



## CHAPTER 8: PROTECTION OF PERSONS AND PROPERTY

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### 8.01 FIRE DEPARTMENT. (amended 10/13/03)

(1) Pursuant to the police powers of the Village and the authority of Section 66.0301, Wis. Stats., the Village President and Village Clerk are authorized to do the following:

(a) Execute an intergovernmental agreement on behalf of the Village to create the Lake Country Fire Department, the Lake Country Fire Board, and the Lake Country Fire Commission (collectively the “Lake Country Fire Department”).

(b) Execute on behalf of the Village all agreements and documents necessary and appropriate to carry out the terms of the intergovernmental agreement to allow the Lake Country Fire Department to take those steps necessary and appropriate to fight fires and prevent fires in the Village of Chenequa.

(2) The duty of the fire fighting and the prevention of fires in the Village of Chenequa is delegated to the Lake Country Fire Department.

(3) The Village Board shall appropriate funds to provide as agreed to by the Village President and Village Clerk for the Lake Country Fire Department.

#### (4) POLICE POWER OF DEPARTMENT.

(a) The Lake Country Fire Department Chief, along with any deputy, assistant, and officer in command at any fire (collectively “Fire Chief”) are hereby vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the Lake Country Fire Department in responding to a fire.

(b) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the department, shall be permitted to come. The Fire Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect the adjoining property and during the progress of any fire he shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. The Fire Chief shall also have power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the department during the progress of a fire.

(c) FIREMEN MAY ENTER ADJACENT PROPERTY. It shall be lawful for any fireman while acting under the direction of the Fire Chief or other officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire; and in case any person shall hinder, resist or



obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

(d) DUTIES OF BY-STANDERS TO ASSIST. Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire, or removing or guarding property.

(e) INJURY TO FIRE APPARATUS. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Village of Chenequa, and no vehicle or railroad equipment shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, track or other place, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(5) FIRE INSPECTING; DUTIES.

(a) The Fire Chief of the fire department shall hold the office of fire inspector, with power to appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the fire inspector.

(b) It shall be the duty of fire inspectors to inspect semi-annually all buildings, premises and public thoroughfares within the village limits, for the purpose of noting and causing to be corrected any condition liable to cause fire. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The inspector shall also investigate the storage and handling of explosives and inflammable liquids within the village. No such inspection shall be made of the interior of any residence without the full consent of the owner.

(c) The Fire Chief shall keep a written record card of each property inspected which shall conform to the requirements of the industrial commission, and shall make reports of inspections required by the industrial commission.

(d) Whenever or wherever in the Village of Chenequa any inspection by the Fire Chief or his deputies reveals a fire hazard, the Fire Chief or his deputies are hereby invested with authority to serve a notice in writing, upon the owner of the property, giving said owner a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed, it shall be deemed a nuisance and the Fire Chief or his deputy is authorized to have the same removed by the village, and the cost of such removal shall be recovered in an action by the village against the owner of the property.

(e) No person shall deny the Fire Chief or his deputies free access to any property not occupied as a residence within the village at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of his duty, or refuse to observe any lawful direction given by him.

(6) Any member or officer of the department who has been expelled or demoted for any offense or neglect of duty or insubordination at any fire or drill shall have the right to appear



before the members of the Village Board and state why such penalty should not be confirmed. The Village Board may order the Fire Chief to reinstate the member or officer. The secretary-treasurer shall report the name of each person expelled or demoted to the Village Board.

(7) Any person, firm or corporation that shall violate any of the provisions of this section 8.01, shall forfeit not more than one hundred dollars (\$100.00) and the costs of prosecution, and in default of payment of the fine and costs of prosecution, shall be imprisoned in the county jail until said fine and the costs of prosecution are paid, but not to exceed twenty days. Each day's violation of the provisions of this ordinance shall constitute a separate offense.

**8.02 MUTUAL AID.** (amended 10/13/03) In case of a fire in a neighboring city, town or village, in the County of Waukesha, the Fire Chief or acting Fire Chief of the Lake Country Fire Department may, in his discretion, permit or direct any officer or member of the Fire Department to proceed to the place of the fire with such fire apparatus as in the judgment of said Fire Chief or acting Fire Chief can be safely sent without unduly impairing the fire protection within the Village of Chenequa and when highways and weather conditions are favorable.

**8.03 PROHIBITING OF OUTDOOR BURNING WITHOUT PERMISSION.** (amended and restated 06/11/18)

(1) Except as set forth herein, outdoor burning of any kind without the permission of the Village is strictly prohibited. Permission is to be granted by the Village Police Department. Permission will be based on wind and environmental conditions.

(2) Permission will only be granted on the day of the proposed burn.

(3) The following rules apply to any person who burns in the Village in addition to any special restrictions set forth in the permission:

(a) Burning permission will not be granted when the wind velocity is predicted to exceed nine (9) miles per hour, or local circumstances make the fire potentially hazardous. Local circumstances include, but are not limited to, thermal inversions, ozone alerts, and very dry conditions;

(b) Any burning or fires must be supervised on a continuous basis by a person who is capable of controlling the burning or fire and who is at least sixteen (16) years old;

(c) A ready and sufficient water source must be immediately available when any burning takes place;

(d) Open burning shall be permitted only from 7:00 A.M. to one-half hour after sunset or as otherwise permitted by the Village;

(e) Recreational fires, also known as bonfires, are allowed between the hours of 6:00 P.M. and 12:00 A.M.;



(f) The following materials may not be burned within the Village: (i) rubbish or garbage including, but not limited to, food waste, food wraps, packaging, animal carcasses, animal waste, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business waste; (ii) any material made of or coated with rubber, plastic, or leather, or petroleum based materials; (iii) materials containing any flammable or combustible liquids; (iv) treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives; and (v) any materials required to be recycled by law; and

(g) There shall be no burning on construction sites of any building materials at any time.

(i) Piles of material or non-contained material being burned shall be at a distance of fifty (50) feet from any structure, wood or lumber pile, wooden fence, trees or brushes; and provision shall be made to prevent the fire from spreading to such items; and

(ii) Contained burning shall be conducted in an approved container located at least twenty five (25) feet from any structure, wood or lumber pile, wooden fence, and trees or brushes.

(4) Any burning that is found to be a nuisance to neighboring properties, as determined by the Village Police Department or Lake Country Fire and Rescue, shall be extinguished immediately regardless of whether permission has been issued.

(5) In the event of dry conditions, the Fire Chief of Lake Country Fire and Rescue may, in his or her discretion, impose a burning ban until such time as conditions improve.

(6) Any prairie burns (i.e., the burning of ground area of more than five hundred (500) square feet) must be conducted under the supervision of Lake Country Fire and Rescue. Arrangements must be made in advance to secure Lake Country Fire and Rescue personnel for the entire duration of the burn. The Fire Chief of Lake Country Fire and Rescue may refer oversight to qualified and/or certified personnel that shall oversee and carry out the responsible oversight and management of such burns. The property owner shall be responsible to pay or reimburse all costs or fees incurred for the supervision of such burns.

(7) Failure to comply with above conditions may result in a response from Lake Country Fire and Rescue or the Village. All costs associated with such responses may be charged to the property owner.

(8) The restrictions of this Section 8.03 do not apply to outdoor burning using barbecue grills, outdoor fireplaces or similar equipment or appliances, which confine and control the fire.





(9) Property owners shall be responsible to pay or reimburse all costs or fees incurred by the Village and Lake Country Fire and Rescue; including, without limitation, fees set forth in the fee structure adopted annually each year by Lake Country Fire and Rescue.

(10) Any violations of this Section 8.03 shall be subject to fines as outlined in Village Code Section 1.01(9) Penalties.

#### **8.04 PROHIBITING HUNTING.** (amended 3/10/14)

(1) Definitions

In this section:

(a) "Firearm" has the meaning given in Wis. Stat. § 167.31(1)(c).

(b) "Building" has the meaning given in Wis. Stat. § 29.038(3)(a)1.a.

(2) Hunting within the Village limits of the Village of Chenequa on property owned or leased by the Village of Chenequa is hereby prohibited, except the Chief of Police of the Village of Chenequa is hereby authorized to permit hunting for the sole purpose of deer control, as outlined in the Deer Management Plan, to qualified marksmen at specified locations pursuant to recommendations of the Deer Management Committee.

(3) Hunting with a firearm within the Village limits of the Village of Chenequa is hereby prohibited, except the Chief of Police of the Village of Chenequa is hereby authorized to permit hunting with a firearm for the sole purpose of deer control, as outlined in the Deer Management Plan, to qualified marksmen at specified locations pursuant to recommendations of the Deer Management Committee.

(4) Hunting with a bow and arrow or crossbow within the Village limits of the Village of Chenequa is hereby prohibited unless:

(a) the hunter is at least 100 yards from a building located on another person's land, or, if less than 100 yards from a building located on another person's land, if the hunter has permission from the building's owner to hunt within 100 yards of the building; and

(b) the hunter discharges the arrow or bolt from the respective weapon toward the ground.

(5) Any person violating the provisions of this section 8.04 shall upon conviction thereof forfeit not less than Fifty Dollars (\$50.00), nor more than Five Thousand Dollars (\$5,000.00) in addition to the costs of prosecution, and in default of payment of such forfeiture and costs, by imprisonment in the County Jail of



Waukesha County for a term of not less than ten (10) days, nor more than thirty (30) days.

#### **8.05 REGULATING USE OF FIREARMS.** (amended 2/10/14)

- (1) In this section, "Firearm" has the meaning given in § 167.31(1)(c) of the Wisconsin Statutes (2011-12).
- (2) The use or discharging of firearms within the limits of the Village of Chenequa without the permit hereinafter mentioned first having been obtained is prohibited. The Chief of Police of the Village of Chenequa is authorized to issue, for good cause shown, written permits for the use and discharging of firearms within the Village, subject to revocation at his discretion.
- (3) Any person violating the provisions of this section 8.05 shall be subject to the fines outlined in Village of Chenequa Code 1.01(9) Penalties.

#### **8.06 PROHIBITING DISORDERLY CONDUCT.** (amended 10/13/03)

(1) Whoever, in a public or private place within the limits of this village, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance shall upon conviction thereof forfeit not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), for each and every offense besides the costs of prosecution, and in default of such payment of such forfeiture and the costs of prosecution, shall be imprisoned in the county jail of Waukesha County for a term not exceeding ninety (90) days.

(2) Any person who, within the limits of this village is found to be making any noise, outcry or clamor tending to unreasonably disturb any person or persons, or shall upon the highways of said village be found drunk, intoxicated, or disorderly, or who shall unlawfully enter upon the land or property of another, shall upon conviction thereof forfeit not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail of Waukesha County for a term not exceeding twenty (20) days.

(3) Any person who, within the limits of this village, operates a motor vehicle so as to cause the tires thereof to squeal, the horn to blow excessively or the motor to race excessively, shall upon conviction thereof forfeit not less the Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail of Waukesha County for a term not exceeding twenty (20) days.

**8.07 REFUSING TO AID AN OFFICER.** (amended 10/13/03) Any person who, within the limits of this village, without reasonable excuse, refuses or fails, upon command, to aid any person known by the person to be a peace officer shall upon conviction thereof forfeit not less



than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail of Waukesha County for a term not exceeding twenty (20) days. This section does not apply if under the circumstances the officer was not authorized to commend such assistance. The following is also consider a violation of the above:

(a) The violator gives false information or places physical evidence with intent to mislead an officer.

(b) At a criminal trial, the trier of fact considers the false information or physical evidence.

(c) The trial results in the conviction of an innocent person. In addition to the above, any person who violates this section by hindering, delaying or preventing an officer from properly serving or executing any summons or civil process, is civilly liable to the person injured for any actual loss caused thereby and to the officer or the officer's superior for any damages adjudged against either of them by reason thereof.

#### **8.08 RESISTING OR OBSTRUCTING OFFICER.** (amended 10/13/03)

(1) Any person who, within the limits of this village, knowingly resists or obstructs an officer while such officer is doing any act in any official capacity and with law authority shall upon conviction thereof forfeit not less than Twenty-five Dollars (\$25.00 nor more than Two Hundred Dollars (\$200.00) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail of Waukesha County for a term not exceeding twenty (20) days.

(2) **FAILURE TO COMPLY WITH OFFICER'S ATTEMPT TO TAKE PERSON INTO CUSTODY.** Any person who, within the limits of this village, intentionally does any of the following:

(a) Refuses to comply with an officer's lawful attempt to take him or her into custody;

(b) Retreats or remains in a building or place and, through action or threat, attempts to prevent the officer from taking him or her into custody; and

(c) While acting under pars. (a) and (b), remains or becomes armed with a dangerous weapon or threatens to use a dangerous weapon regardless of whether he or she has a dangerous weapon, shall upon conviction thereof forfeit not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00) and, in default of payment of such forfeiture, by imprisonment in the county jail not more than sixty (60) days.

(3) In this section:



(a) “Obstructs” includes without limitation knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty including the service of any summons or civil process.

(b) “Officer” means a peace officer or other public officer or public employee having the authority by virtue of the officer’s or employee’s office or employment to take another into custody.

## **8.09 AIRCRAFT OPERATION.**

### **(1) RECKLESS OPERATION OF AIRCRAFT; PENALTY.**

(a) No person shall operate an aircraft in the air, or on the ground or water within the Village of Chenequa while under the influence of intoxicating liquor, narcotics or other drugs, nor operate an aircraft in the air or on the ground or water in a careless or reckless manner so as to endanger the life or property of another.

(b) In determining whether the operation was careless or reckless the court shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

(c) Any person violating any provision of this section 8.09(1) shall upon conviction thereof forfeit to the Village of Chenequa not less than \$25 nor more than \$100 for the first offense, and the costs of prosecution; and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed 30 days. Upon conviction for a subsequent offense such person shall forfeit to the Village of Chenequa not less than \$100 nor more than \$200 and the costs of prosecution; and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed 90 days.

(2) **DROPPING OBJECTS PROHIBITED.** No operator of an aircraft and no passenger therein shall drop any object therefrom except loose water or loose sand ballast; provided, however, that this section shall not prohibit the dusting or spraying of vegetation with insecticides dropped from airplanes, or the sowing of seeds, or depositing of fish in lakes or streams, or the delivery of packages or mail by dropping from airplanes, or other similar practice when such is done in accordance with the federal regulations applicable thereto.

### **(3) LANDING ON AND OPERATION OVER WATER.**

(a) No person in the operation of an aircraft shall land or set down the aircraft in or upon Pine Lake in the Village of Chenequa except to discharge himself or occupants or property from the aircraft, or to take aboard persons or property.

(b) No persons shall operate an aircraft in taking off from and landing on said Pine Lake at a distance of less than 500 feet from any person or surface craft in or upon said Pine





Lake, and no person in the operation of an aircraft shall taxi on said Pine Lake at a high rate of speed at a distance of less than 500 feet from any person or surface craft in or upon said Pine Lake or within 1,000 feet of the shore line of said Pine Lake.

(c) The provisions of subsections (a) and (b) of this section may be deviated from when such deviation is necessary to avoid immediate danger or when such deviation is required because of stress of weather conditions or other unavoidable cause.

(4) PENALTIES. Any person who shall violate any of the provisions of this section 8.09 except as otherwise expressly provided in section 8.09(1) shall upon conviction forfeit not more than \$200 and the costs of prosecution to the Village of Chenequa and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid but not to exceed 90 days.

(5) VIOLATIONS REPORTED TO FEDERAL CIVIL AERONAUTICS ADMINISTRATION. Every court in which a violation of this ordinance is prosecuted shall make a written report of any conviction and forfeiture imposed to the federal civil aeronautics administration.

#### **8.10 TRESPASS TO LAND.** (amended 2/10/14)

- (1) Any person who, within the limits of this village, does any of the following, shall upon conviction thereof forfeit an amount up to the maximum allowed for a Class B forfeiture under § 939.52(3)(b) of the Wisconsin Statutes (2011-12) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail of Waukesha County for a term not exceeding twenty (20) days.
  - (a) Enters any enclosed, cultivated or undeveloped land of another, other than undeveloped land specified in paragraph (d) or (e), without the express or implied consent of the owner or occupant.
  - (b) Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.
  - (c) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.
  - (d) Enters or remains on undeveloped land that is an inholding of another after having been notified by the owner or occupant not to enter or remain on the land.
  - (e) Enters undeveloped private land from an abutting parcel of land that is owned by the United States, this state or a local governmental unit, or





remains on such land, after having been notified by the owner or occupant not to enter or remain on the land.

- (2) In determining whether a person has implied consent to enter the land of another a trier of fact shall consider all of the circumstances existing at the time the person entered the land, including all of the following:
  - (a) Whether the owner or occupant acquiesced to previous entries by the person or by other persons under similar circumstances.
  - (b) The customary use, if any, of the land by other persons.
  - (c) Whether the owner or occupant represented to the public that the land may be entered for particular purposes.
  - (d) The general arrangement or design of any improvements or structures on the land.
- (3) A person has received notice from the owner or occupant within the meaning of this section if he or she has been notified personally, either orally or in writing, or if the land is posted as set forth in §943.13(2) of the Wisconsin Statutes (2001-02).
- (4) Whoever erects on the land of another signs which are the same as or similar to those described in subparagraph (2) without obtaining the express consent of the lawful occupant of or holder of legal title to such land shall upon conviction thereof forfeit not less than Twenty five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail of Waukesha County for a term not exceeding twenty (20) days.
- (5) The definitions set forth in §943.13(1e) of the Wisconsin Statutes (2001-02) shall apply to this section.
- (6) This section shall be subject to the limitations set forth in §943.13(4m) of the Wisconsin Statutes (2001-02).

**8.11 TRESPASS TO DWELLINGS.** (amended 10/13/03) Any person who, within the limits of this village, intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, shall upon conviction thereof forfeit not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail of Waukesha County for a term not exceeding twenty (20) days.



**8.12 DUMPING OF REFUSE.** PURPOSE: The Village Board of the Village of Chenequa determine and declare it to be in the interest of the public health, safety and welfare to adopt regulations controlling the dumping of refuse in the Village of Chenequa.

(1) Dumping of refuse on or in any public highway, property, lake or stream or any other public property within the Village of Chenequa is hereby prohibited excepting on property expressly marked by signs and set aside by the Village Board for the purpose of dumping such refuse.

(2) Dumping of refuse on property expressly marked and so set aside for such purpose is hereby limited to refuse from properties situated within the Village of Chenequa and no one shall be permitted to use Village refuse areas for any other refuse.

(3) Dumping of garbage within the Village of Chenequa is hereby expressly prohibited.

(4) Dumping of non-combustible materials within the Village of Chenequa, including but not limited to items containing glass, metals or rubber, is hereby expressly prohibited, excepting on property expressly marked by signs and set aside by the Village Board for the purpose of dumping such non-combustible materials.

(5) The use and maintenance of all areas expressly marked and set aside for the dumping of refuse shall be under the control of the Chief of Police of the Village of Chenequa and the ignition of the dump shall only be made by a person or persons expressly authorized by the Chief of Police.

(6) Any person violating any provision of this section 8.12 shall upon conviction thereof forfeit to the Village of Chenequa not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for the first offense, and the costs of prosecution; and in default of payment of such forfeiture and cost of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed thirty (30) days. Upon conviction for a subsequent offense such person shall forfeit to the Village of Chenequa not less than Fifty Dollars (\$50.00) nor more than Two Hundred and Fifty Dollars (\$250.00) and the costs of prosecution; and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed ninety (90) days.

**8.125 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, upon any private property or upon the surface of any body of water within the Village.

**8.13 CURFEW.** (amended 10/13/03)

(1) **LOITERING OF MINORS.** No child under the age of 17 shall loiter, idle or remain upon any highways, roads or vacant properties within the Village of Chenequa, 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. on the following day, unless such child is accompanied by a parent, guardian or some other adult person having legal custody of such child, or unless such child is going to or returning from any legitimate business or activity of any kind which was specifically approved, in advance, by his or her parent, guardian or other adult person having legal custody of such child.

(2) **RESPONSIBILITY OF PARENTS.** No parent, guardian or other adult person having legal custody of a child under the age of 17 years shall knowingly suffer or permit, or by inefficient control allow, such child to loiter, idle or remain upon any highways, roads or vacant properties within the Village of Chenequa between the hours of 11:00 P.M. and 5:00 A.M. of the following day, unless such child is accompanied by his or her parent, guardian or other adult person having legal custody of such child, or unless such child is going to or returning from any legitimate business or activity of any kind which was specifically approved, in advance, by his or her parent, guardian or other adult person having legal custody of such child.

(3) **TIME.** The time referred to in this ordinance is Central Standard Time or Daylight Savings Time as may be in effect in the Village of Chenequa.

(4) **DETAINING A CHILD.** A child believed to be violating the provisions of this section 8.13 shall be taken to the Police Department of the Village of Chenequa for proper identification and for immediate notification of such child's parent, guardian or other adult having legal custody of such child. Every law enforcement officer, while on duty, is hereby authorized to detain any child violating the provisions of this ordinance until the parent, guardian, or other adult person having legal custody of such child, so notified, reports to the Police Station for the purpose of taking the child into custody and signing a release for the child.

(5) **PENALTY.** Any person who has been warned in accordance with subsection 8.13(5)(a) above and who thereafter violates this ordinance shall forfeit not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), plus the costs of prosecution, and in default of the payment thereof be confined in the County Jail until such amounts are paid, but for not more than sixty (60) days, except that a person under the age of 18 years shall be referred to the proper authorities as provided in Chapter 48 of the Wisconsin Statutes.

(6) **SEVERABILITY.** If any provision of this section 8.13 or the application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application of such provision to other persons and circumstances shall not be affected thereby.

#### **8.14 CITATIONS: BOND SCHEDULE.** (amended 10/13/03)

(1) **AUTHORITY.** Pursuant to the authority of section 66.119, Wisconsin Statutes (2001-02), the Village of Chenequa hereby elects to use the citation method of enforcement of provisions of this code other than those for which a statutory counterpart exists. Any law enforcement officer may issue such citations.



## **8.15 ANIMAL REGULATIONS.**

(1) DEFINITIONS. Terms used in this Section are defined as follows:

**Owner:** Any person owning, harboring, sheltering, keeping an animal, whether temporarily or permanently.

**Contracting Agency:** Any organization with which the Village contracts for the services of impounding animals, including the apprehension and seizure of animals, the holding of animals and related services.

**Premises:** The residence of the owner, including the attached property surrounding the residence that is leased or owned by the owner but not including any publicly-maintained streets, alleys or sidewalks or other public and private property, common area, park or recreational property jointly owned.

(2) ANIMALS A NUISANCE. It shall be unlawful for any owner to have an animal which:

(a) Assaults or attacks any person or animal.

(b) Acts in such a manner as to justify the belief that it is vicious or dangerous. A showing that an animal has bitten, attacked or injured any person, animal or property shall constitute a prima facie showing that such animal is vicious or dangerous.

(c) Annoys or disturbs persons living in the area by howling, whining, yelping, barking, meowing or otherwise shall cause serious annoyance or disturbance to persons living in the area.

(d) Runs at large off of an owner's premises.

(e) Because of its aggressive nature, training or characteristic behavior, is capable of inflicting serious physical harm or death to humans or animals, and which would constitute a danger to human life or property.

(f) When unprovoked, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property.

(3) IMPOUNDING ANIMALS. Any police officer of the Village or a Contracting Agency and its agents may apprehend and impound any animal meeting the criteria set forth in Section 8.15(2). In the alternative, any police officer may order the animal to be removed immediately or within a set amount of time.

(4) RABIES.



(a) Any police officer of the Village, or a Contracting Agency or any of its agents, may impound any dog, cat or other animal which, from the appearance or conduct of such animal, appears to be infected with the disease known as hydrophobia or rabies.

(b) Any person who suspects that any dog, cat or other animal is infected with hydrophobia or rabies shall report his suspicion to the police, describing the dog or cat and giving the name of the owner, if known. Any such animal shall, upon demand of any police officer of the Village, or a Contracting Agency or any of its agents, be delivered to such officer or agent and if, upon examination, the animal shall prove in fact to be infected with such disease, the animal may be destroyed.

(c) No person shall knowingly harbor or keep any dog, cat or other animal infected with hydrophobia or rabies or any dog, cat or other animal known to be bitten by an animal known to have been infected with hydrophobia or rabies.

(5) ENTRY ON OWNER'S PREMISES. Any police officer, or a Contracting Agency or any of its agents, may enter upon the premises of the owner or keeper of an animal meeting the criteria set forth in Section 8.15(2) or of an unlicensed dog for the purpose of seizing it.

(6) REDEEMING IMPOUNDED ANIMAL. (a) Any animal impounded pursuant to the provisions of this Section may be redeemed by payment of the sum of \$25.00 plus the current daily fee for keeping such animal. In addition to the above fees, an unlicensed dog shall obtain a license before it is released. In addition, therefore, any expensed for inoculation, destruction or other medical treatment of the dog shall be paid by the owner of the animal.

(7) LICENSES.

(a) A dog license shall be required as provided by Section 174.05 of the Wisconsin Statutes. Prior to the issuance of the license the owner shall present evidence that the dog is currently immunized against rabies.

(b) The dog license tag shall be securely attached to a collar. The collar with the tag shall at all times be kept on the dog for which the license is issued. An animal is considered to be unlicensed if a valid license tag is not attached to a collar which is kept on the animal.

(c) The Village reserves the right to deny a license or renewal thereof for any animal that has exhibited any of the characteristics described in Section 8.15(2)(a), (b), (e) or (f).

In making this determination, the Chief of Police and/or Village Administrator shall have the authority to deny the licensing of an animal based on any previous incident involving the animal.

(8) ANIMALS RUNNING AT LARGE.



(a) Prohibited. No person who owns, harbors or keeps an animal shall permit the same to run at large.

(b) Defined. For the purpose of this section, the term “at large” means all places within the Village except the owner’s premises. The term includes streets, alleys, sidewalks or other public and private property which may abut on the owner’s premises. An animal shall not be considered to be running at large if it is on a leash or other device and under the control of a person of suitable age physically able to control it.

(9) RETURN TO VILLAGE. No person shall return to or harbor within the Village an animal previously ordered to be removed on the basis that it is a nuisance under Section 8.15(2) herein except by written notice and written approval by the Chief of Police.

(10) STATE REGULATIONS. Ch. 174, Wis. Stats., shall apply so far as applicable.

(11) PENALTY. Any person violating any provision of this ordinance shall, upon conviction, be subject to a penalty of not more than \$250.00. However, the penalty to be imposed on any person convicted of violating any provision of this ordinance within two years of a prior conviction under this ordinance shall be not more than 500.00. The two year period shall be measured from date of offense to date of offense.

#### **8.16 E 9-1-1 EMERGENCY TELEPHONE LINE ABUSE PROHIBITED.**

(1) No person shall use the E 9-1-1 emergency telephone number system for any purpose other than to report an emergency.

(2) No person shall report an emergency knowing that the fact situation which he or she reports does not exist.

(3) No parent, guardian or other adult person having the care and custody of a person under the age of 18 years shall permit, or by insufficient control allow, such persons to violate the provisions of this subsection.

(4) For purposes of this ordinance, an “emergency” exists when a reasonable person reasonably believes that immediate response by public safety personnel is essential due to the risk or actual occurrence of:

(a) Death or great bodily harm.

(b) Property damage.

(c) Any other situation which reasonably requires the immediate response of public safety personnel.

(5) PENALTIES.





(a) First offense. Any person who violates this section shall, upon conviction, be subject to a forfeiture of not more than Two Hundred Dollars (\$200.00), together with the cost of prosecution, and upon default of payment be imprisoned in the Waukesha County Jail.

(b) For second and subsequent convictions of violating the provisions of this section within a twelve month period, any person violating the provisions of this section shall be subject to a forfeiture of not more than One Thousand Dollars (\$1,000.00), together with the cost of prosecution, and upon default of payment be imprisoned in the Waukesha County Jail.

**8.17 CONTROLLED SUBSTANCES.** The following sections of the Wisconsin Statutes are hereby adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Section 1.01(9) of the Village Code of Ordinances:

961.41(4)(bm)	Unlawful manufacture/delivery of controlled substance.
961.41(3g)(e)	Possession of controlled substances.
961.571 through 961.575	Relating to drug paraphernalia possession, manufacture or delivery.

**8.18 FEES FOR EXTRAORDINARY SERVICES.**

(1) DEFINITIONS.

(a) “Hazardous substance” or “hazardous waste” are as defined in Section 289.01(11) and (12), Wis. Stat.

(b) “Property” means the personal property or real estate directly involved in the response services, including, but not limited to, utility transmission or telephone line, gas line, cable television equipment, open burning site or hazardous substance or hazardous waste handling or storage site.

(c) “Village response services” means Village of Chenequa police, fire, or other similar response services.

(2) RESPONSIBILITY FOR COSTS.

(a) In the event the Village Administrator determines the costs incurred for Village response services are extraordinary in amount or the services for which the costs are incurred are extraordinary in type, the Administrator shall refer said matter to the Village Board.

(b) Upon referral, the Village Board shall review and determine whether to seek reimbursement for the extraordinary costs from the owner of the property. The Board shall consider the amount of the costs involved, the nature of the response services, the impact of the





response on other Village services, and such other factors it deems appropriate in making its determination.

(c) The Board may direct the Administrator to issue an invoice for the costs of labor and materials, or a portion thereof, to the owner or person in charge of the property. The invoice shall include an itemization of the costs and a requirement for payment within thirty (30) days.

(3) SEVERABILITY.

The provisions of this ordinance are severable. In the event any portion hereof is found to be unconstitutional, void, or otherwise unenforceable by a court of competent jurisdiction, such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

**8.19 UNLAWFUL USE OF TELEPHONE.** (added 10/13/03)

(1) Any person who, within the limits of this village, does any of the following, shall upon conviction thereof forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail of Waukesha County for a term not exceeding twenty (20) days.

(a) With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.

(b) With intent to frighten, intimidate, threaten, offend or abuse, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(c) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to harass, abuse or threaten any person at the called number.

(d) Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

(e) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

(f) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.

**8.20 UNLAWFUL USE OF COMPUTERIZED COMMUNICATION SYSTEMS.**  
(added 10/13/03)



(1) In this section, “message” means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, or any transfer of a computer program, as defined in §43.70(1)(c) of the Wisconsin Statutes (2001-2002).

(2) Any person who, within the limits of this village, does any of the following, shall upon conviction thereof forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail of Waukesha County for a term not exceeding twenty (20) days.

(a) With intent to frighten, intimidate, threaten, abuse, annoy, offend or harass another person, sends a message to the person on an electronic mail or other computerized communication system and in that message threatens to inflict injury or physical harm to any person or the property of any person.

(b) With intent to frighten, intimidate, threaten, annoy, offend or abuse, another person, sends a message to the person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(c) With intent to frighten, intimidate, threaten, harass, annoy or abuse another person, sends a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(d) With intent solely to harass another person, sends repeated messages to the person on an electronic mail or other computerized communication system.

(e) Knowingly permits or directs another person to send a message prohibited by this section from any computer terminal or other device that is used to send messages on an electronic mail or other computerized communication system and that is under this or her control.

## **8.21 HARASSMENT.** (added 10/13/03)

(1) In this section:

(a) “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

(b) “Credible threat” means a threat made with the intent and apparent ability to carry out the threat.

(c) “Personally identifiable information” has the meaning given in §19.62(5) of the Wisconsin Statutes (2001-2002).



(d) “Record” has the meaning given in §19.32(2) of the Wisconsin Statutes (2001-2002).

(2) Any person who, within the limits of this village, does any of the following, shall upon conviction thereof forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail of Waukesha County for a term not exceeding twenty (20) days.

(a) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.

(b) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

(c) Intentionally gains access to a record in an electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation under Sections 2(a) or (b).

(3) This section does not prohibit any person from participating in lawful conduct in labor disputes under §103.53 of the Wisconsin Statutes (2001-2002).

#### **8.22 EMERGENCY AMBULANCE SERVICE** (adopted 12/1/03)

(1) Service. The Village will provide emergency ambulance service within the geographic limits of the Village to such hospitals as designated and approved by resolution of the Village of Board of Trustees. The Village Board of Trustees shall have the authority to decide whether the service will be provided directly by the Village or through an agreement with some other independent service of governmental body.

(2) Fee. The Village Administrator shall collect a fee as established in the fee scheduled adopted from time to time by the Board of Trustees.

(3) Fees to be Binding. The above fees shall be binding upon all persons receiving such services as well as their successors in interest, assigns, estates and heirs.

(4) Enforcement. The Village may enforce the provisions of this chapter by civil action in court for the collection of amounts due and any other appropriate relief, including attorneys’ fees incurred in the collection process.

#### **8.23 LOUD AND UNNECESSARY NOISE PROHIBITED.** (amended 12/12/2016)

(1) GENERAL PROHIBITIONS. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises, including but not limited to the use of generators, air conditioning units, and/or heat pumps that generate noise greater than 70



decibels, such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

(2) **AMPLIFIED MUSIC PROHIBITIONS.** No person shall operate any sound system outdoors, cause amplified music or other sound including music from live performance(s) to be projected outdoors, to cause amplified sound to be projected outside any building, or cause amplified sound to be projected from any building, or to cause amplified sound to be projected from any vehicle in the Village during the hours between midnight and 10:00am.

(3) **OPERATION OF MOTOR VEHICLES.** No person shall operate a motor vehicle so as to cause the tires thereof to squeal, the horn to blow excessively, or the motor to race excessively.

(4) **OPERATION OF MOTOR BOATS.** No person shall operate a motorboat powered by an engine on the waters of this state in such a manner as to exceed a noise level of 86 measured on an "A" weighted decibel scale. This Section shall not apply to those exceptions stated under s. 30.62(1)(g) of the Wisconsin Statutes.

(5) **EXEMPTION.** Amplification devices of any kind operated by police, fire, emergency medical or other public safety agencies in the course of their official duties shall be exempt from this Section.

(6) **ENFORCEMENT.** Any person who violates this Section shall be subject to a forfeiture of not less than \$100.00 but not more than \$5,000.00 per occurrence. This Section shall not be construed to limit the authority of the Village to respond to nuisance noise complaints or the right of the Village to abate such nuisance in accordance with the applicable section of this Code or the Wisconsin Statutes.

(7) **CONSTRUCTION ACTIVITIES.** Provision regarding restrictions and limitations on construction activities are found in Section 5.24 of the Village Code. Nothing therein shall limit the Village's ability to respond to Code violations and/or nuisance complaints under this Code or the right of the Village to enforce the Village Code or abate such nuisance in accordance with the applicable section of this Code or the Wisconsin Statutes.

(8) **OPERATION AND MAINTENANCE OF PERMANENT STANDBY GENERATORS.** No person shall use, operate or maintain a permanent standby generator except during electrical outages and as required by the manufacturer for maintenance purposes. Maintenance operation shall only take place between the hours of 9:00a.m. and 3:00p.m., Monday through Thursday and 10:00a.m. and 12:00p.m. Saturday in accordance with manufacturer's specifications and not to exceed once a week. (Revised 12/12/2016)