

CHAPTER 207

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Village Board of the Village of Dickeyville 1-21-1975 as §§ 10.01 to 10.04 and 10.08 of the 1975 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 98.

Curfew — See Ch. 135.

Intoxicating liquor and fermented malt beverages — See Ch. 165.

Nuisances — See Ch. 194.

§ 207-1. Offenses endangering public safety.

- A. Discharging and carrying firearms **and** guns. No person, except authorized law enforcement officials, shall fire or discharge any firearm, rifle, spring or air gun of any description within the Village of Dickeyville or have any firearm, rifle, spring or air gun in his possession or under his control unless it is unloaded and knocked down or enclosed with a carrying case or other suitable container, provided that this subsection 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 16 or under the direct personal supervision of a parent or guardian. This subsection shall be deemed to prohibit hunting within the Village, provided that the Chief of Police may issue written permits to owners or occupants of private premises to hunt or shoot on such premises if he finds such privileges necessary for the protection of life or property and subject to such safeguards as he may impose for the safety of the lives and property of other persons within the Village.
- B. Throwing or shooting of arrows, stones and other missiles. 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 other person or at, in, or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village of Dickeyville.
- C. Burning of grass and trash.
- (1) Grass fires regulated. No person shall kindle any grass fire within the Village of Dickeyville without first securing a written permit from the Fire Chief, who may impose any conditions for the protection of life and property.¹
- (2) Trash burning restricted. No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or public ground within the Village, or on any private ground in the Village within 25 feet of any building, unless the same is confined within a wire refuse burner, basket or metal enclosure with a cover attached to prevent the escape of sparks and burning material. [Amended 2-10-1988]
- D. Sale and discharge of fireworks. [Amended August 13, 2008]
- (1) The provisions of Section 167.10 (2) and (3) of the Wisconsin Statutes are hereby adopted by reference. To ensure conformity, all future changes and amendments to such sections are hereby adopted by reference.
- (2) Fireworks permits. Fireworks, other than those prohibited by the laws of the State of

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the Village President. All applications shall be referred to the Fire Chief for investigation, and no permit shall be granted unless the Village President from the report of the Fire Chief determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the Village President shall require the applicant to post with the Village Clerk-Treasurer an approved indemnity bond in the sum of \$1,000,000 for the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit or file with the Village Clerk-Treasurer a certificate showing that the applicant has in effect and will have in effect at the time the fireworks are used liability insurance in an amount of at least \$1,000,000 and listing the Village as a named insured. [Amended 8-13-1997]

- E. Obstructing streets and sidewalks. No person shall stand, sit or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place. [Amended 2-10-1988]

§ 207-2. Offenses endangering public peace and good order.

- A. Disorderly conduct. No person shall within the Village of Dickeyville:
 - (1) In any public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- B. Drunkenness. No person shall, within the Village, be habitually drunk or intoxicated so as to disturb the good order and quiet of the Village or be found in any place within the Village in such a state of intoxication that he is unable to care for his own safety or for the safety of others.
- C. Loud and unnecessary noise. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.
- D. False fire alarms. No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false.
- E. Resisting or obstructing officer. The provisions of § 946.41, Wis. Stats., exclusive of any provisions relating to penalties, are hereby adopted by reference as though fully set forth herein. [Amended 2-10-1988]
- F. Assisting escape of prisoner. No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the Village.
- G. Personating police officers. No person shall personate a policeman or peace officer within the

Village of Dickeyville.

- H. Unlawful use of telephone. The provisions of § 947.012, Wis. Stats., exclusive of any penalty sections, are hereby adopted by reference as though fully set forth herein. To ensure uniformity, all future changes and amendments to said section are hereby adopted by reference. [Amended 9-9-1987]
- I. Trespass. [Added 2-14-2007]
- (1) The provisions of § 943.13, Wis. Stats., except for the penalty provisions and the classification of the type of violation, are hereby adopted by reference as though fully set forth herein. For the purposes of continuity, any future amendments or changes to said provisions are also hereby adopted by reference.
 - (2) The provisions of § 943.14, Wis. Stats., except for the penalty provisions and the classification of the type of violation, are hereby adopted by reference as though fully set forth herein. For the purposes of continuity, any future amendments or changes to said provisions are also hereby adopted by reference.

J. Prohibitions Against Possession of Marijuana and Drug Paraphernalia.

- (1) No person shall possess marijuana or any THC analog substance within the Village limits of Dickeyville. The term “marijuana” means all parts of the plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. The term “marijuana” also includes the mature stalks if mixed with other parts of the plant but does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination. This section does not apply to the possession of marijuana by a person who obtains the marijuana directly from or pursuant to a valid prescription or order of a licensed medical practitioner (as defined in Ch. 961, Wis. Stats.) who is acting in the course of his or her professional practice or unless the person is otherwise authorized by Ch. 961, Wis. Stats., to possess the marijuana.
- (2) If a person is found to be in possession of more than 25 grams of marijuana, the person is subject to criminal prosecution for such possession and shall not be prosecuted under this section unless the County District Attorney’s Office declines to prosecute. If a person is found to be in possession of any amount of marijuana following a criminal conviction for possession of marijuana in this state, the person is subject to criminal prosecution for such possession and shall not be prosecuted under this chapter.
- (3) No person may use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this section. The term “drug paraphernalia” means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise.
- (4) Any person found violating any of the provisions of this section may be issued a citation by any law enforcement officer of The Village of Dickeyville, Wisconsin. Any person found to be in violation of this section shall forfeit the sum of not greater than \$1,000 plus statutory costs. If the violator is between the ages of 14 and 17, the forfeiture shall not exceed \$50 plus statutory costs. If the violator is less than 14 years of age, the forfeiture shall not exceed \$50.
- (5) If the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation

resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under § 800.093, Wis. Stats. [Amended 20 February 2018].

§ 207-3. Offenses endangering public morals and decency. [Amended 2-10-1988]

No person shall use any indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the Village.

§ 207-4. Offenses against public and private property.

- A. Destruction of property. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Village or its departments or to any private person without the consent of the owner or proper authority.
- B. Littering. No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the Village or upon any private property not owned by him or upon the surface of any body of water within the Village of Dickeyville.
- C. Fraud and theft. The following sections of the Wisconsin Statutes, exclusive of any penalty sections, are hereby adopted by reference. To ensure uniformity between the Village of Dickeyville ordinances and the Wisconsin Statutes, any future amendments, revisions, or modifications to the statutes incorporated herein are hereby made a part of this chapter. [Amended 8-8-1984; 3-12-1986; 3-13-1991]
 - (1) Section 943.20(1) and (2), Theft.
 - (2) Section 943.21, Fraud on hotel or restaurant keeper.
 - (3) Section 943.24, Issue of worthless check. The penalty for issuing a worthless check is \$100 plus court costs.
 - (4) Section 943.50, Retail theft.
- D. Pet littering. No person owning, keeping, possessing or harboring an animal as a pet shall allow such animal to soil, defile, defecate on or commit any nuisance on private or public property. The person responsible for such animal must immediately remove and dispose of all feces so deposited in a sanitary manner. [Added 10-8-1997]

§ 207-5. Violations and penalties. [Amended 7-9-1986]

The penalty for violation of any provision of this chapter shall be a penalty as provided in Chapter 1, § 1-4 of this Code.

alarms, 3	glass, 4
amusement, 2	grass, 1
Animals , 1	guns, 1
bond, 2	insurance, 2
Burning, 1	intoxication, 3
Disorderly conduct, 2	investigation, 2
firearms, 1	liability, 2
fires, 1	Littering, 4
fireworks, 2	noise, 3

Nuisances, 1
parks, 2, 4
permit, 1, 2

police officers, 3
Violations and penalties, 4
water, 4

207-6. Sex Offenders.

A. Findings and intent.

- (1) The Wisconsin legislature has provided for the punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community. Chapter 980 of the Wisconsin Statutes provides for the civil commitment of sexually violent persons. The Wisconsin Legislature has imposed limitations on the location of residence for sex offenders under supervised release as a result of a compelling need to separate sex offenders from public places where children congregate or play.,
- (2) The United States Supreme Court, federal district and appeal courts, and state courts have recognized that the risk of recidivism posed by sex offenders is high, and when convicted sex offenders reenter society they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. See e.g., *McKune v. Lile*, 536 U.S. 24, 32-34, 122 S.Ct. 2017, 153 L.Ed.2d 47 (2002), citing United States Department of Justice Bureau of Justice Statistics Recidivism of Prisoners Released in 1983 (1997); and, *Doe v. Miller*, 405 F.3d 700, 716 (8th Cir. 2005) (reducing opportunity and temptation is important to minimizing the risk of re-offense).
- (3) The Village Board finds that sex offenders who prey on children are sex predators who present an extreme threat to the public safety. Sex offenders are likely to use physical violence when they offend. Many sex offenders commit numerous offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society great. The Village Board finds that the risk of recidivism increases if the sex offender recently offended and if the sex offender does not have a strong social network, including community and familial ties. See e.g., Benjamin Steiner et al., *Examining the Effects of Residential Situations and Residential Mobility on Offender Recidivism*, Crime & Delinquency, Vol. 61(3), 375-401 (2015).
- (4) As Wisconsin allows communities to independently regulate sex offender residency, the Village Board finds that absent a domicile clause, the Village would have no limitations for on-resident sex offender residency when other communities have significant limitations or outright prohibitions, inviting an increase in child sex offender placements, including offenders with no community or familial ties to the Village, with the related adverse impacts on the health, safety and welfare of the Village and its residents.
- (5) Because reducing both opportunity and temptation will minimize the risk of recidivism for sex offenders, there is a compelling need to separate sex offenders from places where children congregate or play in public places. It is the intent of this section to enact a regulatory scheme that is civil and non-punitive in order to serve the Village's compelling interest to promote, protect, and improve the health, safety and welfare of its citizens.

B. Definitions.,

- (1) “Athletic Facilities” includes fields used for football, soccer, baseball and other field sports; swimming pools; water parks; skate and skateboard parks; tennis courts; basketball courts; as well as those facilities commonly understood to be used for athletic purposes.
- (2) “Child” or “Children” means a person or persons under the age of 18 years.
- (3) “Child Safety Location” means the site upon which any of the following are located:
 - a. Athletic Facilities used by Children;
 - b. A public park, parkways, parkland, or park facility;
 - c. A public playground;
 - d. A recreational trail;
 - e. A public library;
 - f. A public community center;
 - g. A school for Children, whether public or private;
 - h. A tutoring facility for Children;
 - i. Any specialized school for Children, including, but not limited to, a gymnastics academy, dance academy, or music school;
 - j. A day-care center;
 - k. For-profit Children’s play facilities;
 - l. Any facility for Children (which means a public or private school or a group home, as defined in § 48.07, Wis. Stats.; a residential care center for children and youth, as defined in § 48.02(15d), Wis. Stats.; a shelter care facility, as defined in § 48.02(17), Wis. Stats.; a foster home, as defined in § 48.02(6), Wis. Stats.; a treatment foster home, as defined in § 48.02(17q), Wis. Stats.; a day-care licensed under § 48.65, Wis. Stats.; a day-care program established under § 120.12(14), Wis. Stats.; a day-care provider certified under § 48.651, Wis. Stats.; or a youth center, as defined in § 961.01(22), Wis. Stats.; and,
 - m. Any other place designated by the Village as a place where Children are known to congregate.
- (4) “Residence” means a place where a person sleeps, abides, lodges, or resides on a permanent or temporary basis. For purposes of this definition, a “permanent basis” means 14 or more consecutive days and a “temporary basis” means 14 or more aggregate days during any calendar year or four or more consecutive or nonconsecutive days in any month. A person may have more than one Residence, and the Residence may be mobile or transitory.
- (5) “Sex Offense” means a sex offense against a Child requiring registration under § 301.45, Wis. Stats., whether convicted by a Wisconsin court or the court of another jurisdiction.
- (6) “Sex Offender” means:
 - a. Any person who is required to register under § 301.45, Wis. Stats., for any offense against a Child; or
 - b. Any person who is required to register under § 301.45, Wis. Stats., and who is the subject of a Special Bulletin Notification issued pursuant to § 301.46(2m), Wis. Stats.

(7) “Sexually Violent Offense” has the meaning given in § 980.01(6), Wis. Stats.

C. Residency Restriction, Exceptions.

(1) A Sex Offender shall not establish or maintain a Residence within the Village, except under any of the following circumstances:

- a. The Sex Offender had established the Residence on a permanent basis and reported and registered the residence as provided in § 301.45, Wis. Stats., prior to the effective date of this section 207-6.
- b. The Sex Offender had established the Residence on a permanent basis prior to the time of the Sex Offense resulting in the Sex Offender’s most recent conviction and has continuously maintained Residence since then. Interruptions of Residence by reason of incarceration in a Wisconsin correctional facility, participation in programs as required by the Wisconsin Department of Corrections, or participation in activities as required by the federal or state government or a federal or state court, shall not be deemed to disqualify continuous maintenance of Residence.
- c. The Sex Offender is excepted from sex-offender registration pursuant to § 301.45(1m), Wis. Stats.
- d. The Residence is a mental health facility or a jail, juvenile facility, prison or other correctional institution where the Sex Offender is required to serve a sentence.
- e. The Residence is also the qualified dwelling of a member of the Sex Offender’s immediate family. For purposes of this section, a member of a Sex Offender’s immediate family means the Sex Offender’s current spouse, parent, sibling, child, or grandparent. A qualified dwelling is a residence where a member of the Sex Offender’s immediate family has resided continuously for a period of one or more years at the time the Sex Offender occupies the Residence.
- f. The Residence is a hospital or treatment facility.
- g. The Sex Offender is a minor or ward under guardianship.
- h. Ten years have passed since the date on which the Sex Offender was released from prison or placed on parole, probation, extended supervision or other supervised release for the Sex Offense or other Sexually Violent Offense, provided the Sex Offender has not been convicted of an additional Sex Offense or Sexually Violent Offense.

D. Sex Offenders Subject to Chapter 980. A Sex Offender that has been adjudicated a sexually violent person pursuant to ch. 980, Wis. Stats., shall not be in violation of subsection C. above, if the Sex Offender is subject to supervised release under ch. 980, Wis. Stats., the Sex Offender is residing where he or she is ordered to reside under § 980.08, Wis. Stats., and the Sex Offender is in compliance with all court orders issued under ch. 980, Wis., Stats.

E. Rental of Property for Use by Sex Offenders.

(1) Prohibition. No person shall let or rent any Residence, or part thereof, with the knowledge that it will be used as a Residence by a Sex Offender that is prohibited from establishing Residence pursuant to this section 207-6.

(2) Notice to Property Owner. Prior to entering into any lease or rental agreement, a Sex Offender shall notify any property owner from whom the Sex Offender is a Sex Offender.

(3) Notice to Police Department. A Sex Offender, and any property owner who leases or rents a

Residence to a Sex Offender with knowledge that it will be used as a Residence by a Sex Offender, must each notify the Village Police Department in writing a minimum of twenty-eight (28) days prior to entering into a lease or rental agreement regulated by this subsection E., providing the term of the lease or rental agreement or any renewal or extension thereof. Any property owner governed by this paragraph shall also provide notice upon the termination of the Sex Offender's tenancy.

F. Holiday Events and Public Gatherings.

- (1) Restrictions. No Sex Offender shall actively take part in any public holiday event involving Children where the distributing of candy or other items to Children takes place, including but not limited to holiday parades or similar gatherings, Halloween trick-or-treating, wearing a seasonable costume in a public place, or wearing any other costume reasonably expected to attract Children in a public place, or other similar activities that may, under the circumstances then present, tend to entice a Child to have contact with the Sex Offender.
- (2) Exception. This section does not apply to any event in which the Sex Offender is the parent or guardian of the Child or Children involved.

G. Loitering.

- (1) Restrictions. No Sex Offender may loiter or prowl in or around any Child Safety Location 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 the persons or property in the vicinity.
- (2) Law Enforcement Response. Unless flight by an actor or other circumstances makes it impractical, a law enforcement officer shall, prior to any arrest for an offense under this subsection G., afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify himself or herself or explain his or her presence and conduct at the aforementioned locations. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true, and, if believed by law enforcement at the time, would have dispelled the alarm.
- (3) Exceptions. A Sex Offender present in an area otherwise prohibited by this subsection G. does not commit a violation if the Child Safety Location also supports a use lawfully attended by Sex Offender's natural or adopted Child, which Child's use reasonably requires the attendance of the Sex Offender as the Child's parent upon the property, provided that entrance and presence upon the property occurs only during hours of activity related to the use by the Child.

H. Penalty. A person who violates this section shall be subject to a forfeiture of not less than \$500.00 and no more than \$1,000.00 for each violation. Each day a violation continues shall constitute a separate offense. The Village may also seek equitable relief to gain compliance.

1. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.
2. **Effective Date.** This Ordinance shall take effect immediately upon its passage and publication. [Amended 11 April 2018].