

CHAPTER 9

PUBLIC PEACE AND GOOD ORDER

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9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. The following statutes following the prefix “9” defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission for such offenses shall be limited to a forfeiture (**see fine schedule**). Any future amendments, revisions or modifications of the statutes incorporated herein by reference on or after January 1, 1979 are intended to be made part of this Chapter.

9.29.288	Throwing refuse in Waters/Abandoning Vehicles
9.50.58	Careless Smoking
9.110.075(7)	Producing/Using Inspection Sticker Fraudulently
9.134.06	Motor Vehicles Sales/Bonus to Chauffeur Prohibited
9.144.42(2)	Pollution by Motor Vehicle/Failure to Repair
9.175.25	Illegal Storage of Junked Vehicles
9.194.21	Accepting or Receiving Transportation Rebates
9.218.01(7a)	Used Cars/Prohibited Acts
9.218.01(7b)	Motor Vehicles/Sales to Minor
9.346.935	Drinking in Motor Vehicles on Highway
9.939.22	Words and Phrases Defined
9.941.03	Highway Obstruction
9.941.10	Negligent Handling of Burning Materials
9.941.12	Interfering With or Failing to Assist in Fire Fighting
9.941.13	False Alarms and Interference With Fire Fighting
9.943.01(1)	Criminal Damage to Property (Less Than \$200)
9.943.13	Criminal Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.24	Issue of Worthless Check (Procedures as Defined in 9.19)
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.65	Obstructing Justice
9.946.70	Impersonating Peace Officer
9.946.72	Tampering with Public Records and Notices
9.947.01	Disorderly Conduct
9.947.047	Littering Shores
9.947.06	Unlawful Assemblies
9.947.08	Crime Comics
9.948.01-9.948.16	Crimes Against Animals

9.02 FIREARMS. No person except an authorized police officer shall discharge any firearm within the Village or have any firearm in his possession within the Village unless it is unloaded and knocked down and enclosed in a carrying case or other suitable container, provided the Board may issue permits to an organized gun club to engage in target practice within the Village at times and places designated by the Chief of Police.

9.03 THROWING OR SHOOTING MISSILES AND PROJECTILES. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

9.04 SALE AND DISCHARGE OF FIREWORKS RESTRICTED. Sec. 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this chapter as though set forth in full.

9.05 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the 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 to or egress from any place of business or amusement or any church, public hall or meeting place.

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

(2) OPERATION OF MOTOR VEHICLES. (a) No person shall operate a motor vehicle so as to cause unreasonable and excessive noise levels within the corporate limits of the Village of Plain whether by excessive acceleration or braking causing the tires to squeal, by excessive deceleration due to engine braking ("Jake" braking), by excessive horn blowing, by excessive racing of the motor, by having a modified or inadequately maintained exhaust or braking system, or by any other means.

(b) Emergency Situation. Excessive noise caused by emergency situation maneuvers will not be ticketed when the operator is attempting to avoid a collision with a pedestrian, animal, fixed object or other motor vehicle. Emergency situations are defined as circumstances that could not reasonably be foreseen by an alert motor vehicle operator.

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

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

(3) LOITERING AFTER BEING REQUESTED TO MOVE. (a) In Groups or Crowds. No person shall loaf or loiter in a group or a crowd upon the public streets or sidewalks or in adjacent doorways or entrances, on street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move by any police officer or by any person in authority at such places.

(b) In Places of Public Assembly or Use. No person shall loiter, lounge or loaf in about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public uses after being requested to move by any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or the area thereof.

(c) Obstructing Highways. No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

9.08 CONTROL OF ANIMALS. (1) LIMITATION ON NUMBER OF ANIMALS. The keeping of a large number of animals by the owner or occupant of a Residential Unit within the Village of Plain for a considerable period of time detracts from and, in many instances, is detrimental to healthful and comfortable life in such areas. The keeping of a large number of animals on a Residential Unit in the Village is, therefore, declared a public nuisance. Therefore, no owner or occupant of a Residential Unit shall own, harbor or keep in its possession more than a combination of four (4) animals in any Residential Unit except that a litter of pups or kittens or a portion of a litter may be kept for not more than 10 weeks from birth.

(2) KEEPING OF ANIMALS.

(a) No person having in his possession or ownership any animal shall allow the same to run at large within the Village. The owner of any animal, whether licensed or unlicensed, shall keep his/her animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large shall be seized and impounded by an Enforcement Officer.

(b) All animals shall be properly restrained when the animal is within a motor vehicle.

(c) All animals when in public shall be attached to a leash not more than 8 feet in length, which is of sufficient strength to restrain the animal; and, the leash shall be held by a person competent to govern and control the animal and prevent it from annoying or worrying pedestrians, trespassing on private property, or trespassing on public property where animals are prohibited.

(d) Any animal found or discovered running loose and untied or not leashed as provided in this section shall be considered a nuisance and may be seized, restrained by physical or chemical means, and impounded by any Enforcement Officer. The fact that a dog or cat is licensed does not exempt the animal, or the person in possession or control of the animal, from the provisions of this subsection. If any such animal is so seized, restrained and impounded and if the owner or person in possession or control of the animal claims said animal, he/she shall be liable for a Village-determined per day penalty or fraction thereof in which the animal has been in possession of said Enforcement Officer besides being subject to either or both of the penalties and costs provided herein. If no person or owner claims such animal within 10 days of seizure or impoundment, it shall be disposed of by an Enforcement Officer in a proper and humane manner. Violators of this subsection shall also be subject to a forfeiture as prescribed by this Code.

(e) All animal kennels or animal shelter structures must be located in the backyard of all properties.

(f) Every female dog and cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(3) HARBORING CERTAIN ANIMALS PROHIBITED.

(a) No person shall own, harbor or keep any animal in a Residential Unit which does any of the following:

(1) Is vicious as that term is defined in this section. Any Enforcement Officer is empowered to declare an animal vicious upon conducting an investigation of circumstances surrounding an unprovoked animal attack. The owner of the animal declared vicious shall be served personally, or by certified mail with return receipt, a notice declaring the animal vicious.

(2) In the event the Enforcement Officer has probable cause to believe that an animal has caused serious injury to a person or persons by an attack without provocation, the officer may proceed under Wis. Statute, Chapter 174.01(1).

(4) VICIOUS ANIMAL KEPT IN A RESIDENTIAL UNIT.

(a) An animal defined as a Vicious Animal pursuant to this Section may be kept on a parcel within the Village that is zoned for residential purposes under the following conditions and pursuant to all other provisions of this Section.

(b) Any vicious animal while on the owner's or caretaker's property must be securely confined indoors or in a locked pen or structure suitable to prevent the entry of young children, and designed to prevent the animal from escaping; or, the animal must be secured to an immovable object with the owner or caretaker present.

(c) All owners, keepers or harbors of vicious animals must, within 30 days after the effective date of this section, register said animal with the Village by filing with the Police Department two color photographs of the dog clearly showing the color and approximate size of the animal. Photographs shall be provided at annual license renewals. The licensing fee for vicious animals is \$100.00.

(d) Animal declared vicious must be spayed or neutered unless a letter from a Licensed Veterinarian can be provided stating medical reasons why the animal cannot be spayed or neutered

(e) A sign must be displayed on the outside of the building and kennel, "Vicious Animal Beware".

(f) All owners, keepers or harbors of vicious animals must, within 30 days of the effective date of this section, provide proof to the Police Department of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless 10 days written notice is first given to the Police Department.

(g) Reporting Requirements. All owners, keepers or harbors of vicious animals must, report the following information in writing to the Police Department:

1. The removal from the Village or death of a vicious animal.
2. The birth of offspring of a vicious animal.
3. The new address of a vicious animal should the dog be moved within the Village of Plain.
4. Failure to comply. It shall be unlawful for the owner, keeper or harbored of a vicious dog registered with the Village to fail to comply with the requirements and conditions set forth in this section.

(5) ENFORCEMENT.

(a) Upon any filed complaint to the Police Department, warnings may be issued to the owner of a vicious animal that said animal has engaged in vicious conduct in violation of this section.

(b) Upon any two filed complaints in one year by one or more persons, a citation shall be issued to the owner of an animal engaging in vicious conduct, subject to forfeiture as provided by this Code.

(c) Upon any three filed complaints in one year by one or more persons, the owner of said animal, within 10 days after service upon him of the third complaint, together with the prior two complaints, shall remove the offending animal from the Village or surrender it to the Enforcement Officer to be destroyed, and upon failure to do so, said owner may be summoned to appear before the Municipal Court.

(d) Said owner shall, after a finding by the Court that said animal is in violation of this section, be subject to a forfeiture as provided by this Code. Each day that an owner fails to comply with this section shall constitute a separate offense. The burden of proof, however, in any such proceeding shall be upon the complainants, and no such proceeding may be maintained upon such complaints unless the summons shall have been served upon the owner within 40 days after the service of the copy of the third complaint as herein before set forth.

(e) The provisions of § 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs, together with the penalties therein set forth, are hereby adopted and incorporated herein by reference, and made applicable to all animals as defined in this Section.

(6) ANIMAL CONTROL AGENCY; IMPOUNDMENT OF ANIMALS.

(a) The Village of Plain may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, animals at large, impoundment of stray animals, and confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.

(b) The Village of Plain does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this section.

(c) In addition to any forfeiture penalty hereinafter provided for a violation of this chapter, an Enforcement Officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies.

(d) An Enforcement Officer may attempt to capture and restrain animals running at large or in other violation of this chapter and shall confine and capture or restrain animals in a suitable pound or other enclosure. After seizure of animals under this section by an Enforcement Officer, the animal shall be impounded.

(e) All animals apprehended not claimed by the rightful owner, representative or keeper within 1 day of seizure shall be transmitted to the applicable county humane society to be handled in accordance with Wisconsin Statutes and the policies of that facility.

(f) Any Enforcement Officer to whom an animal is delivered shall attempt to notify the owner as soon as possible if the owner is known or can be ascertained with reasonable effort.

(g) The owner or representative or keeper of any dog or other animal so confined may reclaim such animal from the applicable county humane society, if;

1. The owner, representative or keeper gives his or her name and address.
2. The owner, representative or keeper presents evidence that the animal is licensed (if applicable) and presents evidence that the animal is vaccinated against rabies or a receipt from a licensed veterinarian for repayment of a rabies inoculation.
3. The owner, representative or keeper pays the cost of apprehending, boarding fees, necessary medical treatment and impounding fees, if any.

4. Payment of costs and charges shall be made to the Village of Plain and may be paid directly through the Police Department. Upon identification of the owner of an animal so apprehended or confined, all Village costs and charges shall be billed to said owner.

5. The Village and/or its animal control appointees shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.

(7) REPORTING OF ANIMAL BITE INCIDENTS. All bite incidents occurring in the Village, in which any animal bites a person, or is suspected of biting a person, shall be reported within twenty-four (24) hours by the attending physician, or the victim(s), or the victim's guardian, to the Plain Police Department.

(8) ANIMALS CREATING A NUISANCE.

(a) No person shall own, keep, have in his possession, or harbor any animal, which, by frequent howling, yelping, barking or other noise, shall cause serious annoyance or disturbances to any individual or to the neighborhood.

(b) No person shall own, keep, have in his possession, or harbor any animal, which causes property damage outside of the owners or keeper's property, or causes severe damage to wildlife.

(c) All pens, yards, structures or areas, where animals are kept, shall be maintained in a nuisance-free manner. Dropping and manure shall be removed regularly and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.

(d) Individuals may be prosecuted pursuant to this section if a verified complaint signed by one (1) or more residents of the Village and has been witnessed and verified by a Police Officer or member of the Police Department that a particular animal is habitually causing a disturbance, annoyance, property damage, or is causing severe damage to wildlife in the neighborhood.

(e) Upon the receipt of the complaint, the Police Department shall issue a formal warning to the owner of the animal cited in the complaint to have the animal confined in such a manner as to have the animal cease the actions named in the complaint. If the owner does not comply and further complaints are received, the owner shall be subject to, upon conviction, a forfeiture of (see fine schedule) together with costs. Upon the second conviction, such animal shall be removed from the Village by the owner or custodian, within seventy-two (72) hours after service of written notice by the Police Department that said removal is required, and upon failure to remove said animal, as herein provided, each day subsequent thereto shall be deemed a separate violation of this subsection. Any owner or custodian aggrieved by said order may, in writing request a hearing within thirty (30) days to the Police Department.

(9) REMOVAL OF ANIMAL DEFECATION. An owner or person having custody of any animal shall not allow any animal to defecate on any public or private property, within the Village, other than the premises of the owner or person having custody of said animal unless said defecation is removed immediately. This shall not be applicable in cases in which a person is being assisted by a seeing-eye dog. Any occurrence will be assessed according to the fine schedule.

(10) DEFINITIONS:

(a) Animal is defined as a dog, cat, ferret, bird, hamster, gerbil, rabbit, snake or other domesticated animal. This definition does not include a dog or other domestic animal that is used as a service animal for a disabled person.

(b) Enforcement Officer is defined as a representative of a Humane Society, Law enforcement agent from any jurisdiction, local police officer, animal warden, or animal control officer.

(c) Residential Unit is defined as any structure located on a parcel within the Village that is zoned Residential pursuant to the Village of Plain Zoning Code.

(d) Vicious is defined as any dog or other animal with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, barking and/or snarling in a threatening manner; any dog or other animal which attacks a human being or other domestic animal without provocation, or any dog or other animal owned or harbored primarily or in part for the purpose of fighting, or any dog trained for dog fighting.

(e) Vicious Animal:

1. The animal has attacked, bitten, injured, or killed another animal or a human being.
2. The animal has, off the property of its owner, chased, confronted or approached a person in a menacing fashion that would put a reasonable person in fear of being attacked.
3. The animal, while on the property of its owner, chases, confronts or approaches a person located on an adjacent public or private property in a menacing fashion that would put a reasonable person in fear of being attacked.
4. The animal has been trained for fighting or attack.
5. The animal has acted in any manner demonstrating that the animal is a threat to public safety.

(f) Exceptions. Notwithstanding the definition of a "Vicious Animal" above:

1. No animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such was sustained, was committing a trespass of the land or criminal trespass of the dwelling upon premises occupied by the owner of animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime or violating or attempting to violate an Ordinance which protects person or property.
2. No animal may be declared vicious if death, injury or damage was sustained by a domestic animal that, at the time such was sustained, was teasing, tormenting, abusing or assaulting the animal.
3. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
4. No animal may be declared vicious for acts committed by said animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

PL 11/10/1998 REV 10/11/2017

SECTION 9.085 PROHIBITION ON FOWL AND FARM ANIMALS.

(a) Purpose. The keeping of fowl and farm animals within the Village of Plain may detract from and may be detrimental to healthful and comfortable life in the Village. There shall be no fowl or farm animals kept within the Village limits.

PL 01/13/2016

9.09 STORAGE OF JUNK, ETC., REGULATED. (1) GENERALLY. (a) 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 Village Board.

(b) Order for Compliance. The Chief of Police or other Village law enforcement agent 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.

(2) ABANDONED VEHICLES. (a) Vehicle Abandonment Prohibited. No Person shall leave unattended any motor vehicles, trailer, semi-trailer or mobile home or watercraft on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any Village street or highway or on any public or private property within the Village for more than seventy-two (72) hours, the vehicle is deemed abandoned and constitutes a public nuisance. REV 09/12/2012

(b) Removal and Impoundment of Abandoned Vehicles. Any vehicle in violation of this subsection shall be impounded until lawfully claimed or disposed of under par. (c); except if the Chief of Police or his authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Village prior to expiration of the impoundment period upon determination by the Chief of Police or his authorized representative that the vehicle is not wanted for evidence or any other reason.

(c) Disposal of Abandoned Vehicles. 1. Vehicles Exceeding \$100 in Value. a. If the Chief of Police or his authorized representative determines that the value of an abandoned vehicle exceeds \$100, he shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the Village and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges and if not so reclaimed shall be sold. See also par. (d).

b. If an abandoned vehicle exceeding \$100 in value is not reclaimed within the period and under the conditions provided in subd. A. above, it may be sold at private sale.

c. After deducting the expenses of impoundment and sale, the balance of the proceeds, if any, shall be paid into the Village treasury.

2. Vehicles of Less than \$100 in Value. Any abandoned vehicle which is determined by the Chief of Police or his authorized representative to have a value of less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

(d) Owner Responsible for Impoundment and Sale Cost. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle, provided no such costs shall be imposed without notice thereof to the owner and an opportunity for the owner to be heard thereon. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the Village against the owner.

(e) Notice of Sale or Disposition. Within 5 days after the sale or disposal of a vehicle as provided in par. (c), the Chief of Police or his authorized representative shall advise the State Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form

supplied by the division. A copy of such form shall be given to the purchaser of the vehicle, and a copy shall be retained on file in the Village.

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

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

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

9.13 ABANDONED OR UNATTENDED REFRIGERATORS, ETC., PROHIBITED. No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside unless such door or lid, snap lock or other locking device has been removed from such ice box, refrigerator or container or unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.14 CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES PROHIBITED. (1) No person shall consume any intoxicating liquor, wine or fermented malt beverages while in or upon any street, alley, sidewalk or other public way or public parking area within the Village.

(2) All purchases of intoxicating liquor, wine or fermented malt beverages by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed therefrom to any thoroughfare, street, alley, sidewalk or public parking area in the Village.

(3) No person shall be in possession of any glass or open container containing intoxicating liquor, wine or fermented malt beverages on any thoroughfare, street, sidewalk or other public way or public parking area in the Village.

(4) No person shall be in possession of any beverage in its original glass container on any parks, golf course, or swimming pool within the Village limits.

9.15 CURFEW. (1) HOURS. (a) Specified. No child under the age of sixteen (16) years shall loiter, idle or remain upon any street, alley or other public place in the Village between 10:00 p.m. and 5:00 a.m. the next day unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.

(b) Exceptions. 1. This section shall not apply to a child:

a. Who is performing an errand as directed by his parent, guardian or person of lawful custody and have in their possession written permission for performing such errand, during specified hours of curfew. Permission must be written on a day-to-day basis, not to exceed twenty-four (24) hours per document.

b. Who is on his own premises or in the areas immediately adjacent thereto.

c. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours and who has a certificate signed by the Chief of Police and his employer.

d. Who is returning home from a supervised school, church or civic function.

2. These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

(2) PARENTAL VIOLATION. No parent, guardian or other person having legal custody of a child under the age of sixteen (16) years shall permit such child to loiter, idle or remain upon any street, alley or other public place in the Village between 10:00 p.m. and 5:00 a.m. the next day unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.

(3) RESPONSIBILITY OF OPERATORS OF PLACES OF AMUSEMENT. No person operating a place of amusement or entertainment within the Village, or any agent, service or employee of such person, shall permit a child under the age of sixteen (16) years to enter or loiter in such place of amusement or entertainment between 10:00 p.m. and 5:00 a.m. the next day, unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child.

(4) RESPONSIBILITY OF OPERATORS OF HOTELS, MOTELS, LODGING HOUSES, ROOMING HOUSES AND BED AND BREAKFAST ESTABLISHMENTS. No person operating a hotel, motel, lodging house, rooming house or bed and breakfast establishment within the Village of Plain, or any agent, servant or employee of such person shall permit any child under the age of sixteen (16) years to visit, idle, wander or stroll in any portion of such establishment between the hours of 10:00 p.m. and 5:00 a.m. the next day, unless such child is accompanied by his parent, guardian, or other adult person having legal custody of such child.

(5) LOITERING IN SCHOOL AND PLAYGROUND AREAS. 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 Village between 8:00 a.m. and 4:00 p.m. on official school days.

(6) DETAINING A CHILD. A child believed to be violating the provisions of this section shall be taken to the Police Department or the County Sheriff's Department for proper identification. Any law enforcement officer on duty may detain any child violating subs. (1), (3), (4), (5) until such time as the parent, guardian or other adult person having legal custody of the child has been immediately notified and the person so notified has, as soon as reasonably possible thereafter, reported to the Police Department or the Sheriff's office for the purpose of taking the child into custody and has signed a release for him.

(7) WARNING. The first time a child is detained by law enforcement officers as provided in sub. (6), the parent, guardian or person having legal custody shall be advised as to the provision of this section; and any violation of this section occurring by this child or any other child under such adult's care or custody shall result in a penalty being imposed at the officer's discretion as provided in sub. (8).

(8) GENERAL PENALTY. (a) Any parent, guardian or person having legal custody of a child described in subs. (1), (3), (4) or (5) who has been warned in the manner provided in sub. (7) and who violates any of the provisions of this section shall be subject to a penalty. **See fine schedule.**

(b) Any child who violates this section after being detained and released under sub. (6) shall be dealt with under Ch. 48, Wis. Stats.

9.16 BURNING OF GRASS AND TRASH RESTRICTED. (1) GRASS FIRES REGULATED. No person shall kindle any grass fire within the Village without first securing a written permit from the Village Clerk/Treasurer, who shall issue such permit only upon the approval of the Fire Chief and subject to any conditions for the protection of life and property imposed by the Fire Chief.

(2) BONFIRES REGULATED. No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or public or private grounds within the Village within fifteen (15) feet of any building or within any fire lane unless the fire is confined within an incinerator approved by the Fire Chief, which shall prevent the escape of sparks and burning material. Under these conditions, burning is permitted before 8:00 a.m.

(3) DAMAGES. Any person who, by burning rubbish or combustible materials in the open or in an unsuitable receptacle or by starting a bonfire within the Village fire limits, shall cause conditions requiring the Fire Department to be called shall be responsible for damages resulting from such fire and all costs incidental to the calling of the Fire Department.

9.17 PRESENCE IN PARKS, ETC., DURING CLOSED HOURS PROHIBITED. No person shall be in a public park, golf course or other public place during hours when such presence is prohibited by erected signs except upon permit issued by the Park Committee.

9.18 RECYCLING ORDINANCE. (1) PURPOSE. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 159.11, Wis Stats., and Chapter NR 544, Wis. Administrative Code.

(2) STATUTORY AUTHORITY. This ordinance is adopted as authorized under s. 159.09(3)(b). Wis. Stats., and by the Village Board of Trustees on the 11th day of January 1994.

(3) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

(4) INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

(5) SEVERABILITY. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(6) APPLICABILITY. The requirements of this ordinance apply to all persons, government unities, and businesses in the municipality of Plain.

(7) ADMINISTRATION. The provisions of this ordinance shall be administered by the Village of Plain Board of Trustees.

(8) EFFECTIVE DATE. The provisions of this ordinance shall take effect on January 11, 1994.

(9) DEFINITIONS. For the purposes of this ordinance:

(a) Bi-metal container means a container of carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(b) Container board means corrugated paperboard used in the manufacture of shipping containers and related products.

(c) Foam polystyrene packaging means packaging made primarily from foam polystyrene that satisfies one of the following criteria.

(1) Is designed for serving food or beverages.

(2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

(3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(d) HDPE means high density polyethylene, labeled by the SPI code #2.

(e) LDPE means low density polyethylene, labeled by the SPI code #4.

(f) Magazines means magazines and other materials printed on similar paper.

(g) Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

(h) Multiple-family dwelling means a property containing 5 or more residential units, including those which are occupied seasonally.

(i) Newspaper means a newspaper and other materials printed on newsprint.

(j) Non-residential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(k) Office paper means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(l) Other resins or multiple resins means plastic resins labeled by the SPI code #7.

(m) Person includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

(n) PETE means polyethylene terephthalate, labeled by the SPI code #1.

(o) Plastic container means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of retail sale.

(p) Postconsumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.

(q) PP means polypropylene, labeled by the SPI code #5.

(r) PS means polystyrene, labeled by the SPI code #6.

(s) PVC means polyvinyl chloride, labeled by the SPI code #3.

(t) Recyclable materials includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

(u) Solid waste has the meaning specified in s. 144.01(15), Wis. Stats.

(v) Solid waste facility has the meaning specified in s. 144.43(5), Wis. Stats.

(w) Solid waste treatment means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. Treatment includes incineration.

(x) Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect. Waste tires includes sizes up to 1100 x 24.5.

(y) Yard waste means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

(10) SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and 2 to 4 unit residences, multiple-family dwelling and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (a) Lead acid batteries
- (b) Major appliances
- (c) Waste oil
- (d) Yard waste
- (e) Aluminum containers
- (f) Bi-metal containers
- (g) Corrugated paper or other container board
- (h) Foam polystyrene packaging
- (i) Glass containers
- (j) Magazines
- (k) Newspaper
- (l) Office paper
- (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins
- (n) Steel containers
- (o) Waste tires

(11) SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of s. 9.18(10) do not apply to the following:

(a) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 9.18(10) from solid waste in as pure a form as is technically feasible.

(b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(c) A recyclable material specified in s. 9.18(9)(e) through (o) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

(12) CARE OF SEPARATED RECYCLABLE MATERIALS. To the greatest extent practicable, the recyclable materials separated in accordance with s. 9.18(10) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

(13) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

(a) Lead acid batteries shall be delivered by the owner to the storage yard at the municipal waste treatment plant.

(b) Major appliances shall be disposed of by completing a Request for Appliance Disposal form at the Village Clerk's office. The charge for appliance disposal is as follows:

<u>Appliance</u>	<u>Disposal Charge</u>
Range/Oven	See fee schedule
Washer/Dryer	See fee schedule
Dishwasher	See fee schedule
Air Conditioner	See fee schedule
Refrigerator	See fee schedule
Freezer	See fee schedule
Cooling Unit	See fee schedule

(1) No appliance will be picked up or delivered to the storage yard until a Request for Appliance Disposal form has been completed and the required charge has been received by the Village Clerk.

(2) The owner agrees to reimburse the Village for any disposal costs exceeding the disposal charge to properly dispose of the appliance.

(3) The Village will pick up and deliver non-freon appliances such as ranges, ovens, washers, dryers, and dishwashers. The owner is required to remove all doors that may lock in the closed position.

(4) The owner is responsible for delivering all freon appliances such as air conditioners, refrigerators, freezers and cooling units to the storage yard at the municipal waste treatment plant. The owner is required to remove all doors that may lock in the closed position.

(c) Waste oil shall be delivered by the owner to the waste oil facility at the Sauk County landfill site.

(d) Yard waste shall be delivered by the owner to the Village of Plain compost site. Municipal pickups are scheduled during the Spring and Fall seasons via a notice from the Village clerk. Other roots and shrubs may be delivered to the Village burn site.

(14) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS. Except as directed by the Village of Plain, Board of Trustees, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in s. 9.18(9)(e) through (o). (containers may be co-mingled):

(a) Aluminum containers shall be placed in clear plastic bags and set out for pickup on the first and third Monday of each month.

(b) Bi-metal containers shall be placed in clear plastic bags and set out for pickup on the first and third Monday of each month.

(c) Corrugated paper or other container board shall be free of debris, bundled, tied and set out for pickup on the first and third Monday of each month.

(d) Foam polystyrene packaging shall be placed in clear plastic bags and set out for pickup on the first and third Monday of each month.

(e) Glass containers shall be placed in clear plastic bags and set out for pickup on the first and third Monday of each month.

(f) Magazines shall be bundled and tied and set out for pickup on the first and third Monday of each month.

(g) Newspaper shall be bundled and tied and set out for pickup on the first and third Monday of each month.

(h) Office paper shall be bundled or bagged in clear plastic bags and set out for pickup on the first and third Monday of each month.

(i) Rigid plastic containers shall be rinsed free of product residue, have caps removed and discarded, and placed in clear plastic bags and set out for pickup on the first and third Monday of each month as follows:

(1) Plastic containers made of PETE, including SPI Code #1.

(2) Plastic containers made of HDPE, including SPI Code #2.

(3) Beginning January 1, 1995, plastic containers made of PVC, including SPI Code #3.

(4) Beginning January 1, 1995, plastic containers made of LDPE, including SPI Code #4.

(5) Beginning January 1, 1995, plastic containers made of PP, including SPI Code #5.

(6) Beginning January 1, 1995, plastic containers made of PS, including SPI Code #6.

(7) Beginning January 1, 1995, plastic containers made of other resins or

multiple resins, including SPI Code #7.

(j) Steel containers shall be rinsed, have labels removed and placed in clear plastic bags and set out for pickup on the first and third Monday of each month.

(k) Waste tires, less than 1100 x 24.5, shall be delivered by owner to the storage yard at the municipal waste treatment plant.

(15) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS. (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 9.18(9)(e) through (o):

(1) Provide adequate, separate containers for the recyclable materials.

(2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

(3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

(4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including name, address and telephone number.

(b) The requirements specified in (a) do not apply to owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 9.18(9)(e) through (o) from solid waste in as pure a form as is technically feasible.

(16) RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES. (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 9.18(9)(e) through (o):

(1) Provide adequate, separate containers for the recyclable materials.

(2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

(3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

(4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in (a) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated with the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 9.18(9)(e) through (o) from solid waste in as pure a form as is technically feasible.

(17) PROHIBITIONS ON DISPOSAL OF RECYCABLE MATERIALS SEPARATED FOR RECYCLING. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 9.18(9)(e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(18) ANTISCAVENGING OR UNLAWFUL REMOVAL OF RECYCLABLES. It shall be unlawful for any person, unless under contract with or licensed by the municipality, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or non-residential building for the purposes of collection for recycling.

(19) ENFORCEMENT. (a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Board of Trustees for the Village of Plain may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to an authorized officer, employee or authorized representative of the Board of Trustees for the Village of Plain who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(b) Any person who violates a provision of this ordinance may be issued a citation by the Board of Trustees of the Village of Plain to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(c) Penalties for violating this ordinance may be assessed as follows:

(1) Any person who violates s. 9.18(17) may be required to forfeit **(see fine schedule)**.

(2) Any person who violates a provision of this ordinance, except s. 9.18(17) may be required to forfeit **(see fine schedule)**.

9.19 ISSUE OF WORTHLESS CHECKS-DEFINED. (1) Whoever issues any check or other order for the payment of money which, at the time of issuance, the person intends shall not be paid shall be subject to a forfeiture and the obligation to make restitution as provided in paragraph (4) below.

(2) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for the payment of money, intended it should not be paid:

(a) Proof that, at the time of issuance, the person did not have an account with the drawee; or

(b) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within 5 days after receiving notice of nonpayment or dishonor to pay the check or other order; or

(c) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within 5 days after receiving notice of nonpayment or dishonor to pay the check or other order.

(3) This ordinance does not apply to a postdated or to a check given for past consideration, except a payroll check.

(4) Whoever violates this ordinance may be required to make restitution as provided in Section 800.093 of the Wisconsin Statutes and, in addition shall be subject to a forfeiture of **(see fine schedule)** together with the cost of prosecution.

(5) This ordinance is intended to be in conformity with Section 943.24 of the Wisconsin Statutes and shall be interpreted consistent with that intent.

9.20 PENALTIES. Any person who shall violate any provision of this chapter shall be subject to a penalty. **See fine schedule**. In addition to any penalty imposed for violation of §9.943.01(1), any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates §9.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with §895.035, Wis. Stats.

9.21 GOLF COURSE USAGE FEES Any person intending to play golf on the municipal golf course designated as "Westbrook Hills Golf Course", must first deposit the required fee into the designated pay station if an annual golf membership has not been purchased prior to playing. Failure to pay golf membership dues or greens fees in advance of playing the golf course, will constitute a fine of not less than \$200 and not more than \$500.