

CHAPTER 5
ORDERLY CONDUCT
VILLAGE OF LAC LA BELLE
WAUKESHA COUNTY
WISCONSIN

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5.01 DISCHARGE OF FIREARMS PROHIBITED

No person, except a peace officer, shall fire or discharge any firearm or air gun of any description within the Village of Lac La Belle.

5.02 THROWING OR SHOOTING OF PROJECTILES PROHIBITED

No person shall throw or shoot any object, arrow, stone, or other missile or projectile, by hand or by any other means, at any person or at, in, or onto any building, street, sidewalk, alley, highway, or other public place within the Village of Lac La Belle.

5.03 BURNING OF GRASS AND TRASH RESTRICTED

(1) Grass Fires Regulated. No person shall kindle any grass fire within the Village of Lac La Belle without first securing a written permit from the Oconomowoc Fire Department. Said permit shall be subject to the reasonable restrictions imposed by the Oconomowoc Fire Department, and in addition to those restrictions, the fire must be located no less than 100 feet from the shore of the Lake.

(2) Permit Required for Open Burning. No person shall kindle or cause to be kindled or maintain any outdoor fire in the Village of Lac La Belle unless:

- a. The fire is only for outdoor cooking or campfire purposes, or
- b. The person first receives a permit from the City of Oconomowoc Fire Department for the fire. Said permit shall be subject to the reasonable restrictions imposed by the Oconomowoc Fire Department, and in addition to those restrictions, the fire must be located no less than 100 feet from the shore of the Lake.

5.04 SALE AND DISCHARGE OF FIREWORKS RESTRICTED

Section 167.10 of the Wisconsin Statutes regulation the sale and use of fireworks is adopted by reference and made part of this chapter as though set forth in full.

5.05 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 Village in such a 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, hall or meeting place.

5.06 PROHIBITION AGAINST RECEIPT OF GIFTS OR GRATUITIES

- (1) It shall be unlawful for any public employee or public official to receive or offer to receive, either directly or indirectly, any gift, gratuity, or anything of value which he is not authorized to receive from any person, if such person:
 - a. Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or the governmental body of the public official, or
 - b. conducts operations or activities which are regulated by such public employee's employer or the governmental body of the public officials, or
 - c. has interests which may be substantially affected by such public employee's employer or the governmental body of the public official.
- (2) The receipt of any gift, gratuity, or anything of value as denoted above is contrary to the public policy of the Village of Lac La Belle, Waukesha County, Wisconsin.

5.07 PUBLIC DRUNKENNESS AND UNDERAGE CONSUMPTION OF ALCOHOL PROHIBITED.

- (1) Public Drunkenness. No person shall be, and appear in any public place within the Village in a drunken or intoxicated condition so as to unreasonably disturb the good order and quiet of the Village or be found in any public place within the Village in such a state of intoxication that he is unable to care for his or her own safety or for the safety of others.
- (2) Underage Consumption of Alcohol Prohibited.
 - a. As provided for in Wis. Stat. sec. 125.10, the provisions of Wis. Stat. sections 125.07(4)(a),(b), and (bm), 125.085(3)(b) and 125.09 regulating conduct of underage persons are hereby expressly adopted and incorporated into this Ordinance by reference. Violators of these provisions shall be subject to the penalties set forth in said sections of the Wisconsin Statutes and as hereafter amended.
 - b. As provided or in Wis. Stat. § 125.07(1):
 - (i) No person may procure for, sell, dispense, or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age;
 - (ii) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his

or her parent, guardian or spouse who has attained the legal drinking age;

- (iii) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverage used exclusively as part of a religious service, and
 - (iv) No adult may intentionally encourage or contribute to a violation of Wis. Stats. §§ 125.07(4)(a) or (b).
- c. Any person who commits a violation of paragraph (b) of this Section (2) shall be subject to a forfeiture of not less than \$250 nor more than \$500 if the person has not committed a previous violation within thirty (30) months of the violation. Violations shall be measured from the dates of violations that resulted in the imposition of a forfeiture or conviction. Any person who commits more than one violation of paragraph 2(b) within a thirty month period shall be subject to penalties set forth in Wis. Stat. §§ 125.07(b)-(d).

5.08 LOUD AND UNNECESSARY NOISE.

- (1) No person shall either:
- a. Make or assist in making any unreasonable noise or disturbance; or
 - b. Commit or assist in committing the following acts:
 - i. Motor vehicle noise. Using any motorized vehicle so as to create a loud or unreasonable noise that unreasonably disturbs or annoys another person or persons. Such uses shall include but are not limited to:
 - [1] Operation with damaged or modified exhaust.
 - [2] Operation of horn other than in emergency situations.
 - [3] Operation of audio equipment at excessive levels.
 - [4] Excessive acceleration or excessive road or engine noise as prohibited in Section 3.03 of this Code of Ordinances.
 - ii. Construction, maintenance or other equipment. Within any ninety-day period, twice using any equipment or machinery for the construction or maintenance of property, including but not limited to lawn mowers, or for any other reason, so as to cause any noise from 10:00 p.m. until 7:00 a.m. This section, however, shall not be construed to apply to operation of snow removal equipment.

- iii. Other noise. Repeatedly creating a loud noise which, under the circumstances involved, unreasonably disturbs or annoys another person or persons through use of any radio, phonograph or other audio equipment or through excessive yelling or shouting or through the keeping of any noisy bird or animal not otherwise regulated by this Code of Ordinances.
- c. Exceptions. Nothing in this section shall be construed so as to restrict or penalize the causing of noise:
 - i. In any emergency situation;
 - ii. To protect life or personal property;
 - iii. To restore utilities;
 - iv. To remove snow; or
 - v. In a manner related to the normal course of business approved through a plan of operation accepted by the Plan Commission.

5.09 FALSE ALARMS PROHIBITED

- (1) No person shall give or send or cause to be given or sent in any manner any alarm he or she knows to be false. Violations of this subsection shall be subject to the penalties set forth in Section 15.04 of this Code of Ordinances.
- (2) Any false alarm from an alarm system responded to by the Village's police department and/or any fire department providing fire protection service to the Village in excess of one in the twelve (12) month period of November 1st through October 31st will incur a special charge for current services rendered of seventy-five dollars (\$75.00).
- (3) Any special charges under this Section that remain unpaid on November 15th of the current year shall become a lien on the property, and shall automatically be extended upon the tax roll as a special charge against the property served pursuant to Section 66.60(16) of the Wisconsin Statutes, regardless of whether the resident individual or business causing the alarm is the property owner.
- (4) An administrative charge of fifteen dollars (\$15.00) shall be charged for each individual or business incurring one or more special charges placed on the tax roll in any given year.
- (5) For purposes of this section, a "false alarm" shall mean any alarm not occasioned by, or arising out of, an emergency situation, provided, however, that the Chief of Police may waive the application of this section upon presentation of evidence that reasonably satisfies the Chief of Police that the

alarm did not result from, or arise out of, negligence, carelessness or inadequate or improper maintenance.

- (6) A copy of this Section shall be personally delivered or sent via mail to the property owner following the occurrence of the first false alarm.

5.10 LITTERING PROHIBITED

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 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 Lac La Belle.

5.11 GAMBLING, LOTTERIES, FRAUDULENT DEVICES AND PRACTICES PROHIBITED.

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the limits of the Village. Any peace or police officer of the Village is hereby authorized to seize anything devised solely for gambling if found in actual use for gambling within the Village and to dispose thereof after a judicial determination that said device was used solely for gambling or found in actual use for gambling.

5.12 VAGRANCY AND LOITERING PROHIBITED

No person shall within the Village loiter or loaf about any public building, place or premises or wander about the streets, alleys, parks or other public places either by day or night, whose actions give rise to a suspicion of wrongdoing and who is unable to give a satisfactory account of himself, or who, having the physical ability to work is without any visible means of support and does not seek employment or who derives part of his support from begging, prostitution, pandering, fortune telling or as a similar imposter.

5.13 ADOPTION OF STATUTORY PROVISIONS

The provisions of the following sections of the Wisconsin Statutes are adopted and by reference made a part of this article as if fully set forth herein. A violation of any such provisions shall constitute a violation of this article.

- (1) Trespass to land -- Section 943.13
- (2) Attempted theft -- Section 939.32(1) and (3)
- (3) Battery -- Section 940.19(1)
- (4) Negligent operation of vehicle off highway -- Section 941.01(1)

- (5) Carrying a concealed weapon -- Section 941.23
- (6) Criminal damage to property -- Section 943.01(1)
- (7) Criminal trespass to dwellings -- Section 943.14
- (8) Theft of property -- Section 943.20
- (9) Fraud on hotel or restaurant keeper -- Section 943.21
- (10) Retail theft – Section 943.50
- (11) Issue of worthless check -- Section 943.24
- (12) Fraudulent use of credit cards -- Section 943.41
- (13) Resisting or obstructing an officer -- Section 946.41
- (14) Disorderly conduct -- Section 947.01
- (15) Unlawful use of telephone -- Section 947.012
- (16) Unlawful use of computerized communication systems -- Section 947.0125
- (17) Possession of marijuana -- Sections 961.01(14) [subject to § 961.41(3g)(intro.)] and 961.41(3g) (intro.) and (a)(1)
- (18) Possession of controlled substance – Section 961.47(38)
- (19) Drug paraphernalia (Under 17 years of age) – Section 961.577
- (20) Fornication – Section 944.15
- (21) Lewd and lascivious behavior – Section 944.20
- (22) Interference with Fire Fighting Equipment—941.12
- (23) Aiding and abetting any of such listed offenses – Section 939.05

5.14 CURFEW

- (1) No person under the age of 18 shall congregate, loiter, wander, stroll, stand or play upon any public street, sidewalk, highway, road, alley, park, vacant lot, public building, place of amusement or entertainment or any public place within the village, either on foot or in or upon any conveyance being driven or

parked thereon, between the hours of 11:00 p.m. and 5:00 a.m., unless accompanied by his parent, spouse, guardian or other adult person having legal care or custody of such person. For purposes of this Section, "public place" includes any place which the public or a substantial group of the public has access to. The term includes streets, highways, and the common areas of any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment”.

- (2) This section shall not apply to any person under 18 years of age who is:
- a. Returning to his or her home directly from and immediately after the end of any civic, religious, educational, athletic or social event sponsored by any accredited school, tax exempt church or governmental unit or agency, which event such person could properly and did in fact attend.
 - b. Returning directly from and going directly to his or her place of employment or lawfully involved in employment related activities that are known to and approved by his or her parent, spouse, guardian or other adult person having legal care or custody of such person.
 - c. Returning directly from or going directly to any other specific activity that has been specifically approved in advance in writing by his or her parent, spouse, guardian or other adult person having legal care or custody of such person, provided that such written approval is in the possession of the person under the age of 18 years while he or she is returning from or going to such other place or activity and he or she surrenders it to the law enforcement officer upon request.
 - d. Engaged in bona fide interstate or intrastate travel either through the village or beginning or ending in the village.
 - e. Engaged in dealing with, or returning from having dealt with, an actual emergency situation effecting life and/or property.
 - f. An emancipated minor.
 - g. Married to a person over the age of 18 years
- (3) Law enforcement officers that observe a person that reasonably appears to be under the age of 18 years and further appears to be in violation of this Ordinance shall ask the age of the apparent offender and inquire into their reasons for being in a public place during curfew hours before taking any enforcement action. Law enforcement officers shall issue a citation or arrest an apparent offender only if the officer reasonably believes that the person has violated the ordinance and that no defenses set forth in this Ordinance apply.

- (4) No parent, spouse or guardian, or other adult person having legal care or custody of a person under the age of 18 years, shall knowingly suffer, permit, or by insufficient control, allow such person to violate the provisions of subsection (1) of this Ordinance, provided that any such parent, spouse, guardian or other adult person who shall have made a missing person notification to the law enforcement authorities shall not be considered to have suffered, permitted or allowed such a violation.
- (5) No person operating a place of amusement or entertainment within the Village of Lac La Belle, or any agent, servant or employee of any such person, shall permit any person under the age of 18 years to enter or loiter in such places of amusement or entertainment during the hours prohibited under this section, unless such person is accompanied by his or her parent, spouse, guardian or other adult person having his or her care, custody or control; provided, however, that a minor may enter the place of amusement or entertainment during the hours prohibited under this section only with the advance written permission and approval of his parent, spouse, guardian or person having legal custody of such minor to remain on the premises until 5:00 a.m. during a special event; and provided further that such written approval shall be accepted by the operator or his agent and with his permission. This latter written approval shall be surrendered by the operator or agent to the police department at the request of a police officer.

5.15 USE AND SALE OF LAWN FERTILIZERS

(1) **Purpose and Intent.** The Village of Lac La Belle Board of Trustees finds that lake Lac La Belle and Village streams are natural assets, which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The Board further finds that regulating the amount of nutrients and contaminants, including phosphorus contained in fertilizer, entering the lakes and streams will improve and maintain lake water quality.

(2) **Applicability.** This ordinance applies in all areas of the Village of Lac La Belle.

(3) **Definitions.**

Lawn fertilizer means any fertilizer, whether distributed by property owner, renter or commercial entity, distributed for nonagricultural use, such as for lawns, golf courses, parks and cemeteries.

Lawn fertilizer does not include fertilizer products intended primarily for garden and indoor plant application.

(4) **Regulation of the Use and Application of Lawn Fertilizer.**

a. Effective August 1, 2006, no person shall apply any lawn fertilizer within the

Village of Lac La Belle that is labeled as containing more than 0% phosphorus or other compound containing phosphorus, such as phosphate, except as provided in subsection (5) below.

- b. No lawn fertilizer shall be applied when the ground is frozen.
- c. No person shall apply fertilizer to any impervious surface including parking lots, roadways, and driveways. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.

(5) **Exemptions.** The prohibition against the use of fertilizer under subsection (4) shall not apply to:

- a. Newly established turf or lawn areas during their first growing season.
- b. Turf or lawn areas that soil tests, performed within the past three years by a state-certified soil testing laboratory, confirm are below phosphorus levels established by the University of Wisconsin Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.
- c. Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.
- d. Yard waste compost, biosolids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

(6) **Sale of Fertilizer Containing Phosphorous.**

- a. Effective August 1, 2006, no person shall sell, display, or offer for sale any lawn fertilizer within the Village of Lac La Belle that is labeled as containing more than 0% phosphorus, or other compound containing phosphorus, such as phosphate, except such fertilizer may be sold for use as provided in subsection (5).

(7) **Enforcement and Penalties.** Any person who violates any provision of this section shall be subject to a forfeiture of \$50 for the first violation within a twelve month period, \$150 for the second violation within a twelve month period, and \$300 for the third and each subsequent violation within a twelve month period.

5.16 - 5.29 [Reserved]

5.30 PENALTY

Any person who shall violate any provision of this chapter shall be subject to penalties as provided in §15.04 of this Code. Any person who shall violate §5.14(6) shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or legal guardian of any unemancipated minor child who violates §5.14(6) shall be subject to § 895.035, Wis. Stats.