

CODE OF ORDINANCES
Town of Willard, Rusk County, Wisconsin

CHAPTER 13
PUBLIC SAFETY ORDINANCE

13.01 AUTHORITY, STATEMENT OF PURPOSE

- (1) Purpose.** The purpose of this ordinance is to regulate activities that endanger public safety and is designed to promote public safety and order in the Town of Willard.
- (2) Authority.** The Town Board has the specific authority under Wisconsin Statutes, and the Town's Village Powers to adopt and enforce this ordinance.
- (3) Adoption.** By adoption of this ordinance, The Town Board has confirmed the specific statutory authority, powers, and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the regulations, controls and enforcement against certain uses, activities, businesses, and operations by persons that may affect the public safety and public order in the Town of Willard.

13.02 DEFINITIONS

For purposes of this ordinance, the following definitions shall apply:

- (a) **Fermented Malt Beverages or Beer** shall be defined as any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar, containing a certain amount of alcohol by volume established by the State of Wisconsin. The terms 'fermented malt beverages' or 'beer' may be used interchangeably.
- (b) **Intoxicating Liquor** is defined as any beverage (except fermented malt beverages) made by a distillation process from agricultural grains, fruits and sugars, containing a certain amount of alcohol by volume established by the State of Wisconsin.
- (c) **Wine or Cider** is defined as any beverage (except fermented malt beverages) made by a fermentation process from agricultural products, fruits and sugars, containing a certain amount of alcohol by volume established by the State of Wisconsin.
- (d) **Liquor.** The term liquor includes intoxicating liquor, wine, and cider.
- (e) **Police Officer** shall mean Sheriffs, their undersheriffs and deputies, constables, marshals, and any law enforcement acting in their official capacity and with lawful authority within the Town of Willard.
- (f) **Peace Officer** shall have the same meaning as 'police officer'.

13.03 GENERAL PROVISIONS

No person shall commit the following offenses in the Town of Willard (herein noted as Town of Willard violations) that are hereby adopted by reference in this chapter. The prosecution of such offenses under this ordinance shall be as provided in Wisconsin Statutes, and the below-noted sections, but the penalties for violation of these sections shall be limited to forfeitures as provided in this ordinance.

- (1) Disorderly Conduct Prohibited.** In any public or private place within the Town of Willard:
 - (a) No person shall engage in violent, abusive, indecent, profane, boisterous, unreasonable, loud, or other disorderly conduct that tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.
 - (b) No person shall intentionally cause, provoke, or engage in any fight, brawl, riot, or noisy altercation.
 - (c) No person shall disturb a meeting or loiter about a place of lawful assembly.
- (2) Drunkenness.** No person shall within the Town of Willard be habitually drunk or intoxicated so as to disturb the good order and quiet of the Town or be found in any place within the Town in such a state of intoxication that the person is unable to care for personal safety or the safety of others.
- (3) Assault and Battery.** No person shall commit an assault and battery upon another.
- (4) Cruelty to Animals.** No person shall treat cruelly any animal within the Township.
- (5) Animals at Large.** No person owning, possessing, or harboring any animal shall allow it to run at large within the Township.

(6) Loud and Unnecessary Noise Prohibited.

- (a) No person shall make, or cause to be made, loud, disturbing, or unnecessary sounds or noises which may annoy or disturb a person or ordinary sensibilities in or about any public street, alley, park, or any private residence.
- (b) No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noises.

(7) Obedience to Officers.

- (a) No person shall, without reasonable excuse or justification, resist or in any other way interfere with any officer of the Town.
- (b) No person shall remain at an unlawful assembly after being instructed to disperse by any officer.

(8) Beer and Liquor Parties in Town Parks Prohibited. No person or persons shall engage in beer, wine, or liquor parties or openly consume beer, wine, or liquor in any Town-owned property between the hours of 10:00 p.m. and 8:00 a.m.

(9) Beer or Liquor Consumption on Streets Prohibited. No person shall possess open containers of or consume fermented malt beverages, beer, or liquor upon any street, sidewalk, alley, boulevard, parking lot, or other public way within the Town, except at such times and in such places as may be specifically exempted temporarily from the provisions of this Section by the Town Board in connection with public celebrations or other activities.

(10) Impersonating Law Enforcement Officers. No person shall impersonate a police officer or peace officer within the Town.

(11) Offenses Endangering Public Morals and Decency

- (a) **Gambling, Lotteries, Fraudulent Devices and Practices Prohibited.** All forms of gambling, lotteries, and fraudulent devices and practices are prohibited within the Township. Any police or peace officer of the Town is hereby authorized to seize anything devised solely for gambling or found in actual use for gambling within the Township and to dispose thereof after a judicial determination that the device was used solely for gambling or found in actual use for gambling.

- (b) **Disorderly Houses Prohibited.** No person shall keep a disorderly house or house of prostitution within the Township.

- (c) **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 the appearance of a police or a peace officer, refuses to identify themselves, or manifestly endeavors to conceal themselves or any object. Unless flight by the person or other circumstances make it impractical, a police or peace officer shall, before any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify themselves and explain their presence and conduct. No person shall be convicted of an offense under this section 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 loiter upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the Town in such a manner as to prevent, interfere with, or obstruct the ordinary free use of such public streets, alleys, sidewalks, street crossings, or bridges or other public places by persons passing along and over the same. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after a request to do so by a police officer.
3. **Obstruction of Entryways by Loitering.** No person shall loiter upon the public streets, private driveways, sidewalks, or in adjacent doorways or entrances so as to obstruct the free entry of persons to the adjacent property, driveways, or other entrances to such property. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after being requested to do so by a police officer.
4. **Loitering in Places of Public Assembly or Use.** No person shall by loitering interfere with the free use of any place of public assembly, public use, or others using such place of assembly. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after a request to do so by a police officer or by the person in charge of the place of public assembly.
5. **Loitering on Private Premises without Invitation.** No person shall loiter on private premises without an invitation from the owner or occupant. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after being requested to do so by a police officer or by the owner or occupant.

(12) Offenses against Public and Private Property; Destruction of Property Prohibited. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property belonging to the Town, or its departments, or any private person, without the consent of the owner or proper authority. Any person convicted of a violation of this section shall also be required to make full restitution for the amount of any damages caused to such property.

13.04 PENALTIES

- (1) Any person who is convicted of a violation of any provision of this ordinance, for which a penalty is not specifically set forth** within this ordinance, shall be subject to a penalty of not less than \$1.00 and not more than \$200.00 in addition to the Town of Willard's cost of prosecution, including actual attorney fees.
- (2) In addition to the Town of Willard's cost of prosecution, including actual attorney fees,** any person who is convicted of a violation of the following shall be subject to a penalty as listed below. Each day that the violation continues shall be considered a separate offense; therefore, the following penalty may be imposed for each day the violation continues.
 - (a) **Disorderly Conduct Prohibited:** \$50.00.
 - (b) **Drunkenness:** \$25.00.
 - (c) **Assault and Battery:** \$100.00.
 - (d) **Cruelty to Animals:** \$50.00 per animal.
 - (e) **Animals at Large:** \$10.00 per animal.
 - (f) **Loud and Unnecessary Noise Prohibited:** \$25.00.
 - (g) **Beer or Liquor Consumption on Streets Prohibited:** \$25.00.
 - (h) **Obedience to Officers:** \$50.00.
 - (i) **Beer and Liquor Parties in Town Parks Prohibited:** \$30.00.
 - (j) **Disorderly Houses Prohibited:** \$50.00.
 - (k) **Gambling, Lotteries, Fraudulent Devices, and Practices Prohibited:** \$50.00.
 - (l) **Impersonating Law Enforcement Officers:** \$30.00.
- (3) For violation of ordinances for which a statutory counterpart exists,** the range of forfeitures (exclusive of penalties of imprisonment) shall be the range prescribed by Wisconsin Statute. The deposit for such violations shall be as provided in the Uniform Bond Schedule.

**Ordinance Chapter 13
Adopted this 13th day of December, 2021**

Robert Nelson Yea X Nay _____
Mark Taft Yea X Nay _____
Linda Bentley Yea X Nay _____

Attest: Mary Jane Nelson, Town Clerk