



# CHAPTER 8: PROTECTION OF PERSONS AND PROPERTY

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## Table of Contents

8.1	FIRE DEPARTMENT .....	2
8.2	MUTUAL AID .....	4
8.3	OUTDOOR BURNING REGULATIONS .....	4
8.4	PROHIBITING HUNTING .....	8
8.5	REGULATING USE OF FIREARMS .....	8
8.6	PROHIBITING DISORDERLY CONDUCT .....	9
8.7	REFUSING TO AID AN OFFICER .....	9
8.8	RESISTING OR OBSTRUCTING OFFICER .....	10
8.9	AIRCRAFT OPERATION .....	10
8.10	TRESPASS TO LAND .....	12
8.11	TRESPASS TO DWELLINGS .....	13
8.12	DUMPING OF REFUSE .....	13
8.13	LITTERING PROHIBITED .....	14
8.14	CURFEW .....	14
8.15	CITATIONS: BOND SCHEDULE .....	15
8.16	ANIMAL REGULATIONS .....	15
8.17	9-1-1 EMERGENCY TELEPHONE LINE ABUSE PROHIBITED .....	17
8.18	CONTROLLED SUBSTANCES .....	18
8.19	FEES FOR EXTRAORDINARY SERVICES .....	18
8.20	UNLAWFUL USE OF TELEPHONE .....	19
8.21	UNLAWFUL USE OF COMPUTERIZED COMMUNICATION SYSTEMS .....	20
8.22	HARASSMENT .....	21
8.23	LOUD AND UNNECESSARY NOISE PROHIBITED .....	21
8.24	CARE OF TREES .....	22
8.25	REGULATION OF THE APPLICATION AND USE OF FERTILIZERS .....	26



# CHAPTER 8: PROTECTION OF PERSONS AND PROPERTY

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## 8.1 FIRE DEPARTMENT.

(1) Pursuant to the police powers of the Village and the authority of Section 66.0301, Wisconsin Statutes, the Village President and Village Clerk-Treasurer are authorized to do the following:

- (a) Execute an intergovernmental agreement on behalf of the Village to create the Lake Country Fire and Rescue Department, the Lake Country Fire Board and the Lake Country Fire Commission (collectively the “LCFR”).
- (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 LCFR to take those steps necessary and appropriate to fight fires and prevent fires in the Village.

(2) The duty of the fire fighting and the prevention of fires in the Village is delegated to the LCFR.

(3) The Village Board shall appropriate funds to provide as agreed to by the Village President and Village Clerk-Treasurer for the LCFR.

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

- (a) The LCFR Chief, along with any deputy, assistant and officer in command at any fire (collectively the “Fire Chief”) are hereby vested with full and complete police authority at fires. Any officer of the LCFR or the Village Police Department may cause the arrest of any person failing to give the right-of-way to the LCFR in responding to a fire.
- (b) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the LCFR, 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. During the progress of any fire, the Fire Chief 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 they impede the work



of the LCFR during the progress of a fire.

- (c) **FIREFIGHTERS MAY ENTER ADJACENT PROPERTY.** It shall be lawful for any firefighter 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 firefighter in the discharge of such firefighter's duty, as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters 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 or fire apparatus used by the LCFR and no vehicle or railroad equipment shall be driven over any unprotected hose of the LCFR 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 LCFR department official in command.

**(5) FIRE INSPECTING; DUTIES.**

- (a) The Fire Chief 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 the fire inspector to inspect semi-annually all buildings, premises and public thoroughfares within the Village, 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 fire 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 or occupant.
- (c) The Fire Chief shall keep a written record card of each property inspected which shall conform to the requirements of the State of Wisconsin, and shall make reports of inspections required by State of Wisconsin.
- (d) Whenever or wherever in the Village any inspection by the Fire Chief or the Fire Chief's deputies reveals a fire hazard, the Fire Chief or the Fire Chief's 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 the Fire Chief's 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 the Fire Chief's 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 the fire inspector's duty or refuse to observe any lawful direction given by the fire inspector.

(6) Any firefighter in the LCFR 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 Lake Country Fire Commission and state why such penalty should not be confirmed. The Lake Country Fire Commission may order the Fire Chief to reinstate the firefighter. The Fire Chief 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, shall forfeit not more than One Hundred Dollars (\$100) and the costs of prosecution, and in default of payment of the fine and costs of prosecution, shall be imprisoned until said fine and the costs of prosecution are paid, but not exceeding twenty (20) days. Each day's violation of the provisions of this Section shall constitute a separate offense.

**8.2 MUTUAL AID.** In case of a fire in a neighboring city, town or village, in the County of Waukesha, the Fire Chief or acting Fire Chief may, in the Fire Chief's or acting Fire Chief's discretion, permit or direct any officer or firefighter of the LCFR to proceed to the place of the fire with such fire apparatus as in the judgment of the Fire Chief or acting Fire Chief can be safely sent without unduly impairing the fire protection within the Village and when highway and weather conditions are favorable.

### **8.3 OUTDOOR BURNING REGULATIONS.**

(1) **DEFINITIONS.** For the purpose of this Section, certain terms and words are defined as follows:

- (a) **Open Burning:** A controlled, limited size, open area fire. Except as otherwise provided in this Chapter, open burning within the Village is prohibited.
- (b) **Recreational Fire:** Any small fire such as a campfire, a fire built in a fire pit or a fire built in a portable manufactured fire container, for the purpose of recreational and personal enjoyment and not intended for the disposal of waste wood or yard waste.



- (c) Bonfire: A large (greater than three (3) feet wide x two (2) feet high) open area fire kindled to mark a public event, victory celebration or similar occurrence where dry, combustible materials, such as wood, paper and similar items, are burned.

(2) **OPEN BURNING REGULATIONS.** Open burning not otherwise prohibited by this Section shall be subject to the following regulations, restrictions and limitations:

- (a) Size of Pile: The size of the pile of material to be burned shall not exceed four (4) feet by four (4) feet by three (3) feet high or as permitted by the Fire Chief.
- (b) Material for Burning: Fuel for open burning shall consist of dry material only and shall not be ignited with flammable or combustible liquids.
- (c) Restrictions on Locations: Materials used or intended to be used for open burning shall be subject to the following location restrictions:
  - (i) piles of material or noncontained 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 provisions shall be made to prevent the fire from spreading to such items; or
  - (ii) contained burning shall be in burner located at least twenty-five (25) feet from any structure, wood or lumber pile, wooden fence, tree or brush.
- (d) Time of Burn: Open burning shall be permitted only from 7:00 a.m. to one-half (1/2) hour after sunset or as otherwise permitted by the LCFR.

(3) **PROHIBITED ACTIVITIES.** Notwithstanding anything contained in this Section to the contrary, open burning shall be prohibited under the following circumstances:

- (a) 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) No open burning shall be permitted when the location of the pile of material and the wind velocity may cause smoke to create a nuisance for adjacent or nearby property owners as determined by a firefighter or police officer on the scene. This prohibition shall apply regardless of the wind velocity.
- (c) No burning shall take place within twenty-five (25) feet of the ordinary high watermark of lakeshores, streams or other watercourses or in roadside ditches in the Village.



- (d) Burning of standing or razed buildings. No building, structure or materials from a razed building shall be burned, unless it shall be a fire for the practice and instruction of the firefighters or the testing of firefighting equipment and shall be under the supervision of the LCFR.
- (e) There shall be no burning on construction sites of any building materials at any time.
- (f) No burning shall be permitted on any day deemed by the State as an “atmospheric alert” day.

(4) **PROHIBITED MATERIALS.** The following materials may not be burned within the Village: rubbish, 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. Any material made of or coated with rubber, plastic, leather or petroleum based materials. Materials containing any flammable or combustible liquids. 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. Any materials required to be recycled by law.

(5) **EXCEPTIONS.** The open burning restriction contained in this Section shall not apply to the following:

- (a) Recreational fires.
- (b) LCFR training exercises.
- (c) Outdoor grilling or cooking.

(6) **RECREATIONAL FIRES.**

- (a) Recreational fires are allowed between the hours of 6:00 p.m. and midnight, subject to the following restrictions and limitations:
  - (i) **Material for Burning.** Only dry wood materials may be used for recreational fires. No yard waste, grass clippings, leaves, pine branches, Christmas trees, or other similar materials may be used.
  - (ii) **Size of Fire.** The size of the burning material shall not exceed thirty-six (36) inches in diameter or twenty-four (24) inches in height and shall not have a flame height exceeding four (4) feet from the base of the fire at any time.
  - (iii) **Location.** The burning materials shall be located at a minimum twenty (20) feet from any property line, building, structure, wood fence, utility pole, overhead wire or pile of combustible materials. The burning material must also be a minimum of fifty (50) feet



from any flammable or combustible liquid storage container. A fire pit used for recreational fires shall include a noncombustible outdoor fire ring extending not more than eighteen (18) inches above ground level, and not exceeding thirty-six (36) inches in diameter. A fire pit shall be surrounded by noncombustible materials, extending at least twelve (12) inches in all directions around the perimeter of the fire pit.

- (b) Bonfires, which are included within the definition of open burning, shall be subject to the following additional restrictions and limitations:
  - (i) **Prior Approval.** All persons shall obtain authorization from the Fire Chief before kindling or maintaining any bonfire or authorizing the kindling or maintaining of any bonfire on any premises in the Village.
  - (ii) **Quantity of Material to be Burned.** The allowable quantity of material to be burned shall be determined by the Fire Chief and shall be based upon the fire safety considerations of the situation and the desired duration of the burn.
  - (iii) **Material for Burning.** Fuel for bonfires shall consist of dry material only and bonfires shall not be ignited with flammable or combustible liquids. Material for bonfires may not include rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather or petroleum-based materials and may not contain any flammable or combustible liquids.
  - (iv) **Other Regulations.** Persons kindling or maintaining bonfires or authorizing the kindling or maintenance of bonfires shall be subject to all regulations of the LCFR.
- (c) All open burning, bonfires and recreational fires shall be constantly attended and supervised by a competent person at least sixteen (16) years of age until such fire is extinguished. This person shall have fire extinguishing equipment available and shall be responsible for properly and thoroughly extinguishing all open burning, bonfires or recreational fires before leaving the fire unattended.
- (d) The prohibitions and restrictions, except as to time, that apply to open burning shall apply to recreational fires.

(7) **NUISANCES.** Notwithstanding anything contained in this Section to the contrary, any open burning, bonfire or recreational fire which is determined by LCFR or the Police Department to create a health or safety hazard or which otherwise unreasonably interferes with the use and enjoyment of other residential properties within the Village shall be extinguished, if so ordered by the LCFR or the Police Department.



(8) **EMERGENCIES.** Whenever because of extreme dryness or drought the Fire Chief shall deem it necessary to prohibit the setting of fires upon any land within the Village, the Fire Chief shall, by proclamation, declare an emergency and cause to be posted, included in an electronic notice to residents and noted on the Village's website, a notice forbidding the setting of fires within the Village.

## 8.4 PROHIBITING HUNTING.

(1) **DEFINITIONS.** For the purpose of this Section, certain terms and words are defined as follows:

- (a) Firearm: Has the meaning given in Section 167.31(1)(c) Wisconsin Statutes.
- (b) Building: Has the meaning given in Section 29.038(3)(a)1.a Wisconsin Statutes.

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

(3) Hunting with a firearm is hereby prohibited; provided, however that the Police Chief is hereby authorized to permit hunting with a firearm for the sole purpose of deer control, as outlined in the Deer Management Plan, by qualified marksmen at specified locations pursuant to recommendations of the Public Safety Committee.

(4) Hunting with a bow and arrow or crossbow is hereby prohibited unless:

- (a) the hunter is at least one hundred (100) yards from a building located on another person's land or, if less than one hundred (100) yards from a building located on another person's land, if the hunter has permission from the building's owner to hunt within one hundred (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 shall upon conviction thereof forfeit not less than Fifty Dollars (\$50), nor more than Five Thousand Dollars (\$5,000) in addition to the costs of prosecution, and in default of payment of such forfeiture and costs, by imprisonment for a term of not less than ten (10) days, nor more than thirty (30) days.

## 8.5 REGULATING USE OF FIREARMS.

(1) The use or discharge of firearms within the Village, without the permit hereinafter mentioned first having been obtained, is prohibited. The Police Chief is authorized to issue, for





good cause shown, written permits for the use and discharge of firearms within the Village, subject to revocation at the Police Chief's discretion.

(2) Any person violating the provisions of this Section shall be subject to the fines outlined in Section 1.1(9) Penalties.

## **8.6 PROHIBITING DISORDERLY CONDUCT.**

(1) Any person who 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) nor more than Two Hundred Dollars (\$200), 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 for a term not exceeding ninety (90) days.

(2) Any person who is found to be making any noise, outcry or clamor tending to unreasonably disturb any person or persons or shall upon the highways of the 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) nor more than Two Hundred Dollars (\$200) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned for a term not exceeding twenty (20) days.

(3) Any person who 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) nor more than Two Hundred Dollars (\$200) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned for a term not exceeding twenty (20) days.

## **8.7 REFUSING TO AID AN OFFICER.**

(1) Any person who without reasonable excuse, refuses or fails, upon command, to aid any person known by the person to be an officer or firefighter shall upon conviction thereof forfeit not less than Twenty-Five Dollars (\$25) nor more than Two Hundred Dollars (\$200) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned for a term not exceeding twenty (20) days. This Section does not apply if, under the circumstances, the officer or firefighter was not authorized to command such assistance. The following is also considered a violation of the above:

- (a) A person gives false information or places physical evidence with intent to mislead an officer; and
- (b) At a criminal trial, the trier of fact considers the false information or physical evidence; and
- (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.

## **8.8 RESISTING OR OBSTRUCTING OFFICER.**

(1) **DEFINITIONS.** For the purpose of this Section, certain terms and words are defined as follows:

- (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 such officer's duty including the service of any summons or civil process.
- (b) **Officer:** Means a police officer, fire fighter 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.

(2) Any person who 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) nor more than Two Hundred Dollars (\$200) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned for a term not exceeding twenty (20) days.

(3) **FAILURE TO COMPLY WITH OFFICER'S ATTEMPT TO TAKE PERSON INTO CUSTODY.** Any person who intentionally does any of the following:

- (a) Refuses to comply with an officer's lawful attempt to take such person into custody;
- (b) Retreats or remains in a building or place and, through action or threat, attempts to prevent the officer from taking such person into custody; and
- (c) While acting under subsections (a) and (b), remains or becomes armed with a dangerous weapon or threatens to use a dangerous weapon regardless of whether such person has a dangerous weapon, shall upon conviction thereof forfeit not less than Three Hundred Dollars (\$300) nor more than Five Hundred Dollars (\$500) and, in default of payment of such forfeiture, by imprisonment for a term not exceeding sixty (60) days.

## **8.9 AIRCRAFT OPERATION.**

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

- (a) No person shall operate an aircraft or drone in the air or on the ground or water while under the influence of intoxicating liquor, narcotics or other



drugs, nor operate an aircraft or drone 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 a court shall consider the standards for safe operation of aircraft or drones prescribed by federal statutes or regulations governing aeronautics.
- (c) Any person violating any provision of this Section shall upon conviction thereof forfeit to the Village not less than Twenty-Five Dollars (\$25) nor more than One Hundred Dollars (\$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 for a term not exceeding thirty (30) days. Upon conviction for a subsequent offense such person shall forfeit to the Village not less than One Hundred Dollars (\$100) nor more than Two Hundred Dollars (\$200) and the costs of prosecution; and in default of payment of such forfeiture and costs of prosecution shall be imprisoned for a term not exceeding ninety (90) days.

(2) **DROPPING OBJECTS PROHIBITED**. No person shall drop any object from an aircraft 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, the sowing of seeds, depositing of fish in lakes or streams, the delivery of packages or mail by dropping from airplanes or other similar practices when under taken 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 except to discharge persons or property from the aircraft or to take aboard persons or property.
- (b) No person shall operate an aircraft taking off from or landing on Pine Lake at a distance of less than five hundred (500) feet from any person or surface craft in or on Pine Lake and no person in the operation of an aircraft shall taxi on Pine Lake at a high rate of speed at a distance of less than five hundred (500) feet from any person or surface craft in or on Pine Lake or within one thousand (1,000) feet of the shore line of 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 due to the stress of weather conditions or other unavoidable cause.

(4) **PENALTIES**. Any person who shall violate any of the provisions of this Section, except as otherwise expressly provided in this Section, shall upon conviction forfeit not more than Two Hundred (\$200) and the costs of prosecution to the Village and in default of payment



of such forfeiture and costs of prosecution shall be imprisoned for a term not exceeding ninety (90) days.

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

## **8.10 TRESPASS TO LAND.**

**(1)** Any person who does any of the following, shall upon conviction thereof forfeit an amount up to the maximum allowed for a Class B forfeiture under Section 939.52(3)(b) Wisconsin Statutes and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned for a term not exceeding twenty (20) days.

- (a) Enters any enclosed, cultivated or undeveloped land of another, other than undeveloped land specified in subsection (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 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, the 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 such person has been notified personally, either orally or in writing or if the land is posted as set forth in Section 943.13(2) Wisconsin Statutes.

(4) Any person who erects on the land of another signs which are the same as or similar to those described in subparagraph (3) without obtaining the express consent of the owner or occupant of such land shall upon conviction thereof forfeit not less than Twenty-Five Dollars (\$25) nor more than Two Hundred Dollars (\$200) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned for a term not exceeding twenty (20) days.

(5) The definitions set forth in Section 943.13(1e) Wisconsin Statutes shall apply to this section.

(6) This Section shall be subject to the limitations set forth in Section 943.13(4m) Wisconsin Statutes.

## **8.11 TRESPASS TO DWELLINGS.**

(1) Any person who 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) nor more than Five Hundred Dollars (\$500) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned for a term not exceeding twenty (20) days.

## **8.12 DUMPING OF REFUSE.**

(1) Dumping of refuse on or in any public highway, property, lake or stream or any other public property within the Village is hereby prohibited.

(2) Dumping of garbage is hereby expressly prohibited.

(3) Dumping of non-combustible materials, including but not limited to items containing glass, metal or rubber, is hereby expressly prohibited.

(4) Any person violating any provision of this Section shall upon conviction thereof forfeit to the Village not less than Twenty-Five Dollars (\$25) nor more than One Hundred Dollars (\$100) for the first offense, and the costs of prosecution; and in default of payment of such forfeiture and cost of prosecution shall be imprisoned for a term not exceeding thirty (30) days. Upon conviction for a subsequent offense such person shall forfeit to the Village not less than Fifty Dollars (\$50) nor more than Two Hundred Fifty Dollars (\$250) and the costs of prosecution; and in default of payment of such forfeiture and costs of prosecution shall be imprisoned for a term not exceeding ninety (90) days.



### 8.13 LITTERING PROHIBITED.

(1) No person shall throw any glass, refuse, waste, filth or other litter upon the streets, 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.

### 8.14 CURFEW.

(1) **LOITERING OF MINORS.** No child under the age of seventeen (17) shall loiter, idle or remain upon any highways, roads or vacant properties, 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 such child's 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 seventeen (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 between the hours of 11:00 p.m. and 5:00 a.m. of the following day, unless such child is accompanied by such child's 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.

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

(5) **PENALTY.** Any person who violates this Section shall forfeit not less than Twenty-Five Dollars (\$25) nor more than Two Hundred Dollars (\$200), plus the costs of prosecution, and in default of the payment thereof be imprisoned for a term not exceeding sixty (60) days, except that a person under the age of eighteen (18) years shall be referred to the proper authorities as provided in Chapter 48 Wisconsin Statutes.

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



## 8.15 CITATIONS: BOND SCHEDULE.

(1) **AUTHORITY.** Pursuant to the authority of Section 66.119 Wisconsin Statutes the Village hereby elects to use the citation method of enforcement of provisions of this Code other than those for which a statutory counterpart exists. Any police officer may issue such citations.

## 8.16 ANIMAL REGULATIONS.

(1) **DEFINITIONS.** For the purpose of this Section, certain terms and words are defined as follows:

- (a) Owner: Any person owning, harboring, sheltering, keeping an animal, whether temporarily or permanently.
- (b) 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.
- (c) Premises: The residence of an owner, including the attached property surrounding the residence that is leased or owned by the owner but not including any streets or other public or private property, common area, park or recreational property which is jointly owned.
- (d) At Large: At Large shall include all places except the owner's premises. The term includes streets or other public and private property which may abut or be in the vicinity of an 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.

(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 making noise which causes serious 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 or a Contracting Agency and its agents may apprehend and impound any animal meeting the criteria set forth in this Section. 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 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 Village, describing the dog or cat and giving the name of the owner, if known. Any such animal shall, upon demand of any police officer, or a Contracting Agency or any of its agents, be delivered to such police 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 8.16(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 Twenty-Five Dollars (\$25) plus the current daily fee for keeping such animal. In addition to the above fees, the owner of an unlicensed dog shall obtain a license before it is released. In addition, any expenses 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 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. A dog is considered to be unlicensed if a valid license tag is not attached to a collar which is kept on the dog.
- (c) The Village reserves the right to deny a license or renewal thereof for any dog that has exhibited any of the characteristics described in Section 8.16(2).

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

(8) **ANIMALS RUNNING AT LARGE.** Prohibited. No person who owns, harbors or keeps an animal shall permit the same to run at large.

(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 this Section except following written notice to and upon the written approval of the Police Chief.

(10) **STATE REGULATIONS.** Chapter 174 Wisconsin Statutes, shall apply so far as applicable.

(11) **PENALTY.** Any person violating any provision of this Section shall, upon conviction, be subject to a penalty of not more than Two Hundred Fifty Dollars (\$250). However, the penalty to be imposed on any person convicted of violating any provision of this Section within two (2) years of a prior conviction under this Section shall be not more than Five Hundred Dollars (\$500). The two (2) year period shall be measured from date of offense to date of offense.

## **8.17 9-1-1 EMERGENCY TELEPHONE LINE ABUSE PROHIBITED.**

(1) No person shall use the 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 such person 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 Section.

(4) For purposes of this Section, 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), together with the cost of prosecution and upon default of payment be imprisoned for a term not exceeding twenty (20) days.
- (b) For second and subsequent convictions of violating the provisions of this Section within a twelve (12) 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), together with the cost of prosecution, and upon default of payment be imprisoned for a term not exceeding twenty (20) days.

**8.18 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 1.1(9) of the Code:

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.

**8.19 FEES FOR EXTRAORDINARY SERVICES.**

**(1) DEFINITIONS.** For the purpose of this Section, certain terms and words are defined as follows:

- (a) Hazardous substance or hazardous waste are as defined in Sections 289.01(11) and (12) Wisconsin Statutes.
- (b) Property: 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: Village, Police, LCFR or other similar public entity 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 Village 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 Village 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 Village Board may direct the Village 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 Section 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.

**8.20 UNLAWFUL USE OF TELEPHONE.**

**(1)** Any person who does any of the following, shall upon conviction thereof forfeit not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned 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 such person's 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 such person's control to be used for any purpose prohibited by this Section.

## **8.21 UNLAWFUL USE OF COMPUTERIZED COMMUNICATION SYSTEMS.**

- (1) For the purpose of this Section, certain terms and words are defined as follows:

Message: Any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature or any transfer of a computer program, as defined in Section 43.70(1)(c) Wisconsin Statutes.

(2) Any person who, does any of the following, shall upon conviction thereof forfeit not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned 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 such person's 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 such person's control.



## 8.22 HARASSMENT.

(1) **DEFINITIONS.** For the purpose of this Section, certain terms and words are defined as follows:

- (a) Course of Conduct: 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: A threat made with the intent and apparent ability to carry out the threat.
- (c) Personally Identifiable Information: Has the meaning given in Section 19.62(5) of the Wisconsin Statutes.
- (d) Record: Has the meaning given in Section 19.32(2) Wisconsin Statutes.

(2) Any person who does any of the following, shall upon conviction thereof forfeit not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) and the costs of prosecution; and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned for a term not exceeding twenty (20) days.

- (a) Strikes, shoves, kicks or otherwise subjects another 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 another person and which serve no legitimate purpose.
- (c) Intentionally gains access to a record in an electronic format that contains personally identifiable information regarding another person in order to facilitate the violation.

(3) This Section does not prohibit any person from participating in lawful conduct in labor disputes under Section 103.53 Wisconsin Statutes.

## 8.23 LOUD AND UNNECESSARY NOISE PROHIBITED.

(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 seventy (70) decibels measured on an "A" weighted decibel scale, such as may tend to disturb another in or about any public street 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 10:00 am.



(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 the Village in such a manner as to exceed a noise level of eighty six (86) decibels measured on an "A" weighted decibel scale. This Section shall not apply to those exceptions stated under Section 30.62(1)(g) 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 One Hundred Dollars (\$100) but not more than Five Thousand Dollars (\$5,000) 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 Chapter 5 of this Code. Nothing therein shall limit the Village's ability to respond to Code violations and/or nuisance complaints under the Code or the right of the Village to enforce the 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 9:00 a.m. and 3:00 p.m., Monday through Thursday and 10:00 a.m. and 12:00 p.m. Saturday in accordance with manufacturer's specifications and not to exceed once a week.

## **8.24 CARE OF TREES.**

(1) **INTENT AND PURPOSE.** It is hereby declared to be the intent of the Village to regulate and control the planting, removal, maintenance and protection of trees, plants and shrubs in or upon public and private areas of the Village in order to:

- (a) Avoid dangerous conditions which may result in injury to persons using the public highways and other public areas.
- (b) Promote and enhance the aesthetics and general welfare of the Village.
- (c) Prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in the public areas.
- (d) Protect all trees and shrubs, both public and private, within the Village



against the spread of disease, insects or pests.

(2) **DEFINITIONS.** For the purpose of this Section, certain terms and words are defined as follows:

- (a) Public Trees, Plants and Shrubs: All trees, plants and shrubs located or to be planted in or upon public areas.
- (b) Public Areas: All public rights of way or lands owned or controlled by the Village.

(3) **PERMIT TO PLANT.** It shall be unlawful for any person to plant any tree, plant or shrub or authorize any person to do so, in or upon any public area of the Village without first obtaining from the Village Forester a written permit to do so, and without complying with the conditions set forth in the written permit and with the provisions of this Section. Permits may be granted only after the Village Forester receives a written application and after inspection and approval of the proposed planting site and planting material. The Village Forester may request a detailed, scaled drawing of the landscape planting plans before any permit shall be issued. All planting plans shall show accurately:

- (a) The proposed location, species/variety and size of all planting material together with the location, species and size of all existing trees.
- (b) The proximity to any proposed or existing highway, driveway or parking areas.
- (c) The nature of the soil in the planting space to a depth of three (3) feet and the location of existing or altered drainage patterns. Permits shall expire one (1) year after the date of permit.

(4) **PERMIT TO REMOVE, TRIM OR MAINTAIN.** Except upon order of the Village Forester, it shall be unlawful for any person without a permit from the Village Forester to remove, destroy, cut, do surgery, treat, alter or injure any public tree, plant, or shrub or portion thereof above or below ground or to cause or authorize or procure any person to do so. An application to the Village Forester for such permit must state the number and kind of trees to be trimmed, removed or treated and the kind and condition of nearest trees upon the adjoining property. If in the judgment of the Village Forester the desired removal, cutting, pruning, treatment or trimming shall appear necessary and the proposed method and workmanship thereof shall be such as the Village Forester approves, the Village Forester may thereupon issue a permit in writing for such work. Any work done under such written permit must be performed in strict accordance with the terms thereof and the provisions of this Section and under the supervision and direction of the Village Forester or the Village Forester's duly authorized representative.

(5) **INJURY TO PUBLIC TREES, PLANTS AND SHRUBS.**



- (a) No person shall, without a written permit from the Village Forester in the case of a public tree, plant or shrub, do or cause to be done by others any of the following acts:
- (i) Secure, fasten, or run any rope, chain, wire, sign, unprotected electrical installation or other device or material to, around, or through a public tree, plant, or shrub.
  - (ii) Break, injure, mutilate, deface, kill or destroy any public tree, plant, or shrub or permit any fire to burn where it will injure any public tree, plant or shrub.
  - (iii) Permit any toxic chemical, gas, smoke, salt brine, oil, or other injurious substance to seep, drain or be emptied upon or about or onto any road, pavement or gutter at a point whence such substance may injure any public tree, plant or shrub.
  - (iv) Remove any guard, stake, or other device or material intended for the protection of a public tree, plant or shrub.
  - (v) Place any stone, cement, asphalt or other impervious material or substance in such a manner as to obstruct the free access of air and water to the roots of any public tree, plant or shrub.
  - (vi) Excavate any ditch, tunnel or trench or lay any drive within a radius of eight (8) feet from any tree, plant or shrub, unless authorized by permit to construct, maintain or repair utilities. Whenever a permit is required under this Section for new work to be done by a public utility, or contractor within a public area, the Village Forester may limit the work to be done to the actual necessities of the permittee, and may assign an inspector to supervise the work to be done under the provisions of the permit.
  - (vii) Erect, alter, repair, raze or excavate without placing sufficient guards or protectors as shall prevent injury to public trees, plants and shrubs by such operations. All moving of public trees, plants, and shrubs made necessary by the moving of a building or structure, or for any other purpose shall be done by the Village Forester or under the Village Forester's supervision at the expense of the applicant. Should such moving or replanting cause the death of such tree, plant or shrub, the applicant shall replace the same at the applicant's expense.
- (b) Any public utility and/or contractor planning underground work within or adjacent to a public area shall submit a drawing of the project area to the Village Forester and shall identify the location of the proposed installation and its overall dimensions and depth from ground surface, its anticipated





date of installation; and in addition shall indicate on such drawing all public trees located along the project route within eight (8) feet of any proposed excavation. Such drawings shall be submitted fifteen (15) days prior to the start of any construction or excavation.

**(6) NOTICE TO ABATE PUBLIC NUISANCES.** Any tree or part thereof, whether alive or dead, which is infected or hazardous so as to endanger the public or other trees, plants or shrubs growing, whether growing upon public or private premises is hereby declared to be a public nuisance. No person shall permit any such public nuisance to remain on any premises owned or controlled by such person.

If the Village Forester determines that there exists a public nuisance or threat to the public health, safety and welfare, the Village Forester shall report such public nuisance to the Village Board. The Village Board shall, at the next regular Village Board meeting, consider any action to be taken as a result of the identification of the public nuisance. The Village Forester shall serve notice personally or by registered mail upon the owner or occupant of the premises where such nuisance is located of the date and time of the meeting. Such notice shall describe the tree, plant or shrub determined to be a public nuisance or which otherwise represents a threat to the public health, safety and welfare; including the specific location of the tree, plant or shrub; and further describe the general nature of the contemplated changes or improvements required to abate, remove and/or destroy such public nuisance.

If the Village Board agrees that there exists a public nuisance, the Village Forester shall notify the owner or occupant of the premises where such nuisance is located that such public nuisance exists. Such notice shall direct the owner or occupant of the premises to abate, remove and destroy such nuisance within fourteen (14) days and shall state that unless such nuisance is so abated, removed and destroyed, the Village may cause the same to be abated and will charge the cost thereof to the owner; provided that upon written application of the owner or occupant of the premises to the Village President or the Village Forester, the Village President or the Village Forester may grant an extension of time (but in no event beyond the next succeeding first day of March) to so abate, remove and destroy such nuisance for good cause shown.

Failure to abate, remove or destroy any nuisance within the time provided, or as so extended, shall be a violation of this Section. Any person who violates any of the provisions of this Section shall, upon conviction, be subject to a forfeiture of not less than Twenty Five Dollars (\$25) or more than One Thousand Dollars (\$1,000) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned until such forfeiture and costs of prosecution are paid, such imprisonment not exceeding ninety (90) days. Each day of violation of this Section shall constitute a separate offense.

In addition to the foregoing, if the nuisance is not abated, removed and destroyed within the time provided or as so extended or if the owner or occupant cannot be found, the Village Forester may, subject to the direction of the Village Board, proceed under Section 27.09 Wisconsin Statutes, to cause the abatement or removal of such public nuisance. The entire cost of abating, removing and destroying such public nuisance shall be billed to and collected from the owner of the property where the nuisance was located and if said costs are not paid within thirty



(30) days after billing, then the cost shall be reported to the Village Clerk who shall cause such cost to be assessed against the real estate as a special charge for current services pursuant to the procedure set forth in Section 66.0627 Wisconsin Statutes and the same shall be collected in all respects like other Village taxes upon real estate.

(7) **INTERFERENCE WITH VILLAGE FORESTER OR EMPLOYEES.** It shall be unlawful for any person, firm or corporation to prevent, delay or interfere or cause or authorize or procure any interference or delay with the Village Forester or any of the Village Forester's employees, agents or servants while they are engaged in and about the work herein specified.

## **8.25 REGULATION OF THE APPLICATION AND USE OF FERTILIZERS.**

(1) **PURPOSE AND INTENT.** The Village Board finds that the Village's lakes and streams are a natural asset which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The purpose of this Section is to set forth regulations which will enable the Village to protect its water resources for the health, safety and welfare of the public without detracting from the natural beauty of property owner's lawns and gardens. The Village Board further finds that regulating the amount of nutrients and contaminants contained in fertilizer, including phosphorus, that enter the bodies of water as a result of runoff from lawns and garden will aid in the improvement and maintenance of lake water quality.

(2) **APPLICABILITY.** This Section applies in all areas of the Village.

(3) **DEFINITIONS.**

- (a) Fertilizer has the meaning set forth in Section 94.64(1)(e) Wisconsin Statutes.
- (b) Impervious surface means a highway, street, parking lot, driveway or other surface that prevents infiltration of water into the soil.
- (c) Lawn fertilizer means any fertilizer, whether distributed by a property owner or commercial entity, distributed for nonagricultural use such as for lawns, golf courses, parks and cemeteries. Lawn fertilizer does not include fertilizer products intended primarily for garden and indoor plant application.

(4) **REGULATION OF APPLICATION OF LAWN FERTILIZER.**

- (a) No person shall apply lawn fertilizer that is labeled as containing more than zero percent (0%) phosphorus or other compound containing phosphorus such as phosphate, except as provided in this Section.
- (b) No lawn fertilizer shall be applied when the ground is frozen.



- (c) No lawn fertilizer shall be applied when conditions exist which promote or create runoff.
- (d) No person shall apply any lawn fertilizer to any impervious surface. If such application occurs, the lawn fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.
- (e) No person shall apply any law fertilizer to any established natural buffer zones.
- (f) No person shall apply any lawn fertilizer within twenty (20) feet of any wetland, pond, stream, shoreline or ordinary high mark of any lake or river as established by the Wisconsin Department of Natural Resources.

(5) **EXEMPTIONS.** The prohibition against the use of fertilizer under this Section shall not apply to:

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

(6) **ENFORCEMENT.** This Section will be enforced by the Village Forester or the Village Forester's designee.

(7) **PENALTY.** Any person or property owner who violates any provision of this Section shall be subject to penalties as provided in Chapter 1.

(8) **SEVERABILITY.** If any provision of this Section is invalid or unconstitutional, or if the application of this Section to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

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