, a computer program).

- (b) **Prohibited Conduct.** No person shall use a communication device to send a message that threatens, harasses, or offends the recipient, whether the recipient is the intended recipient or another, because the content of the message is violent, threatening, abusive, indecent, profane, obscene, or otherwise intimidating or offensive and is of a nature generally not tolerated in the community and which serves no legitimate purpose.

Sec. 11-2-16 E911 Emergency Telephone Line Abuse Prohibited.

- (a) **Statement of Purpose.** False E911 telephone calls are a threat to public health, safety, and welfare in the Village of Muscoda. Each false E911 call requires a response by emergency response personnel, creates unnecessary expense for the Village, and harms the ability of emergency response personnel to respond to legitimate emergencies.
- (b) **Definitions.** For purposes of this Section, an “emergency” exists when a person reasonably believes that an immediate response by public safety personnel is essential due to the risk or actual occurrence of death or bodily harm; property damage; or any other situation which reasonably requires the immediate response of public safety personnel.
- (c) **Intentionally False E911 Calls Prohibited.**
- (1) No person shall use the E911 emergency telephone number system for any purpose other than to report an emergency.
 - (2) No person shall use the E911 system to report an emergency knowing that the fact situation which he/she reports does not exist.
 - (3) No person shall call the E911 emergency telephone number system and hang up without reporting an emergency, if, in fact, no emergency exists.
 - (4) No parent, legal guardian or other adult having the care and custody of a person under eighteen (18) years of age shall permit or by insufficient control allow such person to violate the provisions of this Section.
 - (5) Any person violating this Section regarding intentional false E911 calls shall forfeit an amount as prescribed by Section 1-1-6.
- (d) **Unintentional E911 Calls.**
- (1) Unintentional E911 calls made due to human error, equipment malfunctions, or equipment programming shall be the joint and several responsibility of the person making the unintentional E911 call and the owner, tenant, business occupant, occupant or person in control of a premises or telephone equipment, including wireless cellphones, from which such false E911 calls originate.
 - (2) The person making the unintentional E911 call, or the owner, tenant, business occupant, occupant or person in control of a premises or telephone equipment, including wireless cellphones, from which such false E911 calls originate shall be issued a citation and be subject to a forfeiture as provided in Section 1-1-6. No

citation shall be issued nor forfeiture assessed for the first two (2) false E911 calls in a calendar year (January 1 – December 31).