

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

I. OFFENSES BY OR AGAINST PUBLIC OFFICERS

- 9.08** **Escape**
- 9.12** **False Alarms**

II. OFFENSES AGAINST THE PERSON

- 9.16** **Fair Housing**
- 9.20** **Fraud on Hotel or Restaurant Keeper**

III. OFFENSES AGAINST PUBLIC DECENCY

- 9.24** **Obscene Works and Materials**
- 9.32** **Indecent Exhibition or Exposure**

IV. OFFENSES AGAINST PUBLIC PEACE

- 9.40** **Disorderly Conduct**
- 9.41** **Conduct in Public Parks and Beaches**
- 9.44** **Loitering**
- 9.48** **Riot, Noise or Disorderly Assemblage**
- 9.55** **Synthetic Cannabinoid Prohibited**
- 9.56** **Public Consumption of Alcoholic Beverages**
- 9.57** **Possession of Controlled Substances**
- 9.58** **Regulation of Drug Paraphernalia**
- 9.59** **Liquor in Vehicles**

V. CRIMES AGAINST PROPERTY

- 9.60** **Theft**
- 9.64** **Trespass**
- 9.68** **Destruction of Property**
- 9.70** **Issue of Worthless Checks**
- 9.72** **Illegal Entry Into Vehicle**

VI. OFFENSES BY OR AGAINST MINORS

- 9.75** **Juvenile Justice Code**
- 9.76** **Curfew**
- 9.77** **Truancy and School Dropout**
- 9.78** **Parental Responsibility For Juvenile Misconduct**
- 9.80** **Tobacco Products**
- 9.84** **Carrying and Using Weapons**

VII. OTHER REGULATIONS

- 9.90** **Sex Offender Regulations**

I. OFFENSES BY OR AGAINST PUBLIC OFFICERS

Chapter 9.08

ESCAPE

Sections:

9.08.010 **Escape.**

9.08.010 **Escape.**

Any person in custody, pursuant to a legal arrest or lawfully charged with or convicted of a violation of any Municipal Ordinance, who intentionally escapes from custody, shall be subject to penalty as provided in Section 1.12.010. (Part of Ord. passed 8/8/66: prior Code § 10.28).

Chapter 9.12

FALSE ALARMS

Sections:

9.12.010 False Alarms.

9.12.010 False Alarms.

It is unlawful for any person by any means or in any manner to give or make, or to cause anyone else to give or make, any false, misleading or untruthful call or alarm of a fire which causes, or which is given under such circumstances as to be likely to cause, any Fire Department to respond with men or equipment as if to attend an actual fire. Any person who violates this provision shall be subject to penalty as provided in Section 1.12.010. (Prior Code § 10.17).

II. OFFENSES AGAINST THE PERSON

Chapter 9.16

FAIR HOUSING

Sections:

- 9.16.010 Title.**
- 9.16.020 Declaration of Policy.**
- 9.16.030 Adoption of State Statutes.**
- 9.16.040 Administration and Enforcement.**

9.16.010 Title.

This Chapter shall be known as the Twin Lakes Fair Housing Ordinance. (Ord. 2003-10-2 (part)).

9.16.020 Declaration of Policy.

The Village Board of the Village of Twin Lakes recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein. (Ord. 2003-10-2 (part)).

9.16.030 Adoption of State Statutes.

The Village Board of the Village of Twin Lakes hereby adopts Section 106.50, Wisconsin Statutes, as amended and all subsequent amendments thereto. (Ord. 2003-10-2 (part)).

9.16.040 Administration and Enforcement.

The officials and employees of the Village of Twin Lakes shall assist in the orderly prevention and removal of all discrimination in housing with the Village by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended. The Village Clerk/Treasurer shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the Village to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended. (Ord. 2003-10-2 (part)).

Chapter 9.20

FRAUD ON HOTEL OR RESTAURANT KEEPER

Sections:

9.20.010 Unlawful Acts--Penalty.

9.20.010 Unlawful Acts--Penalty.

A. Whoever does either of the following shall, upon conviction, forfeit not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), together with costs of prosecution, and in default of payment of such forfeiture be imprisoned in the County Jail until full payment is made, but not exceeding thirty (30) days:

1. Having obtained any food, lodging or other service or accommodation at any hotel, motel, boarding or lodging house or restaurant, intentionally absconds without paying for it;

2. While a guest at any hotel, motel, boarding or lodging house or restaurant, intentionally defrauds the keeper thereof in any transaction arising out of such relationship as guest.

B. Under this Section, prima facie evidence of an intent to defraud is shown by:

1. The refusal of payment upon presentation when due and the return unpaid of any bank check or order for the payment of money given by any guest to any hotel, motel, boarding or lodging house or restaurant in payment of any obligation arising out of such relationship as guest. Such facts shall also be deemed prima facie evidence of an intent to abscond without payment;

2. The failure or refusal of any guest at a hotel, motel, boarding or lodging house or restaurant to pay, upon written demand, the established charge for food, lodging or other service or accommodation actually rendered;

3. The giving of false information on a lodging registration form or the presenting of false or fictitious credentials for the purpose of obtaining lodging or credit;

4. The drawing, endorsing, issuing or delivering to any hotel, motel, boarding or lodging house or restaurant of any check, draft or order for payment of money upon any bank or other depository, in payment of established charges for food, lodging or other service or accommodation, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

(Ord. 76-11-2).

III. OFFENSES AGAINST PUBLIC DECENCY

Chapter 9.24

OBSCENE WORKS AND MATERIALS

Sections:

9.24.010 Distribution of obscene works and materials prohibited.

9.24.010 Distribution of obscene works and materials prohibited.

A. No person shall knowingly participate in the reproduction, manufacture, sale, distribution or attempted sale or distribution, or have in possession with intent to sell, distribute or exhibit any book, magazine, pamphlet, paper, writing, card, advertising circular, print, picture, photograph, motion picture film, videotape or sound recording, or any other article or material which is obscene as hereinafter defined.

For the purpose of this Chapter, the word "obscene" describes any work or material that depicts or describes acts of sexual intercourse between humans, normal or perverted, actual or simulated, acts of masturbation, fellatio, cunnilingus, acts of excretory function, lewd exhibition of the genitals, especially in a stimulated condition, and sexual relations between humans and animals:

1. Where the average person, applying contemporary community standards, shall find the work or material taken as a whole, appeals to prurient interest and portrays sexual conduct in a patently offensive way; and

2. Where the work or material, taken as a whole, and applying contemporary national standards, lacks serious literary, artistic, political or scientific value.

B. Any person convicted of violating this Chapter shall forfeit not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) and the costs of the action, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until full payment is made, but not to exceed sixty (60) days. Each work or material defined in this Section shall constitute a separate offense. (Ord. 81-6-3).

Chapter 9.32

INDECENT EXHIBITION OR EXPOSURE

Sections:

9.32.010 Indecent Exhibition or Exposure.

9.32.010 Indecent Exhibition or Exposure.

Whoever does any of the following may be penalized as provided in Section 1.12.010:

A. Commits an indecent act of sexual gratification with another with knowledge that they are in the presence of others; or

B. Publicly and indecently exposes a sex organ. (Ord. 96-9-1 § 2 (part); Ord. passed 9/27/73).

IV. OFFENSES AGAINST PUBLIC PEACE

Chapter 9.40

DISORDERLY CONDUCT

Sections:

- 9.40.010 Disorderly Conduct--Prohibited Behavior And Penalties.**
- 9.40.020 Dangerous Weapons.**
- 9.40.030 Fights.**
- 9.40.040 Unnecessary Noises Prohibited.**
- 9.40.050 Disorderly Conduct.**
- 9.40.070 Assault.**
- 9.40.080 Prowling.**
- 9.40.100 Obstruct By Loitering.**
- 9.40.110 Disturbance of Meeting.**
- 9.40.130 Sleeping in Vehicle.**
- 9.40.170 Obstructing Firemen or Policemen.**
- 9.40.180 Fire Bombs.**
- 9.40.181 Selling on Public Property-- Permit Required.**

9.40.010 Disorderly Conduct--Prohibited Behavior And Penalties.

No person shall, within the limits of the Village, commit any of the offenses set forth in Sections 9.40.020 through 9.40.180, and such conduct shall be penalized as provided in Section 1.12.010. (Ord. 99-6-10: Part of Ord. passed 10/3/73).

9.40.020 Dangerous Weapons.

It is unlawful to discharge or cause the discharge of any missile from any firearm, slingshot, bow and arrow, when said bow has a pull of thirty pounds pressure or more, or other dangerous weapon within the limits of the Village except at gun clubs, rifle ranges, archery ranges or shooting galleries. This Section shall not apply to firearms used by law enforcement Officers, nor shall this Section prohibit the use of shotguns and/or bow and arrows for hunting during open seasons as provided by state regulations, except that during such open seasons no shotgun shall be discharged within two hundred (200) feet from any dwelling building within the limits of the Village or on any land of another after having been notified by the owner or lawful occupant not to enter on or remain on the premises, by posted sign or otherwise. (Ord. 96-8-2; Ord. 74-7-6: (A) of Ord. passed 10/3/73).

9.40.030 Fights.

It is unlawful to engage in any fight, brawl or noisy altercation on any street, alley or other public ground. ((B) of Ord. passed 10/3/73).

9.40.040 Unnecessary Noises Prohibited.

A. It is unlawful for any person to make or permit to be made, to continue or permit to be continued, or to cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Village. It is declared and found as a matter of legislative determination and policy that the making, creation or maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged, or unusual and unnatural in their time, place and use, affect and are a detriment to public health, comfort, convenience, welfare and prosperity of the residents of the Village, and the prohibitions herein of such noises are in pursuance of securing and promoting the public health, comfort and convenience, welfare and prosperity and peace and quiet of the Village and its inhabitants.

B. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Section, but the enumeration herein shall not be deemed to be exclusive, namely: The operation of automobiles, trucks, motorcycles or other motor vehicles in such manner as to make the wheels or tires thereof squeal and screech when such operation is not necessary for the purpose of protecting life and property or avoiding an accident; the operation of the motor of an automobile, truck, motorcycle or other motor vehicle at an unnecessarily high rate of speed while the vehicle itself is not in motion; the discharge into the open air of the exhaust of any automobile, motorcycle, truck or other motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. (Ord. 74-7-4).

C. Except in cases of emergencies, it is unlawful for any person to undertake or to permit another to undertake activities related to construction or destruction of improvements or other construction-related work on private property that involves the use of power tools, engines, motors or other tools or devices that emit noise either through their operation or the striking of tools or devices against another tool or device or against some other item outside the hours of 7:00 am to 7:00 pm weekdays; from 8:00 am to 5:00 pm Saturdays; and 9:00 am to 3:00 pm on Sundays. (Ord. 2009-9-1 (C)).

9.40.050 Disorderly Conduct.

9.40.050 Disorderly Conduct.

No person shall engage in disorderly conduct, or conduct him or herself in a tumultuous, riotous, or indecent manner. Any of the following acts constitute disorderly conduct under this Section, the enumeration of which shall not be deemed exclusive:

A. In a public or private place making, aiding or assisting in making, any improper noise, riot, disturbance, breach of the peace or act tending to a breach of the peace, or engaging in violent, or abusive, or boisterous, or unreasonably loud or wrathful conduct under such circumstances in which such conduct tends to cause or provoke a disturbance or damage to public or private property;

B. Assaulting or striking or intentionally injuring another person;

C. Using any profane or obscene or vulgar or insulting language in such circumstances as tends to cause or provoke a disturbance;

D. Engaging in or aiding or abetting any fight or similar disturbance;

E. Collecting in crowds for unlawful purposes;

F. Begging or soliciting funds or goods by any person except an agent or employee of a recognized and legitimate benevolent, religious or charitable organization acting in the course of his agency or employment;

G. (Deleted);

H. Impersonating a Police Officer;

I. Assisting any person in the custody of the police to escape, or furnishing any weapon, controlled substance, or intoxicating liquor to any such person or interfering in any way with the police custody of any person under arrest;

J. (Deleted);

K. Filing any false report by any means whatever to any Village or County Officer under such circumstances as to reasonably expect that such Officer would make an investigation based on such report or under such circumstances as to mislead any such Officer, or giving any false alarm of fire, danger or disturbance to any person;

L. Making a telephone call, short message service (SMS), multimedia messaging system (MMS), or any other form of electronic messaging originating within or received within the limits of the Village which:

1. Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent,

2. Makes any telephone call, short message service (SMS), multimedia messaging system (MMS), or any other form of electronic messaging whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers,

3. Makes or causes the telephone or electronic messaging device of another repeatedly or continuously to ring or receive electronic messages with intent to harass any person at the receiving end,

4. Makes repeated telephone calls, short message service (SMS), multimedia messaging system (MMS), or any other form of electronic messaging during which conversation ensues, solely to harass any person at the receiving end,

5. Knowingly permits any telephone or electronic messaging system under their control to be used for any purpose prohibited by this Section,

6. In conspiracy or concerted action with other persons, makes repeated calls, simultaneous calls, short message service (SMS), multimedia messaging system (MMS), or any other form of electronic messaging solely to harass any person at the receiving end;

M. Keeping or maintaining or being in a place of prostitution or a gambling house or engaging in or soliciting unlawful sexual actions;

N. Engaging in obscene or indecent activities or entertainment, or any lewd or lascivious behavior, or appearing in a public place or in view of the public in a state of nudity;

O. Throwing stones or missiles at any person or property with the intent to cause damage or injury, or using, brandishing, or threatening to use any missile or dangerous weapon or object against any person or property, including casting or throwing any stone, ball, snowball, mud or other missile upon or at any building

or other public or private property or upon or at any person in any street, alley or public grounds with the intent to cause damage or injury or aid in the same or take part in any game or play intending to strike and cause damage or injury to persons or property or to endanger travel;

P. Engaging in any act of vandalism;

Q. Making any obscene drawing or writing in any public place or other place frequented by the public;

R. To urinate or defecate outdoors in view of the public.

Ord. 2014-6-1(L); Ord. 96-8-6; Ord. 96-9-1 § 2 (part); Ord. 96-7-4; editorially amended per approval by Village Board 7/8/96; Ord. 75-8-1; Ord. 75-1-1).

9.40.070 Assault.

It is unlawful to assault another or use in reference to and in the presence of another, or in reference to and in the presence of any member of his family, abusive or obscene language, intended or naturally tending to provoke an assault or any breach of the peace. ((F) of Ord. passed 10/3/73).

9.40.080 Prowling.

It is unlawful to prowl about the premises of another in the night time, or peek in windows on another's premises or do any other act intended, or naturally tending, to frighten or alarm other persons. ((G) of Ord. passed 10/3/73).

9.40.100 Obstruct by Loitering.

It is unlawful to obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any Police Officer. ((I) of Ord. passed 10/3/73).

9.40.110 Disturbance of Meeting.

It is unlawful to intentionally disturb or annoy any congregation, audience, public meeting, or lawful assembly of persons of any kind, or join with others in so doing. (Editorially amended per approval by Village Board 7/8/96; (J) of Ord. passed 10/3/73).

9.40.130 Sleeping in Vehicle.

It is unlawful for any person to sleep in a motor vehicle on a public street within the Village between the hours of ten (10:00) p.m. and six (6:00) a.m. ((L) of Ord. passed 10/3/73).

9.40.170 Obstructing Firemen or Policemen.

It is unlawful for any person to willfully hinder, obstruct or otherwise interfere with the Fire or Police Department or any member thereof while engaged in fighting a fire or in traveling thereto or therefrom, or while otherwise engaged in the performance of his duty or any official function, or to willfully damage or destroy any property belonging to the Fire or Police Department or any member thereof while so engaged, or to commit an assault, battery, or throw any object upon a member of the Fire or Police Department while so engaged. "Obstructs" includes without limitation, resisting or impeding an arrest as well as knowingly giving false information to the Officer with intent to mislead him in the performance of his duty. (Editorially amended per approval by Village Board 7/8/96; (P) of Ord. passed 10/3/73).

9.40.180 Fire Bombs.

A. It is unlawful for any person to make, carry, possess, sell, give or use any type of "Molotov Cocktail" which is defined to mean a flammable liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

B. It is unlawful for any person to make, carry, possess, sell, give or use any type of flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion. ((Q) of Ord. passed 10/3/73).

9.40.181 Selling on Public Property--Permit Required.

No person shall sell, offer to sell, solicit or take orders for any goods, wares, merchandise, material or service, or conduct any trade or business on any public street, highway, park, beach or parking lot without first obtaining a permit from the Village Board. (Ord. 87-9-1).

Chapter 9.41

CONDUCT IN PUBLIC PARKS AND BEACHES

Sections:

- 9.41.010 Definition.**
- 9.41.015 Identification of Certain Parks.**
- 9.41.020 Closing Hours.**
- 9.41.030 Prohibited Acts and Conduct.**
- 9.41.040 Penalty.**

9.41.010 Definition.

As used in this Chapter, “park” means and shall include all public parks and public beaches and other lands within the Village of Twin Lakes which are under the jurisdiction of the Twin Lakes Park Commission and the Village Board. (Ord. 85-6-3 (part)).

9.41.015 Identification of Certain Parks.

A. Purpose. This Section identifies park and recreation areas owned or controlled by the Village of Twin Lakes for the purpose of protecting these areas for future use as park and recreational areas and to identify appropriate and prohibited uses of these areas. This Section is not intended to modify or limit the interpretation of other Sections of this Chapter or Code.

B. Appropriate Uses. The properties or areas identified in this Section shall continue to be used or will only be developed for use as park or recreational areas with uses typical of these areas such as, but not limited to, passive use open spaces and nature or wildlife preserves, bike or multi use trails, picnic areas, athletic fields and Courts, open play areas, playgrounds, and beaches as well as their related and attendant uses such as parking areas and access roads. Stormwater control and treatment activities, not including the construction of above ground structures, may be allowed by majority vote of the Village Board.

C. Prohibited Uses. The properties or areas identified in this Section shall not be used or developed in a manner inconsistent with this Section. Such prohibited uses shall include any use which would impede or destroy the park or recreational use of the area including, but not limited to, development of general use streets or roads, construction or development of non-park/recreation related structures or buildings, or sale or transfer of the land. This is not intended to prevent the conversion of a property or area into another type of appropriate use.

D. Identified Parks. The following properties or areas are hereby identified and are subject to the regulations of this Section:

1. Lance Park - Parcel 85-4-119-214-2200;
2. Legion Park - Parcel 85-4-119-223-1000;
3. West Side Park - Parcels 86-4-119-293-3101 and 86-4-119-293-2062;
4. Millennium Park - Parcel 86-4-119-324-4101;
5. Historic Icehouse Trail - Those portions of Parcels 85-4-119-211-4950 and 85-4-119-211-4940 in the northwest quarter of Section 22 and west of the Chapel Avenue right-of-way extended;
6. Sunset Beach Park - Sunset Road right-of-way east of Lakeshore Way;
7. Lucille Beach Park - Parcel 86-4-119-294-3055;
8. Musial Road Park - Musial Road right-of-way from the shores of Lake Elizabeth to a line one hundred fifty (150) feet west.

E. Amendments to this Section shall be made via the Charter Ordinance provisions of State Statute. (Ord. 2006-6-7).

9.41.020 Closing Hours.

All parks and beaches as defined in this Chapter shall be closed to all persons between the hours of ten (10:00) p.m. and sunrise, and during such period no person shall enter or remain in any park. (Ord. 85-6-3 (part)).

9.41.030 Prohibited Acts and Conduct.

The following acts are prohibited on any park or beach, and no person shall:

A. Bring, sell, have in possession, consume or give away any fermented malt beverage or intoxicating liquor, except private parties may bring, consume and possess fermented malt beverage or wine only in specific locations and during specific times as provided by permit obtained from the Village and authorized by the Park Commission.

B. Wade, bathe or swim in any area, except those areas of beaches authorized for such purpose, or go beyond designated swimming areas designated by markers or buoys.

C. Bring into any beach any glass, or any beverage and liquid, food, or product or material in glass containers.

D. Build or create any fire, whether in the open or in grills and containers on any beach, or in any park, except in areas designated by the Park Commission, and then only in grills or containers as approved by the Commission. There shall be no open fires in any park.

E. Except in designated areas, play such games as baseball, football, frisbee, or other games which would interfere with the enjoyment of the park or beach by other persons.

F. Allow a vehicle to be parked in any park or beach area except in designated parking areas.

G. Place or leave any paper, rubbish, garbage or other debris, or clean fish in any beach or park area, nor shall any person remove, destroy or injure any structure, tree, shrub or any flower or other property within the park.

H. Indulge in any violent, abusive, indecent, profane, unreasonably loud or otherwise disturbing conduct which tends to detract from the enjoyment of others using the park or beach.

I. Sell or offer to sell any food, material or article, or conduct any trade or business, or solicit or perform any service for hire in any park or beach. (Ord. 2002-6-3; Ord. 2000-5-4; Ord. 85-6-3 (part)).

J. Ride a bicycle, skateboard or similar device on any table, bench, seat, pier, amphitheater, wall or other such area, or in any area identified by the Park Commission and marked by signs. (Ord. 2010-12-4)

9.41.040 Penalty.

A. Any person convicted of violation of any of the provisions of this Chapter shall upon conviction be subject to a forfeiture of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) for the first offense, and no less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for a second offense within one (1) year, together with the cost, and in default of such payment of forfeiture be confined to the Kenosha County Jail for a period not to exceed ten (10) days on the first offense, or thirty (30) days for the second offense within one (1) year.

B. Bond posting for a citation issued under this Chapter shall be seventy-five dollars (\$75.00). (Ord. 85-6-3 (part)).

Chapter 9.44

LOITERING

Sections:

9.44.010 Loitering prohibited.

9.44.010 Loitering prohibited.

Whoever does any of the following within the limits of the Village shall be subject to the penalties as found in Section 1.12.010 of this Code.

A. Loitering. Loiters or prowls in a place, at a time, or in a manner not usually for law-abiding individuals under circumstances that ward alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a Peace Officer or refusing to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a Peace Officer shall, prior to any arrest for an offense under this Section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No persons shall be convicted of an offense under this Section if the Peace Officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the Peace Officer at the time, would have dispelled the alarm;

B. Dwelling Areas, Etc. Hides, waits or otherwise loiters in the vicinity of any private dwelling house, apartment building or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner;

C. Public Restrooms. Loiters in or about any toilet open to the public for the purpose in engaging in or soliciting any lewd or lascivious or any unlawful act;

D. Schools, Etc. Loiters in or about any school or public place at or near which children or students attend or normally congregate. As used in this subsection "loiter" means to delay, to linger or to idle in or about any said school or public place without a lawful purpose for being present;

E. Public Buildings, Etc. Loiters in any public building, structure or place whether public or private without the permission of the owner or person entitled to possession or in control thereof;

F. Restaurants, Taverns, Etc. Loiters in or about a restaurant, tavern or other public building. As used in this subsection "loiter" means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof;

G. Soliciting, Etc. To loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, repeatedly beckons to stop or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waiving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or procure another to commit an act of prostitution. No arrests shall be made for violation of this subsection unless the arresting Officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this subsection "public place" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them. (Ord. 96-7-5).

Chapter 9.48

RIOT, NOISE OR DISORDERLY ASSEMBLAGE

Sections:

9.48.020 Duty Of Police.

9.48.020 Duty Of Police.

It is declared to be the duty of the Chief of Police and all other Peace Officers within the Village, knowing of such unlawful assembly, to order those so assembled to disperse; and every person so assembled who shall not immediately and quietly obey such order to disperse shall be liable to immediate arrest and penalized as provided in Section 1.12.010. ((2) of Ord. passed 9/27/73).

Chapter 9.55

SYNTHETIC CANNABINOID PROHIBITED

Sections:

9.55.010 Possession, Use, and Sale Are Illegal.

9.55.020 Medical or Dental Use Allowed.

9.55.030 Penalties.

9.55.010 Possession, Use, And Sale Are Illegal

It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give, or barter any one or more of the following chemicals whether under the common street or trade names of “Spice”, “K2”, “Genie”, “Yucatan Fire”, “fake” or “new” marijuana, or by any other name, label, or description:

A. Salviadivinorum or Salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.

B. (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol; also know by some trade or other names as HU-210;

C. 1-Pentyl-3-(1-naphthoyl)indole; also know by some trade or other names as JWH-018, spice;

D. 1-Butyl-3-(1naphthoyl)indole; also know by some trade or other names as JWH-073;

E. 3-Trifluoromethylphenylpiperazine; also know by some trade or other names as TFMPP;

F. or any similar structural analogs.

9.55.020 Medical Or Dental Use Allowed

Acts otherwise prohibited under this Chapter shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

9.55.030 Penalties

Any person violating this Ordinance shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), exclusive of costs, and upon failure to pay the same, shall be confined in the County Jail for not more than thirty (30) days.

(Ord. 2010-12-6)

Chapter 9.56

PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES

Sections:

9.56.010 Public Consumption Of Alcoholic Beverages.

9.56.010 Public Consumption Of Alcoholic Beverages.

It is unlawful for any person to carry, exposed to view, any open can, bottle or other container which contains intoxicating liquor, wine or fermented malt beverage, or to drink from the same on any public walk or street, in any park, or other public place in the Village or over which the Village has any lease or legal jurisdiction, or on any parking lot open to and available to the public; and such conduct shall be penalized as provided in Section 1.12.010. (Ord. passed 9/27/73: (part) of Ord. passed 7/11/66: prior Code § 10.20).

Chapter 9.57

POSSESSION OF CONTROLLED SUBSTANCES

Sections:

9.57.010 Unlawful When--Penalty.

9.57.010 Unlawful When--Penalty.

A. No person shall possess, use or keep any quantity of marijuana, as defined in the Wisconsin Statutes, unless such marijuana was obtained directly from or pursuant to a valid prescription or order of a licensed physician while acting in the course of his professional practice.

B. Any person who violates subsection (A) shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until full payment is made, but not to exceed sixty (60) days.

C. Notwithstanding subsection (B), if a complaint is issued alleging the possession of more than 25 grams of marijuana, or alleging the possession of any amount of marijuana following a conviction in this State for possession of marijuana, the Village may not prosecute for the conduct described in the complaint unless the charges are dismissed or the District Attorney declines to prosecute the case.

(Ord. 2014-6-2 (C); Ord. 78-8-3; Ord. 75-12-1).

Chapter 9.58

REGULATION OF DRUG PARAPHERNALIA

Sections:

- 9.58.010 Purpose.**
- 9.58.020 License required.**
- 9.58.030 Application.**
- 9.58.050 Records.**
- 9.58.060 License fees.**
- 9.58.070 Drug paraphernalia.**
- 9.58.080 Penalty.**

9.58.010 Purpose.

The Village Board finds that certain items designed or marketed for use with illegal drugs are being retailed within the Village, and while it is recognized that such items are legal retail items and that their sale cannot be banned, there is evidence that these items are designed or marketed for use with illegal cannabis or drugs and it is in the best interest of the health, safety and welfare of the citizens of the Village to regulate within the Village the sale of items designed or marketed for use with illegal cannabis or drugs. (Ord. 82-4-4 (part)).

9.58.020 License Required.

It shall be unlawful for any person or persons as principal, clerk, agent or servant to sell any items, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs, as defined in Chapter 161 of the Wisconsin Statutes, without obtaining a license therefor. Such licenses shall be in addition to any or all other licenses held by the applicant. (Ord. 82-4-4 (part)).

9.58.030 Application.

Application to sell any item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs shall be accompanied by affidavits by applicant and each and every employee authorized to sell such items that such person has never been convicted of a drug-related offense. (Ord. 82-4-4 (part)).

9.58.050 Records.

Every licensee must keep a record of every item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs which is sold and this record shall be open to the inspection of any Police Officer at any time during the hours of business. Such record shall contain the name and address of the purchaser, the name and quantity of the product, the date and time of sale, and the licensee's or agent of the licensee's signature. Such record shall be retained for not less than two (2) years. (Ord. 82-4-4 (part)).

9.58.060 License Fees.

The application for a license to sell items described in Section 9.58.020 shall be filed with the Village Clerk/Treasurer directed to the Village Board and shall be accompanied by a license fee of one hundred dollars. The application shall contain the name and address of the applicant and the location and description of the proposed license premises. Whenever an application is received by the Village Clerk/Treasurer it shall be forwarded to the Chief of Police, who shall then cause an investigation to be made to determine whether the place to be licensed complies with all the laws and regulations applicable thereto. The Chief of Police shall thereupon furnish to the Police Committee of the Village a report of his investigation. The Police Committee shall make a recommendation to the Village Board as to whether or not the license shall be granted or denied. If such license is denied by the Village Board the license fee shall be returned to the applicant upon demand.

Each license granted shall expire on June 30th of each year and shall be subject to revocation for cause with due process to the license holder. (Ord. 82-4-4 (part)).

9.58.070 Drug Paraphernalia.

A. Definition. In this Section “drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, as defined in Ch. 961, Wis. Stats., in violation of this Section. It includes, but is not limited to:

1. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

2. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.

3. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.

4. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

5. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.

7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana.

8. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.

9. Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.

11. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.

12. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, including, but not limited to:

a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.

b. Water pipes.

c. Carburetion tubes and devices.

d. Smoking and carburetion masks.

e. Objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand.

f. Miniature cocaine spoons and cocaine vials.

g. Chamber pipes.

h. Carburetor pipes.

i. Electric pipes.

j. Air-driven pipes.

k. Chillums.

l. Bongs.

m. Ice pipes or chillers.

B. Determination of Drug Paraphernalia. In determining whether an object is drug paraphernalia, the following shall be considered:

1. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.
3. The proximity of the object in time and space to a direct violation of this Section.
4. The proximity of the object to controlled substances.
5. The existence of any residue of controlled substances on the object.
6. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner or of anyone in control of the object as to a direct violation of this Section shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
7. Oral or written instructions provided with the object concerning its use.
8. Descriptive materials accompanying the object which explain or depict its use.
9. National and local advertising concerning its use.
10. The manner in which the object is displaying for sale.
11. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
12. The existence and scope of legitimate uses for the object in the community.
13. Expert testimony concerning its use.

C. Prohibited Activities.

1. Possession of Drug Paraphernalia. No person may use or possess, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.

2. Manufacture, Sale or Delivery of Drug Paraphernalia. No person may sell, deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, which could be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.

3. Delivery of Drug Paraphernalia to a Minor. Any person eighteen (18) years of age or over who violates subsection (C)(2) of this Section by delivering drug paraphernalia to a person under eighteen (18) years of age is guilty of a special offense.

4. Advertisement of Drug Paraphernalia. No person may place in any newspaper, magazine, handbill or other publication, or upon any outdoor billboard or sign, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

5. Exemption. This subsection does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961, Wis. Stats. and who have been granted the appropriate license pursuant to this Chapter. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 961, Wis. Stats.

D. Penalties.

1. Any drug paraphernalia used in violation of this Section shall be seized and forfeited to the Village.
2. Any person who violates subsection (C)(1), (2) or (4) of this Section shall, upon conviction, be subject to a forfeiture of not more than five hundred dollars, together with the costs of prosecution, and upon default of payment be imprisoned in the County Jail until the costs are paid, but not to exceed twenty (20) days for a first offense and a forfeiture of not more than one thousand dollars (\$1,000.00), together with the costs of prosecution, and upon default of payment be imprisoned in the County Jail until costs are paid, but not to exceed forty (40) days for a second or subsequent offense within one (1) year.

3. Any person who violates subsection (C)(3) of this Section shall, upon conviction, be subject to a forfeiture of one thousand dollars, together with the costs of prosecution, and upon default of payment be imprisoned in the County Jail until the costs are paid, but not to exceed forty (40) days. (Ord. 99-7-3 § 2 (part)).

9.58.080 Penalty.

Anyone who violates any of the provisions of Section 9.58.010 to 9.58.060 of this Chapter shall forfeit not less than fifty dollars nor more than five hundred dollars for each offense together with the costs of prosecution. If such forfeiture and costs are not paid the violator shall be imprisoned in the County Jail until such forfeiture and costs are paid but not exceeding sixty (60) days. Each day of violation shall constitute and shall be deemed a separate and distinct offense. (Ord. 99-7-3 § 2 (part)).

Chapter 9.59

LIQUOR IN VEHICLES

Sections:

9.59.010 Intoxicants In Vehicles.

9.59.020 Open Container In Motor Vehicle.

9.59.030 Penalty.

9.59.010 Intoxicants In Vehicles.

No underage person, as defined under Section 5.20.010(H) of the Municipal Code of the Village of Twin Lakes, or as defined in Section 125.02 (20m), Wisconsin Statutes, may knowingly possess, transport or have under his or her control any alcoholic beverage in any motor vehicle unless the person is employed by a liquor licensee, wholesaler, retailer, distributor, manufacturer or rectifier and is possessing, transporting or having such beverage in a motor vehicle under his or her control during the regular working hours and in the course of his employment. (Editorially amended per approval by Village Board 7/8/96; Ord. 85-1-1; Ord. 82-4-2 (part)).

9.59.020 Open Container in Motor Vehicle.

No person shall have in his or her possession an open container containing fermented malt beverages or intoxicating liquor in a motor vehicle on a public street, alley or highway within the Village. (Ord. 82-4-2 (part)).

9.59.030 Penalty.

Any person who violates this Chapter shall, upon conviction, forfeit not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until full payment is made, but not to exceed sixty (60) days. (Ord. 82-4-2 (part)).

V. CRIMES AGAINST PROPERTY

Chapter 9.60

THEFT

Sections:

- 9.60.010 Definitions.**
- 9.60.020 Theft.**
- 9.60.030 Retail Theft.**
- 9.60.040 Misappropriation Of Property.**
- 9.60.050 Theft And Tampering Of Cable System Services.**

9.60.010 Definitions.

In this Chapter:

“Grantee” means any person or entity or its lawful successor, transferee or assignee receiving a cable telephone franchise from the Village.

“Movable property” means property whose physical location can be changed without limitation, including electricity and gas and telephone lines, documents which represent or embody intangible rights, and things growing on, affixed to or found in land.

“Property” means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other tangible rights.

“Property of another” includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

“Value” means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, value shall mean either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property. (Ord. 99-11-3 § 2 (part)).

9.60.020 Theft.

The following actions shall be prohibited:

A. Theft Prohibited. Whoever intentionally takes or carries away, uses, transfers, conceals or retains possession of movable property of another without his or her consent and with intent to deprive the owner permanently of possession of such property may be penalized as provided in Section 1.12.010.

B. Aiding and Abetting. Whoever is concerned in the commission of a violation of this Section is a principal and may be charged with and convicted of the commission of a violation of this Section although he or she did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other violation based on the same act. A person is considered in the commission of a violation of this Section if he or she: directly commits a violation of this Section; intentionally aids and abets the commitment of it; or is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other violation of the Code which is committed in the pursuance of the intended violation of this Section and which under the circumstances is a natural and probable consequence of the intended violation of this Section. This subsection does not apply to a person who voluntarily changes his or her mind and no longer desires that a violation of this Section be committed, and notifies the other parties concerned of his or her withdrawal within a reasonable time before the commission of a violation of this Section so as to allow the others also to withdraw. (Ord. 99-11-3 § 2 (part)).

9.60.030 Retail Theft.

A. Retail Theft. Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of a merchant, without his or her consent and with intent to deprive the merchant permanently of possession of the full purchase price of the merchandise, may be penalized as provided in Section 1.12.010.

B. Concealment. The intentional concealment of unpurchased merchandise which continues beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

C. Detainment. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a Peace Officer, or to his or her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose of the detention and be permitted to make phone calls, but he or she shall not be interrogated or searched against his or her will before the arrival of a Peace Officer, who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his or her employee affecting the detention to the same defense in any action as is available to a Peace Officer making an arrest in the line of duty.

D. Evidence.

1. In any action or proceeding for violation of this Section, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

2. A merchant or merchant's adult employee is privileged to defend property as prescribed in Section 939.49, Wis. Stats. (Ord. 99-11-3 § 2 (part)).

9.60.040 Misappropriation of Property.

It is unlawful for any person to take, carry away, use, transfer, conceal or retain possession of moveable property of another without his consent. (Ord. 99-11-3 § 2 (part)).

9.60.050 Theft And Tampering of Cable System Services.

No person, whether or not a subscriber to the Twin Lakes cable system, may intentionally or knowingly damage or cause to be damaged any wire, cable, conduit, equipment or apparatus of the grantee, or commit any act with intent to cause such damage, or to tap, tamper with or otherwise connect any wire or device to a wire, cable, conduit, equipment and apparatus or appurtenances of the grantee with the intent to obtain a signal or impulse from the cable system without authorization from or compensation to the grantee, or to obtain cable television or other communications service with intent to cheat or defraud the grantee of any lawful charge to which it is entitled. (Ord. 99-11-3 § 2 (part)).

Chapter 9.64

TRESPASS

Sections:

9.64.010 Trespass.

9.64.010 Trespass.

A. It is unlawful for any person without lawful authority, or without the express or implied consent of the owner or occupant, or the agent of either, to enter any building or on any enclosed or unenclosed improved real estate, lot, garden or parcel of ground of another in the Village, or who, being on the land or building of another, fails or refuses to leave the same when notified or requested to do so by the person lawfully in possession thereof, his agent or representative.

B. It shall be a trespass under this Chapter for anyone to go on or remain on any Village park, parking lot, beach, or property after the posted closing time of the park, parking lot, beach or other property of the Village, and after having received notice of such closing time by posting or otherwise, or to fail or refuse to leave the same when requested to do so by the agent, Officer, or employee of the Village in charge of the park, parking lot, beach or other property of the Village. (Ord. 74-8-1: Ord. passed 9/27/73).

C. A person has received notice from the owner, occupant, or Village within the meaning of this Section if he has been notified personally, either orally or in writing, or if the land or property is posted. For land to be posted, a sign, at least eleven (11) inches square, must be placed in at least two (2) conspicuous places on the land to be protected. The sign must carry an appropriate notice and name of the person giving the notice followed by the word "owner" if the person giving the notice is a holder of the legal title to the land, and by the word "occupant" if the person giving notice is not a holder of the legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to protect same within six months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided. (Ord. 74-8-1: Ord. passed 9/27/73).

D. It is unlawful for any person without lawful authority to enter a business, facility, domicile or other building while in possession of a firearm or other weapons, concealed or open carry, if the property owner, occupant or lessee has verbally stated or has posted restrictions or placed conditions, prohibiting any person from possessing weapons while on the property under their control, under Wis. Stat. § 943.13(1m)(c). The posting must inform people that weapons or firearms are prohibited and be posted in a prominent place near all of the entrances to the part of the building to which the restriction applies and any individual entering the building can be reasonably expected to see the sign. A sign must be at least five (5) inches by seven (7) inches that states the restrictions. Wis. Stat. § 943.13(2)(bm). (Ord. 2011-11-1 § 3)

E. Any person violating any provision of this Section shall be subject to the penalty as provided in Section 1.12.010 of this Code. (Ord. 74-8-1: Ord. passed 9/27/73).

Chapter 9.68

DESTRUCTION OF PROPERTY*

Sections:

9.68.010 Destruction of property.

9.68.020 Damage to property.

9.68.030 Graffiti.

* See also Chapter 11.20 of this Code, Injuring Property Related to Streets and Sidewalks.

9.68.010 Destruction Of Property.

Any person who willfully and unlawfully breaks any street lamp, outdoor lamp or any window in this Village or who willfully and unlawfully destroys or injures any flower or vegetable bed or garden, fruit or shade tree, or other property in said Village, shall be subject to penalty as provided in Section 1.12.010. (Prior Code § 10.07).

9.68.020 Damage to Property.

Whoever intentionally causes damage to any physical property of another without his consent shall be subject to penalty as provided in Section 1.12.010. (Ord. 76-4-1).

9.68.030 Graffiti.

A. Graffiti Prohibited. No person may mark, draw or write with paint, ink or another substance on or intentionally etch into the physical property of another without the other person's consent.

B. Parental Liability. Sections 895.035(2g) and 895.035(4) of the Wisconsin Statutes, as amended from time to time, describing and defining parental liability for the cost of repair, replacement or removal of property damaged by graffiti, as defined in Section 943.017 of the Wisconsin Statutes, are adopted by reference and made a part of this Section, as if fully set forth herein.

C. Graffiti Removal. The Village Police Department may serve any property owner whose property has been injured by the application of graffiti, with a written order to remove, cover, clean up or repair such property within fifteen (15) days of the date of such order. Such order may be served personally or by registered, certified or regular mail and service upon any single joint owner shall constitute valid service upon all property owners. Should such property owner fail to comply with the terms of such order, in addition to the penalties set forth under subsection (D) of this Section, the Village may obtain the removal, covering, cleanup or repair of such graffiti upon its own instance as a special charge against the property, pursuant to Section 66.60(16), Wis. Stats.

D. Penalty. Any person convicted of violating this Section shall forfeit not more than five hundred dollars (\$500.00) per violation, or upon default of payment be imprisoned for not more than ninety (90) days. (Ord. 97-10-1).

Chapter 9.70

ISSUE OF WORTHLESS CHECKS

Sections:

9.70.010 Worthless Checks.

9.70.020 Application.

9.70.010 Worthless Checks.

A. Whoever issues any check or other order for the payment of money less than one thousand dollars (\$1,000.00) which, at the time of issuance, he or she intends shall not be paid is subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and in default of payment, shall be imprisoned in the County Jail for not more than ninety (90) days.

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

1. Proof that, at the time of issuance, the person did not have an account with the drawee; or
2. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order; or
3. Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order. (Editorially amended per approval by Village Board 7/8/96; Ord. 82-9-1 (part); Ord. 82-4-3 (part)).

9.70.020 Application.

This Chapter does not apply to a post-dated check or to a check given for a past consideration, except a payroll check. (Ord. 82-9-1 (part); Ord. 82-4-3 (part)).

Chapter 9.72

ILLEGAL ENTRY INTO VEHICLE

Sections:

9.72.010 Illegal Entry into Vehicle.

9.72.010 Illegal Entry into Vehicle.

Whoever intentionally enters the enclosed portion or compartment of the vehicle of another, without consent and with intention to steal therefrom, or to take possession thereof, shall be subject to penalty as provided in Section 1.12.010. (Part of Ord. passed 8/8/66: prior Code § 10.30).

VI. OFFENSES BY OR AGAINST MINORS

Chapter 9.75

JUVENILE JUSTICE CODE

Sections:

9.75.010 Juvenile Justice Code Adopted.

9.75.010 Juvenile Justice Code Adopted.

The provisions of Chapter 938, Wisconsin Statutes, as may from time to time be amended, relating to the Juvenile Justice Code as it applies to municipalities, are adopted and made a part of this Chapter by reference. (Ord. 96-7-1).

Chapter 9.76

CURFEW

Sections:

9.76.010 Curfew.

9.76.010 Curfew.

A. No minor person under seventeen (17) years of age shall be in any public place within the Village limits between the hours of ten-thirty (10:30) p.m. Sunday through Thursday, inclusive, and six (6:00) a.m. the following day or from twelve (12:00) a.m. to six (6:00) a.m. Saturday and Sunday.

B. Exceptions and Defenses. It shall be an exception or defense to prosecution under subsection A if the minor is:

1. Accompanied by the minor's parent, legal guardian or other adult person having custody of such minor;

2. Accompanied by a person over eighteen (18) years of age specified by the child's parent, legal guardian or custodian;

3. Participating in, going to, or returning from, without any detour or stop any of the following:

a. An errand at the direction of the minor's parent, legal guardian, or custodian.

b. Lawful employment.

c. A school sanctioned activity.

d. A religious event.

e. An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage.

f. An activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Sections 3, 4 and 18 of Article I of the Constitution of the State of Wisconsin such as the free exercise of religion, freedom of speech, and the right of assembly.

g. An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults.

4. Married, or has been married, or has had the disabilities of minority removed in accordance with Wisconsin Law.

C. Before taking any enforcement action under this Section, a Police Officer shall ask the apparent offender's age and reason for being in the public place. The Officer shall not issue a Notice to Appear or make an arrest under this Section unless the Officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection B is present.

D. It shall be considered a violation of this Chapter for any person having legal custody of such minor to permit such minor to be in any public place during the hours specified in this Chapter in violation thereof.

E. Any person violating any provision of this Section shall be subject to the penalty as provided in Section 1.12.010, except that a person under the age of seventeen (17) years shall be referred to the proper authorities as provided in Chapter 48 of the Wisconsin Statutes. (Ord. 2004-4-2).

Chapter 9.77

TRUANCY AND SCHOOL DROPOUT

Sections:

9.77.010 Truancy, Habitual Truancy and School Dropout Prohibited.

9.77.020 Contributing to Truancy.

9.77.010 Truancy, Habitual Truancy and School Dropout Prohibited.

A. Definitions. In this Section:

1. "Dropout" means a child who has ceased to attend school, does not attend a public or private school, technical college or home based private educational program on a full time basis, has not graduated from high school and does not have an acceptable excuse under Section 118.15(1)(b) to (d) or (3), Wisconsin Statutes.

2. "Habitual truant" means a pupil who is absent from school without an acceptable excuse under Sections 118.15 and 118.16(4), Wisconsin Statutes, for part or all of five (5) or more days on which school is held during a school semester.

3. "Truant" means a pupil who is absent from school without an acceptable excuse under Sections 118.15 and 118.16 (4), Wisconsin Statutes, for part or all of any day on which school is held during a school semester.

B. Truancy Prohibited. No person under eighteen (18) years of age shall be a truant. Upon conviction thereof the following dispositions are available to the Court:

1. An order for the person to attend school;

2. A forfeiture of not more than fifty dollars (\$50.00) plus costs for a first violation, or a forfeiture of not more than one hundred dollars (\$100.00) plus costs for any second or subsequent violation committed within twelve (12) months of a previous violation, subject to Section 938.37, Wisconsin Statutes, and subject to a maximum cumulative forfeiture of not more than five hundred dollars (\$500.00) for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

C. Habitual Truancy Prohibited. No child shall be a habitual truant. Upon conviction thereof the following dispositions are available to the Court:

1. Suspension of the child's operating privilege as defined in Section 340.01(40), Wisconsin Statutes, for not less than thirty (30) days nor more than one (1) year. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension;

2. An order for the child to participate in counseling or a supervised work program or other community service as described in Section 938.34(5g), Wisconsin Statutes. The costs of any such counseling, supervised work program or community service work may be assessed against the person, the parents or guardian of the person, or both;

3. An order for the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian;

4. An order for the child to attend an educational program as described in Section 938.34(7d), Wisconsin Statutes;

5. An order for the person to be placed in a teen Court program described in Section 938.342(1)(g)(f), Wisconsin Statutes;

6. An order for the person to attend school;

7. A forfeiture of not more than five hundred dollars (\$500.00) plus costs, subject to Section 938.37, Wisconsin Statutes. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both;

8. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults;

9. An order placing the person under formal or informal supervision, as described in Section 938.34(2), Wisconsin Statutes for up to one (1) year;

10. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

D. No child who is at least sixteen (16) years of age but less than eighteen (18) years of age shall be a dropout. Upon conviction thereof the Court may suspend the child's operating privilege until the child reaches the age of eighteen. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation, together with a notice stating the reason for and the duration of the suspension. (Ord. 99-5-2 (part)).

9.77.020 Contributing to Truancy.

A. No person sixteen (16) years of age or older may, by any act or omission, knowingly encourage or contribute to the truancy of a child.

B. A party is guilty of a violation of this Section if an act or omission by the party either inside or outside of the Village encourages or contributes to a child being truant to the Village.

C. An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

D. Penalty. Any person who violates this Section shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than five hundred dollars together with costs. (Ord. 99-5-2 (part)).

Chapter 9.78

PARENTAL RESPONSIBILITY FOR JUVENILE MISCONDUCT

Sections:

- 9.78.010 Purpose.**
- 9.78.020 Definitions.**
- 9.78.030 Parental responsibility.**
- 9.78.040 Penalty.**

9.78.010 Purpose.

The purpose of this Chapter is to reduce the incidents of misconduct by juveniles by requiring proper supervision on the part of custodial parents.

9.78.020 Definitions.

In this Chapter:

- A. "Custodial parent" means a parent or legal guardian of a child who has custody of the child.
- B. "Custody" means, as currently written or changed by legislation, either physical custody of a child under a Court order under Section 767.225 or 767.41 of Wisconsin Statutes, custody of a child under a stipulation under Section 767.34 of Wisconsin Statutes, or actual physical custody of a the child. Custody does not include legal custody, as defined under Section 48.02(12) Wisconsin Statutes, by an agency or a person other than a child's birth or adoptive parent. In determining which parent has custody of a child for the purpose of this Chapter, the Court shall consider which parent had responsibility for caring for and supervision of the child at the time that the child's ordinance violations occurred.
- C. "Child" means any person under the age of eighteen (18) years.
- D. "Convicted" means a determination of guilt including a finding of guilt by the Court, a plea of guilt by the offender or a plea of no contest by the offender or any other similar finding or plea.

9.78.030 Prohibited Conduct.

Every custodial parent has a duty to properly supervise his or her child. Any custodial parent whose child is convicted of violations of the Village of Twin Lakes Municipal Code or State law, which violations occur twice in a six (6) month period or three (3) or more times within a twelve (12) month period, is guilty of failing to properly supervise said child. The six (6) and twelve (12) month periods shall be measured from the date of entry of judgment of the first violation. The Village shall have the burden to prove that the custodial parent is guilty of the prohibited conduct in that:

- A. The parent aided or abetted said child during an act forming the basis for a violation.
- B. The parent failed to act or otherwise impose reasonable supervisory controls on the child intended and reasonably designed to prevent a violation.

9.78.040 Penalty.

A. Any person convicted for a violation of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and costs of prosecution, and in default of payment of the same shall be committed to the County Jail for a period not to exceed ten (10) days.

B. Nothing in this Chapter shall be in lieu of any state statute requiring parental responsibility for the acts of a child.

9.78.050 Defenses.

The following shall be among the defenses to a violation of Section 9.78.030 B where proven by the parent by clear and convincing evidence:

- A. Where the parent was not legally responsible for the supervision of the juvenile at the time the misconduct occurred; or
 - B. Where the parent has a physical or mental disability or incompetence rendering them incapable of supervising the juvenile at the time the misconduct occurred;
 - C. Where the parent reported the act forming the basis of the violation to the appropriate authorities when the violation occurred or as soon as the parent learned of the violation.
 - D. The parent can provide specific evidence of on-going participation in or recent completion of parenting classes, family therapy, group counseling or AODA counseling which includes the parent or family.
 - E. Where the juvenile has been diagnosed by a competent physician or licensed psychologist as suffering from a psychotic disorder or other disorder rendering parental control ineffective.
 - F. It is not a defense where the parent assigns his or her parental responsibility to another, except pursuant to legal proceedings, which result in a Court order effectuating the same.
- (Ord. 2009-8-5; (Ord. 86-9-2 (part))).

Chapter 9.80

TOBACCO PRODUCTS

Sections:

- 9.80.010 Definitions.**
- 9.80.020 Restrictions.**
- 9.80.030 Defense of retailer.**
- 9.80.040 Penalties.**
- 9.80.050 Local Ordinance.**

9.80.010 Definitions.

In this Section:

- A. “Cigarettes” has the meaning given in Wis. Stats. Section 139.30(I).
 - B. “Distributor” means any of the following:
 - 1. A person specified under Wis. Stats. Section 139.30(3);
 - 2. A person specified under Wis. Stats. Section 139.75(4).
 - C. “Identification card” means any of the following:
 - 1. A license containing a photograph issued under Chapter 343;
 - 2. An identification card issued under Wis. Stats. Section 343.50;
 - 3. An identification card issued under Wis. Stats. Section 125.08, Wisconsin Stats.
 - D. “Jobber” has the meaning given in Wis. Stats. Section 139.30(6).
 - E. “Law enforcement Officer” has the meaning given in Wis. Stats. Section 30.50(4s).
 - F. “Manufacturer” means the following:
 - 1. A person specified under Wis. Stats. Section 139.30(7);
 - 2. A person specified under Wis. Stats. 139.85(5).
 - G. “Retailer” means any person licensed under Wis. Stats. Section 134.65(1).
 - H. “School” has the meaning given in Wis. Stats. Section 118.257(1)(c).
 - I. “Subjobber” has the meaning given in Wis. Stats. Section 139.75(11).
 - J. “Tobacco products” has the meaning given in Wis. Stats. Section 139.75(12).
 - K. “Vending machine” has the meaning given in Wis. Stats. Section 139.30(14).
 - L. “Vending machine operator” has the meaning given in Wis. Stats. Section 139.30(15).
- (Ord. 94-5-4 (part); Ord. 94-5-2 (part)).

9.80.020 Restrictions.

A. No retailer may sell or give cigarettes or tobacco products to any person under the age of eighteen (18) except as provided in Wis. Stats. Section 48.983 (3). A vending machine operator is not liable under this subsection for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of eighteen if the vending machine operator was unaware of the purchase.

B.*1.*A retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of eighteen (18) is unlawful under this Section and Wis. Stats. Section 48.983.

2. A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of eighteen (18) is unlawful under Wis. Stats. Section 48.983 and that the purchaser is subject to a forfeiture of not to exceed twenty-five dollars (\$25.00).

C.*1.*Except as provided in subsection D of this Section, no retailer may keep a vending machine in any public place that is open to persons under the age of eighteen (18) unless all of the following apply:

a. The vending machine is in a place where it is ordinarily in the immediate vicinity, plain view and control of an employee;

- b. The vending machine is in a place where it is inaccessible to the public when the premises are closed.
- 2. The person who ultimately controls, governs or directs the activities within the premises where the vending machine is located shall ensure that an employee of the retailer remains in the immediate vicinity, plain view and control of the vending machine whenever the premises are open.
- 3. Except as provided in subsection (C) (4) of this Section, a vending machine operator shall remove all of his or her vending machines that are located in any place prohibited by this subsection by June 1, 1992.
- 4. Notwithstanding subsection (C)(3) of this Section, if a written agreement binding on a vending machine operator governs his or her vending machine that is located in any place prohibited by this subsection, the vending machine operator shall remove the vending machine on the date that the written agreement expires or would be extended or renewed or on May 1, 1993, whichever occurs first.
- D. 1.*Notwithstanding subsection C of this Section, no retailer may place a vending machine within five hundred (500) feet of a school.
 - 2. Except as provided in subsection (D)(3) of this Section, a vending machine operator shall remove all of his or her vending machines which are located within five hundred (500) feet of a school by September 1, 1989.
 - 3. Notwithstanding subsection (D)(2) of this Section, if a written agreement binding on a vending machine operator governs the location of his or her vending machine which is located within five hundred (500) feet of a school, the vending machine operator shall remove the vending machine on the date that the written agreement expires or would be extended or renewed on or before May 1, 1993, whichever occurs first.
- E. No manufacturer, distributor, jobber, subjobber or retailer, or their employees or agents may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of eighteen (18).
- F. Except as provided in subsection G of this Section, no child may do any of the following:
 - 1. Buy or attempt to buy any cigarettes or tobacco product;
 - 2. Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product;
 - 3. Possess any cigarette or tobacco product.
- G. A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale and the course of employment during his or her working hours if employed by a retailer licensed under Wis. Stats. Section 134.65(1).
- H. A law enforcement Officer shall cease any cigarette or tobacco product involved in any violation of subsection F of this Section committed in his or her presence. (Ord. 94-5-4 (part); Ord. 94-5-2 (part)).

9.80.030 Defense of Retailer.

Proof of all of the following facts by a retailer who sells cigarettes or tobacco products to a person under the age of eighteen (18) is a defense to any prosecution for a violation of Section 9.80.020(A):

- A. That the purchaser falsely represented that he or she had attained the age of eighteen (18) and presented an identification card;
- B. That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of eighteen (18);
- C. That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of eighteen (18). (Ord. 94-5-2 (part)).

9.80.040 Penalties.

- A. In this Section, "violation" means a violation of Section 9.80.020(A), (C), (D) or (E) or a local Ordinance which strictly conforms to Section 9.80.020(A), (C), (D) or (E).
- B. A person who commits a violation is subject to a forfeiture of:
 - 1. Not more than five hundred dollars (\$500.00) if the person has not committed a previous violation within twelve (12) months of the violation; or
 - 2. Not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) if the person has committed a previous violation within twelve (12) months of the violation.

C. A Court shall suspend any license or permit issued under Wis. Stats. Sections 134.54, 139.34 or 139.79 to a person for:

1. Not more than three days, if the Court finds that the person committed a violation within twelve (12) months after committing one previous violation;

2. Not less than three (3) days nor more than ten (10) days, if the Court finds that the person committed a violation within twelve (12) months after committing two other violations; or

3. Not less than fifteen (15) days nor more than thirty (30) days, if the Court finds that the person committed the violation within twelve (12) months after committing three or more other violations.

D. The Court shall promptly mail notice of a suspension under subsection C of this Section to the department of revenue and to the clerk of each municipality which has issued a license or permit to the person.

E. Whoever violates Section 9.80.020(B) shall forfeit not more than twenty-five dollars (\$25.00).

F. Any person violating any provision of Section 9.80.020(F) through (H) shall be subject to the penalties provided in Section 1.12.101. Ordinance 94-5-4 is adopted pursuant to Wisconsin State Statute 48.983. (Ord. 94-5-4 (part); Ord. 94-5-2 (part)).

9.80.050 Local Ordinance.

Ordinance 94-5-2 adopts Wisconsin State Statute 134.66. (Ord. 94-5-2 (part)).

VI. WEAPONS

Chapter 9.84

CARRYING AND USING WEAPONS

Sections:

- 9.84.010 Definitions.**
- 9.84.020 Carrying, Possessing and Using Weapons – Prohibited Activities.**
- 9.84.030 Armed Minor.**
- 9.84.040 Sale or Giving Weapons Prohibited.**
- 9.84.050 Violation and Penalty.**

9.84.010 Definitions.

The following definitions shall apply in the interpretation and the enforcement of this Section.

- A. “Firearm” means a weapon that acts by force of gunpowder or compressed air.
- B. “Law enforcement officer” means any person employed by the State of Wisconsin or any political subdivision of this state for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce when in the course of performing his or her duties.
- C. “Weapon” means a handgun, an electronic weapon as defined at Wis. Stats. Section 941.295, a knife other than a switchblade under Wis. Stats. Section 941.24 or a billy club.
- D. “Controlled-access facility” means a facility or area that has designated entrances for ingress and egress controlled by a door, gate, attendant or other means to limit entry while the facility is open and can be locked or secured when closed, or in the instance of temporary events of less than three weeks, designated entrances may be either secured when closed or the controlled-access facility removed at the termination of the temporary event. (Ord. 2011-11-1 (part); (Ord. 96-8-1; Ord. 96-7-3; Ord. 81-7-2; Ord. 76-11-1 (part): part of Ord. passed 7/11/66: prior Code § 10.25).

9.84.020 Carrying, Possessing and Using Weapons – Prohibited Activities

- A. No person, except a law enforcement officer, or persons as may be authorized to carry such weapons under Wisconsin Statutes or any other person or persons shall fire or discharge any firearm including a rifle, pistol, BB gun or pellet gun, within the limits of the Village, nor shall any such person transport any firearm within the Village of Twin lakes unless the same is in compliance under Wisconsin Statutes.
- B. In addition to the provisions of the Wisconsin Statutes enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer to enter any building, facility, or location open to the public that is posted as a no firearm or concealed weapons location while possessing, carrying, or concealing a firearm or weapon, whether with or without a state permit.
 - 1. Signs meeting the requirements of Wis. Stat. Section 943.13(2)(bm)1 shall be posted in prominent places near public entrances of all buildings, structures or locations that restrict or prohibit firearms or concealed weapons.
 - 2. Signs of at least 5 inches by 7 inches in size shall be posted in prominent places near public entrances to all licensed premises selling alcohol for on-premise consumption to advise patrons that:
 - a. Firearms are prohibited on such premises except with a valid concealed weapons permit pursuant to Wisconsin Statutes;
 - b. Those with such a permit cannot be served alcohol if carrying a concealed weapon pursuant to Wisconsin Statutes.
 - c. Licenses that prohibit all firearms and concealed weapons on the premises and post signs complying with sub 1 above shall be exempt from this requirement.

C. No person shall display in a threatening manner any dangerous weapon, including but not limited to any pistol, slingshot, knuckles of brass, lead or metal, or any knife.

D. No person shall make, manufacture, sell or offer to sell, or possess or go armed with “Numchuk” (also called a “Nunchaku”) or similar weapons.

E. Any weapon involved in an offense under this Chapter may be seized by the Twin Lakes Police for examination and for use as evidence. If the person possessing the weapon is convicted under this Chapter, the weapon shall be confiscated by the Twin Lakes Police Department and disposed of according to law.

F. Nothing herein shall prohibit the use of firearms and/or bow and arrow for hunting by licensed hunters during open season in accordance with State regulations.

G. No intoxicated person shall go armed with any firearm or other dangerous or deadly weapon. (Ord. 2011-11-1 (part); Ord. 81-7-3; Ord. 76-11-1 (part): part of Ord. passed 7/11/66: prior Code § 10.26 (part)) (Ord. 2016 –8-1).

9.84.030 Armed Minor

No minor (under the age of eighteen) shall go armed with any firearm or other dangerous or deadly weapon except in compliance with Section 9.84.020(G) of this Code and Wis. Stats. Chapter 29.304 regarding Wisconsin DNR – Hunting/Firearms Possession with Age Restrictions. (Ord. 2011-11-1 (part))

9.84.040 Sale or Giving Weapons Prohibited.

No person shall sell, loan or give away any firearm or other deadly or dangerous weapon to any minor except in compliance with Sections 9.84.020(G) and 9.84.030 of this Code. (Ord. 2011-11-1 (part))

9.84.050 Violation and Penalty

Any person who violates the provisions of this Chapter shall forfeit not more than one thousand dollars (\$1,000.00) nor less than five hundred dollars (\$500.00), plus Court costs, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until full payment is made, but not exceeding sixty (60) days imprisoned in the County Jail until full payment is made, but not exceeding sixty (60) days. (Ord. 2011-11-1 (part)).

VII. OTHER REGULATIONS

Chapter 9.90

SEX OFFENDER REGULATIONS

Sections:

9.90.010 Recitals Findings and Intent.

9.90.020 Definitions.

9.90.030 Sex Offender and Sex Predator Residence; Prohibitions, Zones and Exceptions.

9.90.040 Property Owners Prohibited From Renting Real Property To Certain Sexual Offenders and Sexual Predators.

9.90.050 Prohibited Conduct Of Sex Offender.

9.90.060 Public Nuisance.

9.90.080 Appeal for an Exemption.

9.90.080 Severability.

9.90.080 Penalties.

9.90.010 Recitals, Findings and Intent.

(1) *Recitals.*

(a) Whereas, after reviewing and discussing examples of sex offender residency restriction ordinances from several other Cities, Towns and Villages, including maps of prohibited locations for the residency of sex offenders corresponding to such ordinances, the locations of places where children are known to congregate in the Village, after public meetings, the Village Board adopted the first version of this ordinance on March 15, 2010.

(b) Whereas the United States District Court for the Eastern District of Wisconsin issued an Order on April 17, 2017, in the case titled *Hoffman v. Village of Pleasant Prairie*, which contained holdings that directly impact the terms of the Village's Municipal Code Chapter 9.90 and make it necessary to amend the terms of this Chapter to comply with the District Court's holdings.

(c) Whereas, on May 7 and May 21, 2018, the Village Board held public meetings on proposed revisions to the Village' sex offender ordinance. At this meeting, the Village Board reviewed and discussed the existing ordinance, proposed revisions to the existing ordinance and discussed the following written materials:

1. "Recidivism of Adult Sexual Offenders." U.S. Department of Justice, July 2015, SOMAPI (Sex Offender Management Assessment and Planning Initiative); and
2. "An Overview of Sex Offender Management." July 2002, U.S. Department of Justice, CSOM (Center for Sex Offender Management); and
3. "There goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws." May 2006, National Bureau of Economic Research; and

4. Order of the Honorable J.P. Stadtmueller of the United States District Court, Eastern District of Wisconsin, Hoffman et al. v. Village of Pleasant Prairie, Case No. 16-CF-697-JPS.

(2) *Findings.* This ordinance is a regulatory measure aimed at protecting the health and safety of children in the Village from the risk that convicted sex offenders may reoffend in locations close to their residences. The Village Board finds and declares that repeat sexual offenders who use physical violence and sexual offenders who prey on children, are sexual offenders who present an extreme threat to the public safety and the health of children. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large and the community where they reside, while incalculable, clearly exorbitant. It is further believed that such persons present an alarmingly high risk of re-offending once released and as such it is better for sex offenders to reside in their home community where their support systems exist rather than in a community where the sex offender may not have a support network. The Village Board finds the risk of recidivism increases if the sex offender recently offended and if the sex offender does not have a strong social network, including community and familial ties. The Village Board is aware of many studies and reports concerning recidivism of sex offenders and the effectiveness of sex offender residency restrictions. The Village Board acknowledges that literature on the subject includes some studies that support the practice of sex offender residency restrictions and others that are critical of the practice. The Village Board is also aware that absent a domicile clause, the Village would have open doors for non-resident sex offender residency when other communities have closed doors, inviting a substantial increase in child sex offender placements, with the related adverse impacts on the health, safety and welfare of the Village and its residents. As such, the Village hereby establishes regulations which restrict certain offenders from residing or congregating in areas that are at or near where there is a high concentration of children in order to provide better protection for children in the Village by minimizing immediate access and proximity to children and thereby reducing opportunity and temptation for recidivism.

(3) *Intent.* It is expressly not the intent of this Ordinance to impose additional punishment on sex offenders, but rather to serve the Village of Twin Lakes compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from establishing residency. The Village establishes these regulations in order to provide protection to children in the Village by minimizing immediate access and proximity to children and thereby reducing opportunity and temptation for recidivism. Due to the high rate of recidivism for sexual offenders, and because reducing both opportunity and temptation would help minimize the risk of reoffense, there is a compelling need to protect children where they congregate or play in public places.

9.90.020 Definitions. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning:

A. *Child or Children* means person(s) under the age of eighteen (18) years for purposes of this Ordinance.

B. *Crime Against Children* shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction and involving a person under the age of eighteen (18) years or adjudication, respectively: Wisconsin Statute Sections:

940.225(1) First Degree Sexual Assault;

940.225(2) Second Degree Sexual Assault;
 940.225(3) Third Degree Sexual Assault;
 940.22(2) Sexual Exploitation by Therapist;
 940.30 False Imprisonment where victim was a minor and not the offender's child;
 940.31 Kidnapping where victim was minor and not the offender's child;
 944.01 Rape (prior statute);
 944.06 Incest;
 944.10 Sexual Intercourse with a Child (prior statute);
 944.11 Indecent Behavior with a Child (prior statute);
 944.12 Enticing Child for Immoral Purposes (prior statute);
 948.02(1) First Degree Sexual Assault of a Child;
 948.02(2) Second Degree Sexual Assault of a Child;
 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;
 948.05 Sexual Exploitation of a Child;
 948.055 Causing a Child to View or Listen to Sexual Activity;
 948.06 Incest with a Child;
 948.07 Child Enticement;
 948.075 Use of a Computer to Facilitate a Child Sex Crime;
 948.08 Soliciting a Child for Prostitution;
 948.095 Sexual Assault of a Student by School Instructional Staff;
 948.11(2)(a) or (am) Exposing Child to Harmful Material-felony sections;
 948.12 Possession of Child Pornography;
 948.13 Convicted Child Sex Offender Working with Children;
 948.30 Abduction of Another's Child;
 971.17 Not Guilty by Reason of Mental Disease, of an included offense; and
 975.06 Sex Crimes Law Commitment.

C. *Offender* means any person who (1) has been convicted of a Crime Against Children; (2) has been adjudicated delinquent for a Crime Against Children; (3) is or was required to register under Section 301.45, Wisconsin Statutes, for any sexual offense and/or a Crime Against Children; or (4) any person who is or was required to register under Section 301.45, Wisconsin Statutes, and who has been designated a Special Bulletin (SBN) sex offender pursuant to Sections 301.46(2) and (2m), Wisconsin Statutes.

D. *Residence* means a place where the Offender resides or dwells or is used by an Offender as the primary location for basic life functions such as sleeping or eating, whether short or long-term but for an aggregate of 14 or more days in any one-year period.

E. *Protected Location* means any School Property, Day Care Center, Library, Park, Recreational Trail, Playground, Athletic Fields used by children, Place of Worship, Swimming Pool, any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school; any other place designated in the Map adopted by the Village under Sec. 9.90.030(c) as a place where children are known to congregate. The defined terms included in the definition of Protected Location are:

(1). *School Property* means any public school as defined by Wis. Stat. § 115.01(1); a private school as defined by Wis. Stat. § 115.001(3); a charter school as defined by Wis. Stat. § 115.001(1); a specialty school, including, but not limited to, a Montessori school, a gymnastics academy, dance academy, or music school.

(2) *Day Care Center* means a facility that has been licensed under Wis. Stat. § 48.65 to provide care and supervision of children and includes "before- and after-school daycare," which has the meaning as defined by Wis. Stat. § 120.125(1).

(3) *Facility For Children* means a public or private school, a *group home*, as defined in Wis. Stats. §48.02(7), a *residential care center for children and youth*, as defined in Wis.

Stats. §48.02(15d), a *shelter care facility* as defined in Wis. Stats. §48.02(17), a *foster home*, as defined in Wis. Stats. §48.02(6), a *treatment foster home*, as defined in Wis. Stats. §48.02(17q), a *daycare center licensed under Wis. Stats. §48.65*, a *daycare program established under Wis. Stats. §120.13(14)*, a *daycare provider certified under Wis. Stats. §48.651*, or a *youth center*, as defined in Wis. Stats. §961.01(22).

(4) *Library* means any library that is held open for use by the public where such library includes a collection of material specifically intended for use by children.

(5) *Park* means any area held open for use by the public for active or passive leisure purposes, including, but not limited to, any park, recreation area or beach. "Park" shall also mean any privately owned neighborhood parks and open spaces where children congregate such as those owned by a homeowners association of a subdivision.

(6) *Playground* means any public outdoor area set aside for recreation and play and includes any area with playground equipment including, but not limited to, swings, slides, sandboxes, seesaws.

(7) *Place of Worship* means a church, synagogue, mosque, temple or any other building where congregations gather for prayer.

(8) *Swimming Pool* means where children swim or wade in a pool or other aquatic facility held open for use by the public or where no lifeguard is on duty and children are known to congregate.

(9) *Recreational Trail* means a trail where children walk, ride bicycles, or ride horses, whether publicly or privately owned.

F. *Sexually Violent Offense*: shall have the meaning as set forth in Wis. Stats. §980.01(6), as amended from time to time.

9.90.030 Sex Offender and Sex Predator Residence; Prohibitions, Zones and Exceptions.

A. *Child Safety Zones*. The following distance restriction provides areas within which Offenders are not allowed to reside based upon specific criteria. These areas are referred to in this Ordinance as "Child Safety Zone(s)."

1. It is unlawful for any Offender to establish a Residence within one thousand two hundred (1,200) feet of a Protected Location.
2. An Offender shall not establish a Residence within six hundred (600) feet radius of an existing Residence of another Offender.

B. *Determination of Minimum Distance Separation*. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight and shortest line from the outer property boundary line of the Residence of an Offender to the nearest outer property boundary line of a Protected Location.

C. *Maps*. A map depicting the above Protected Locations and the resulting residency restriction distances known as Child Safety Zones shall be adopted by Resolution of the Village Board, and which map may be amended from time-to-time, is on file in the Office of the Village Clerk for public inspection. This Map is a tool that the Village chooses to utilize to provide notice to the public of the requirements of the Ordinance. In the event of a conflict between the Map and this Ordinance where a Protected Location is inadvertently omitted from the Map, the written provisions of this Ordinance shall control.

D. *Original Domicile Restriction*. In addition to and notwithstanding the foregoing prohibitions, but subject to Section 9.90.030(F) exceptions below, Offenders shall comply with the following unless granted an exemption by the Appeals Board under Section 9.90.080: No Offender shall be permitted to reside in the Village of Twin Lakes, unless such person was Legally Domiciled in the Village of Twin Lakes at the time of the offense resulting in the person's most recent conviction or delinquency adjudication for an offense under the definition of an Offender.

E. Notification. An Offender must notify the Police Department a minimum of twenty-eight (28) days prior to establishing a Residence within the Village of Twin Lakes.

F. *Exceptions.* An Offender shall not be in violation of this Chapter if any of the following apply:

1. The offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
2. The Offender established a Residence and reported and registered the Residence pursuant to Section 301.45, Wisconsin Statutes, before the original effective date of this Ordinance of March 15, 2010.
3. The Protected Location situated within one thousand two hundred (1200) feet of the Offender's Residence was opened or established after the Offender established the Residence and reported and registered the Residence pursuant to Section 301.45, Wisconsin Statutes.
4. The person is an Offender that has been adjudicated a sexually violent person pursuant to Wisconsin Statutes Chapter 980 if the Offender is subject to supervised release under Wisconsin Statutes Chapter 980, the Offender is residing where he or she is ordered to reside under Wis. Stat. §980.08, and the Sex Offender is in compliance with all court orders issued under Wisconsin Statutes Chapter 980.
5. The Offender had not attained the age of 19 at the time of the offense, was determined by the Circuit Court to meet the criteria under Wis. Stat. § 301.45(1m)(a) and is not required to register pursuant to Wis. Stat. § 301.45 or § 301.46.
6. The Offender is a child or ward under guardianship, is placed in accordance with the guardianship orders, and is living with the appointed guardian.
7. In such cases involving a ward or Child placed in accordance with an exception, when the ward or Child turns 18 years of age, the ward or Child would be allowed to continue to reside at the already established residence.

9.90.040 Property Owners Prohibited From Renting Real Property To Certain Sexual Offenders and Sexual Predators. It shall be unlawful for any property owner to lease or rent any place, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Residence by any Offender prohibited from establishing a Residence therein pursuant to this Ordinance, if such place, structure, or mobile home, trailer or any part thereof, is located within a Child Safety Zone as defined in Section 9.90.030.

9.90.050 Prohibited Conduct Of Sex Offender.

A. Findings and Intent.

(1) *Findings.* Repeat sex offenders, sex offenders who use physical violence, Offenders as that term is defined under Sec. 9.90.020(C). and sex offenders who prey on children are sex predators who present a serious threat to the public safety. Sex offenders are extremely likely to use physical violence when they offend and to repeat their offenses; and, most sex offenders commit multiple offenses, have many more victims that are never reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society great, and justifies efforts to protect the public from it. Because reducing both opportunity and temptation will minimize the risk of re-offense for those Sex Offenders who will re-commit sex offenses against children, there is a compelling need to separate Sex Offenders from places where children congregate or paly in public places.

(2) *Intent.* It is the intent of the Village Board to service the Village of Twin Lakes' compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Village by creating areas around locations where children regularly gather and congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from establishing residency. It is not the intent of the Village Board to impose additional punishment on Sex Offenders

B. Prohibited Activity. It is unlawful for any Offender to participate in a holiday event involving children under eighteen (18) years of age. Holiday events in which the offender is the

parent or guardian of the children involved, and no non-familial children are present, are exempt from this Section. Participation is defined as actively taking part in the event and shall include, but is not limited to, distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter. Participation shall not be interpreted to include attendance as a member of the audience at an event where children are involved so long as the attendance does not also include assisting in organizing or running the event.

9.90.060 Public Nuisance.

Any violation of this Chapter shall be deemed a public nuisance affecting peace and safety and the Village may proceed under Chapter 8.16 of the Code of Ordinances and/or Chapter 823 of the Wisconsin Statutes to abate the nuisance.

9.90.070 Injunction for Violation of Residency Restrictions.

If an offender establishes a Residence in violation of Section 9.90.030, the Chief of Police may refer the matter to the Village Attorney. The referral shall include a written determination by the Chief of Police that, upon all of the facts and circumstances and the purpose and intent of this Ordinance, such violation interferes substantially with the comfortable enjoyment of life, health, and safety of another or others. Upon such referral, the Village Attorney shall bring an action in the name of the Village in Circuit Court to permanently enjoin such residency as a public nuisance.

9.90.080 Appeal for an Exemption.

A. An Offender may seek an exemption from Section 9.90.030 by appealing to the sex offender residency board (the "Appeals Board").

B. The Appeals Board shall consist of all seven Village Board Members until such a time that the Village Board appoints three citizens and one alternate, who are residents of the Village, who shall serve without compensation. At such a time when citizen members are initially appointed to the Appeals Board, the Village Board shall appoint three members to staggered terms of one, two or three years, and one alternate for a term of three years. After the initial appointment of members to a term of one, two and three years respectively, the Village Board shall annually appoint one member for a term of three years and one alternate for a term of three years every third year, commencing on May 1st. At the first meeting held of the Appeals Board after the first Monday of May of each year, the members of the Appeals Board shall vote by majority vote to select a chair for its meetings and appeals that come before it.

C. The Appeals Board shall approve of an official appeal form, establish filing procedures, a hearing schedule and deadlines for filing an appeal. An offender shall complete this official form and submit it to the Village Clerk, who shall forward it to the Appeals Board. The filing fee for the appeal shall be set by resolution of the Village Board from time-to-time. Notice in the form of an agenda shall be posted and/or published as required by law and provided to the Appeals Board, the property owner if not the applicant, and published on the Village's website at least seven days prior to the hearing date.

D. The Village elects not to be bound by Wis. Stat. Ch. 68 with respect to administrative procedure in the appeals process. The Appeals Board shall hold a hearing on each appeal to conduct an individual risk assessment in each case, during which the Appeals Board may review any pertinent information and may accept oral and written statements from any person. The Offender that filed the appeal shall appear at any hearing held, unless otherwise approved by the Appeals Board. The Appeals Board shall consider the public interest as well as the applicant's presentation and concerns, giving the applicant a reasonable opportunity to be heard. The Appeals Board shall also consider any oral, emailed, and written statements from any person at the hearing or received in advance of the

hearing. The Appeals Board shall consider the specific facts and circumstances of each applicant and determine whether the applicant presents a threat to public safety if he or she resides at that proposed location. The Appeals Board shall consider factors which may include, but are not limited to, the following:

- (1) Circumstances surrounding the offense.
- (2) Relationship of offender and victim.
- (3) Presence or use of force.
- (4) Presence of enticement.
- (5) Need to protect victim or similarly situated individuals.
- (6) Current dangerousness of the offender.
- (7) Proximity in time from original offense.
- (8) Any criminal offenses, ordinance or rule violations committed since original offense including failures to register or comply with restrictions set by bond, parole or probation.
- (9) Time out of incarceration.
- (10) Current supervision status by the Department of Corrections.
- (11) Counseling and treatment history.
- (12) Credibility of offender.
- (13) Remorse.
- (14) Proximity of proposed residence to a child safety zone.
- (15) Support network of offender near proposed residence
- (16) Alternative options for housing.

E. The Appeals Board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or be conditional to a certain address or period of time. In the case of an approval or denial, the Appeals Board shall provide a written copy of the decision containing the reasons therein for its decision to the Village Clerk, the Police Chief and to the applicant. The decision of the Appeals Board may be appealed to the Kenosha County Circuit Court by any aggrieved party within 30 days of filing of the final decision in the Village's Clerk's office, a copy of which shall be mailed to the Offender who appealed. The review shall be a review by certiorari and the Circuit Court may affirm or reverse the final decision, or remand to the decision maker for further proceedings consistent with the Court's decision.

9.90.080 Severability. Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of this Chapter as a whole, or any part thereof, other than the part so declared to be invalid or repealed.

9.90.090 Penalties. Any person who violates any provision of this Chapter shall, upon conviction thereof, be subject to a forfeiture not to exceed five hundred dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each violation and each day such violation continues shall be considered a separate offense. Neither the issuance of a citation nor the imposition of

forfeiture hereunder shall preclude the Village from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this Chapter.” (2018-5-1).