

CHAPTER 9

ORDERLY CONDUCT

(with amendments through 8-10-2023)

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9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. The following statutes following the prefix "9" defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 25.04 of this Code.

9.346.935	Drinking in Motor Vehicles on Highway
9.940.20	Battery
9.940.34	Duty to Aid Endangered Crime Victim
9.941.01	Negligent Operation of Vehicle
9.941.03	Highway Obstruction
9.941.10	Negligent Handling of Burning Materials
9.941.12	Interfering With or Failing to Assist in Fire Fighting
9.941.13	False Alarms and Interference with Fire Fighting
9.941.20	Reckless Use of Weapon
9.941.21	Disarming a Police Officer Prohibited
9.941.23	Carrying Concealed Weapon
9.941.24	Possession of Switch Blade Knife
9.941.37	Obstruction of Emergency Vehicles Prohibited
9.943.01(1)	Criminal Damage to Property (Less Than \$200)
9.943.06	Molotov Cocktails
9.943.13	Criminal Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.15	Entry Onto a Construction Site
9.943.20	Theft (Less Than \$100)
9.943.24	Issue of Worthless Checks
9.943.50	Shoplifting
9.944.20	Lewd and Lascivious Behavior
9.944.23	Making Lewd, Obscene or Indecent Drawings
9.944.30	Prostitution
9.944.31	Patronizing Prostitutes
9.944.33	Pandering
9.944.34	Keeping Place of Prostitution
9.945.02	Gambling
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.42	Escape
9.946.44	Assisting or Permitting Escape
9.946.65	Obstructing Justice
9.946.70	Personating Peace Officer
9.946.72	Tampering with Public Records and Notices
9.947.01	Disorderly Conduct
9.947.013	Harassment Prohibited

- 9.947.015 Bomb Scares
- 9.947.047 Littering Shores
- 9.947.06 Unlawful Assemblies
- 9.948.01-.16 Crimes Against Animals

9.02 FIREARMS AND OTHER DANGEROUS WEAPONS REGULATED.
(Amended 10-13-2011).

(1) **DEFINITIONS.** The following definitions shall apply to Chapter 9 of the Village of West Baraboo Code of Ordinances.

(a) **CCW licensee.** An individual having a valid license to carry a concealed weapon issued under section 175.60(1), Wis. Stat., or an out-of-state license holder under section 175.60(1)(g).

(b) **Electric Weapon.** Any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current.

(c) **Firearm.** A weapon that acts by force of gunpowder.

(d) **Other Dangerous Weapon.** Any device other than firearms or electric weapons designed as a weapon and capable of producing death or great bodily harm; or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, including weapons that expel a missile by force of compressed air or compressed gas, bows and arrows, crossbows, sling shots, blow guns, brass knuckles, bowie-type knives, switchblade knives and other similar weapons.

(e) **Public Building.** Any building, including all bathroom buildings and pavilions in any park, owned or controlled by the Village of West Baraboo.

(2) **POSSESSION OF ELECTRIC AND OTHER DANGEROUS WEAPONS.**

(a) No person other than a CCW licensee shall carry or possess an electric weapon within the Village except within his own domicile, place of business or land that he owns, leases or legally occupies, or while transporting it unloaded and within a carrying case.

(b) No person shall have in his possession within the Village any other dangerous weapon, except within his own domicile or while transporting it unloaded within a carrying case.

(3) USE OF FIREARMS, ELECTRIC AND OTHER DANGEROUS WEAPONS. No person shall use or discharge any firearm, electric weapon or other dangerous weapon within the Village, except in self defense and where justified or privileged within the meaning of sections 66.0409(3)(b) or 939.45, Wis. Stat. This section does not apply to:

- (a) Sport shooting ranges; or
- (b) Law enforcement officers properly discharging their duties

9.03 POSSESSION OF FIREARMS IN PUBLIC BUILDINGS PROHIBITED.

(1) No person, except duly authorized city, village, county, state or federal law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while in any public building within the Village.

(2) The Village Director of Public Works shall post prominent signs at all entrances of all public buildings. The signs shall be at least 5" x 7" in size, and shall state the following:

"FIREARMS PROHIBITED IN BUILDING

Village of West Baraboo, Ordinance § 9.03"

(3) ENFORCEMENT. A law enforcement officer finding a person possessing a firearm in violation of this section shall immediately take possession of such firearm and retain it as evidence.

(4) Any person violating this ordinance shall be subject to a penalty as provided in section 25.04 of the Village Code of Ordinances.

9.04 MARIJUANA, POSSESSION AND USE PROHIBITED.

(1) DEFINITION. "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

(2) POSSESSION, DELIVERY AND USE PROHIBITED. It shall be unlawful for any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.

(3) EXCEPTION. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.

9.05 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village, except for the use of bows and arrows within indoor archery ranges.

9.06 SALE AND USE OF FIREWORKS REGULATED.

(1) DEFINITIONS.

(a) “FIREWORKS” means those items defined as fireworks in section 167.10(1), Wis. Stats., plus recreational fireworks.

(b) “RECREATIONAL FIREWORKS” means those items listed in section 167.10(1)(e), (f), (i), (j), (k), (L), (m) and (n), Wis. Stats., including, but not limited to: caps containing not more than one-quarter grain of explosive mixture, toy snakes, sparklers not exceeding 36 inches in length, devices to spray confetti or streamers with less than one-quarter grain of explosive mixture, fuseless devices with less than one-quarter grain of explosive mixture that are designed to produce audible or visible effects, cones or fountains that do not project fragments, devices designed to produce smoke at a controlled rate, and novelty devices that spin or move on the ground.

(2) SALE REGULATED. No person shall sell, or possess with the intent to sell, fireworks, except for recreational fireworks. No recreational fireworks shall be sold except at permanent business locations; sales from temporary locations are prohibited.

(3) USE REGULATED. Except as provided in § 167.10(3), Wis. Stats., no person shall possess or use fireworks, except for recreational fireworks, without a user's permit issued pursuant to sub. (4) below.

(4) USER'S PERMIT. As provided in § 167.10(3), Wis. Stats., fireworks user's permits may be issued by the Village President or other Village official designated by the Village President. The official issuing the permit shall require a certificate of liability insurance, or other similar proof of coverage, in an amount he or she deems necessary. The permit shall specify the name and address of the permit holder, the date on which the

fireworks may be purchased, the general kind and approximate quantity of fireworks which may be purchased, the date and location of the permitted use and such conditions on the permit as the official deems reasonable to protect the health, safety and general welfare of the user and the public, including the qualifications of the person who will possess and discharge the fireworks at any fireworks display open to the public. A copy of the permit and proof of insurance shall be filed with the Clerk-Treasurer and copies of the permit shall be given to the Fire Chief at least 2 days before the authorized use.

(5) **USE OF CERTAIN DEVICES REGULATED.** No person, other than the holder of the permit under sub. (4) above, may use fireworks or recreational fireworks at a fireworks display for which a permit has been issued if the display is open to the general public.

(6) **USE OF CERTAIN DEVICES PROHIBITED ON SCHOOL GROUNDS.** Except as provided in (4) above, no person may use those fireworks or devices described in § 167.10(1)(e) to (g) and (i) to (n), Wis. Stats., on any property of the School District of Baraboo or the sidewalks, streets or public right of way immediately abutting said property. This prohibition includes recreational fireworks.

(7) **STORAGE OF FIREWORKS.** No person may store fireworks within 50 feet of a public assemblage or a place where gasoline or volatile liquid is dispensed in quantities greater than one gallon.

(8) **MANUFACTURING PROHIBITED.** No person shall manufacture fireworks within the Village.

(9) **ENFORCEMENT.**

(a) **Penalty.** Any violations of this ordinance are subject to penalties and forfeitures as set forth in section 25.04.

(b) Fireworks that are stored, handled, sold or possessed by a person in violation of this ordinance may be seized and held as evidence.

(amended 11-9-2017; Ord. 17-3)

9.07 TRAPPING PROHIBITED. No person shall set any trap, as defined in § 29.01(13), Wis. Stats., on Village-owned land.

9.08 LOUD AND UNNECESSARY NOISE PROHIBITED.

(1) **GENERALLY.** No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person

of ordinary sensibilities in or about any public street, alley or park or any private residence.

(2) **PUBLIC ADDRESS SYSTEMS AND AMPLIFIERS.** No person shall use or operate any P.A. system, amplifier or device which increases the volume of voice, music or other sounds so loud as to disturb the public peace or the quiet and peacefulness of the neighborhood.

(3) **COMPRESSION BRAKES PROHIBITED.** Use of brakes which are activated by the compression of the engine (compression brakes, e.g., "jake brake" or Jacobs brake) within the Village limits is prohibited, except in the event of an emergency.

(4) **CONSTRUCTION AND MACHINERY NOISE.** Between the hours of 10:00 p.m. and 6:00 a.m., no person shall do construction work, or operate garbage or refuse dumpster pick up machinery, or operate any chainsaw, lawnmower or any other loud machinery of a similar nature. This subsection shall not apply to equipment or machinery being used for snow removal purposes or for emergency removal of debris caused by accident, weather conditions or other act of God.

9.09 LOITERING PROHIBITED.

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

(2) **OBSTRUCTION OF HIGHWAY BY LOITERING.** No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

(3) **OBSTRUCTION OF TRAFFIC BY LOITERING.** No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the Village in such manner as to prevent,

interfere with or obstruct the ordinary free use of such public sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.

(4) **LOITERING AFTER BEING REQUESTED TO MOVE.** No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private

premises without invitation from the owner or occupant after being requested to move by any police officer or by any person in authority in such places.

(5) **LOITERING IN PUBLIC PLACES.** No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

(6) **LOITERING IN OR ON SCHOOL PROPERTY.** No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in or on any school property within the Village between 7:00 A.M. and 4:00 P.M. on official school days.

9.10 ANIMALS AND POULTRY NOT TO RUN AT LARGE. No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the Village. "At large" means an animal is off the premises of its owner and upon any public street or alley, school grounds, public park or other public grounds or upon any private property without the permission of the owner of the property.

9.11 KEEPING OF LIVESTOCK AND POULTRY REGULATED. No person shall keep or maintain any livestock such as horses, cattle, sheep or goats, or poultry or fowl, including pigeons, in the Village, except upon operating farms and the livestock sales barn or pursuant to a permit issued under Section 12.10 of this code. (Amended 5/11/2023; Ord. 23-06)

9.115 FEEDING WATERFOWL PROHIBITED. No person shall feed waterfowl of any kind anywhere within the Village. (Adopted 10-10-2013; Resolution 13-017)

9.12 STORAGE OF JUNK PROHIBITED. No person, except a junk dealer licensed under ch. 12 of this Code, shall accumulate, store or allow any junk or junked vehicle, as defined in sec. 10.06 of this Code, outside of any building or any real estate located within the Village.

9.13 LITTERING PROHIBITED. No person shall deposit any mud, glass, refuse or waste, filth or other litter upon the streets, highways, alleys, parks or other property of the Village or upon any private property or into or upon any body of water or stream within the Village. Any person found guilty of violating this section shall be subject to a forfeiture of not more than \$200 plus the cost of cleanup. Each day a violation continues shall constitute a separate violation.

9.14 REGULATION OF BURNING. [Repealed and recreated 9-11-02, Ord. 02-004; repealed and recreated 9/11/02, Ordinance No. 02-004; repealed and recreated 05-12-2011]

(1) DEFINITIONS.

(a) "Bonfire" means a large, open fire kindled and maintained to mark a public event, celebration or similar occurrence, which only uses dry, untreated and unpainted wood as the burning material. (Relocated from 9.14(1)(d) and amended 8/10/2023; Ord. 23-9)

(b) "Burning" means the kindling or maintaining of a fire that has hot ashes or cinders or is giving heat, or still glowing or giving light, or a fire that is still smoldering or giving off smoke, or a fire that has not been completely extinguished. (Amended 8/10/2023; Ord. 23-9)

(c) "Fire performance" means any act including, but not limited to, fire juggling, fire tossing, fire eating, fire dancing, etc., that occurs inside or outside of a building in a public or private place that uses fire. (Adopted 8/10/2023; Ord. 23-9)

(d) "Open burning" means burning occurring outside of a building. (Relocated from 9.14(1)(b) and amended 8/10/2023; Ord. 23-9)

(e) "Recreational fires" and "cooking fires" both mean open burning for outdoor recreation and/or cooking purposes in an enclosure designed specifically for ember and flame containment, excluding a barrel, such as rocked-in pits, fireplaces, or barbecue grills which use only charcoal, propane gas or dry, untreated and unpainted wood as the burning material, and which satisfy the conditions set in subsection (3). (Relocated from 9.14(1)(c) and amended 8/10/2023; Ord. 23-9)

(f) Reserved. (Repealed 8/10/2023; Ord. 23-9)

(2) OPEN BURNING PROHIBITED.

(a) Except as otherwise provided in this section, no person shall burn or cause to be burned any leaves, grass, woods, rubbish, waste, recyclable paper products, recyclable cardboard, painted wood, pressure treated lumber, and/or any material made of in whole or in part or coated with rubber, plastic, leather, or petroleum-based materials, and/or products containing flammable materials or other combustible material. (Relocated from 9.14(5) and amended 8/10/2023; Ord. 23-9)

(b) An open burning permit may be issued by the Fire Chief for prescribed vegetation management purposes subject to reasonable conditions to mitigate fire hazards. The permit fee shall be established by the Baraboo Area Joint Fire and Emergency Medical Services District Commission. Applications for a permit must be submitted to the Village Clerk at least seven (7) calendar days prior to the burning. Supervision and inspection costs shall be billed to the owner of the property upon which supervision or inspection is required. Open burning permits shall apply to individual parcels or occupancies and are not transferable from person to person, parcel to parcel or occupancy to occupancy; however, open burning permits may encompass multiple parcels under common ownership if part of a common vegetation management project. (Repealed and recreated 8/10/2023; Ord. 23-9)

(c)-(k) Reserved. (Repealed 8/10/2023; Ord. 23-9)

(3) REGULATION OF RECREATION FIRES AND COOKING FIRES. Recreational fires and cooking fires are permitted so long as they comply with each of the following conditions: (Amended 8/10/2023; Ord. 23-9)

(a) Burning, under this subsection, shall not be kindled or maintained in a barrel.

(b) No burning shall be kindled or maintained on or within any street, public sidewalk, tree bank, alley, or parking lot, drainage ditch or public right-of-way.

(c) No burning shall be maintained such that the flames exceed 4 feet in height.

(d) No burning shall be maintained so as to cause a public nuisance prohibited by Chapter 10 of the Code.

(e) Except for barbecue, gas, and charcoal grills, any other burning receptacle, enclosure or pit shall be no greater than 30 inches in diameter at its greatest width.

(f) All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire extinguishing equipment or materials available at all times and easily accessible for immediate use.

(g) Except for barbecue, gas and charcoal grills, no burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban. (Amended 8/10/2023; Ord. 23-9)

(h) Whenever a portable fireplace or grill is located on a combustible surface, such as a wooden patio or deck, a non-combustible material shall be placed under and around the fireplace or grill for a distance of at least 24 inches on each side thereof.

(i) In relation to one- and two-family dwellings, except for barbecue, gas, and charcoal grills, no such burning shall be undertaken within 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief. (Amended 8/10/2023; Ord. 23-9)

(j) In buildings with three or more dwelling units, no burning shall be undertaken within 25 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief. (Amended 8/10/2023; Ord. 23-9)

(k) In buildings with three or more dwelling units, regardless of type or size, no barbecue, gas, charcoal or electric grill, or any other burning receptacle, shall be stored or used on balconies above the first floor, under any overhang or within 10 feet of the structure.

(4) **BONFIRES REGULATED.** No person shall kindle or maintain any bonfire without first obtaining a permit from the Fire Chief and each such permit shall be subject to the conditions established by the Fire Department. Applications for a permit must be submitted to the Village Clerk at least seven (7) calendar days prior to the bonfire. The permit fee shall be as set forth in the Baraboo Area Fire and EMS Commission's Official Fee Schedule. (Amended 8/10/2023; Ord. 23-9)

(5) FIRE PERFORMANCE. No person shall engage in any fire performance without first obtaining a fire performance permit from the Fire Chief and each permit shall be subject to the conditions established by the Fire Department. Applications for a permit must be submitted to the Village Clerk at least fourteen (14) calendar days prior to the performance. The permit fee shall be established by the Baraboo Area Joint Fire and Emergency Medical Services District Commission. (Repealed and recreated 8/10/2023; Ord. 23-9)

(6) EXCEPTIONS TO BURNING REGULATIONS. The following fires for burning shall be exempt from the provisions of this section: (Amended 8/10/2023; Ord. 23-9)

(a) Fires conducted inside of a building, including, but not limited to fireplaces and incinerators.

(b) Fires conducted to remove frost from the ground by public utility companies, Village employees, cemeteries, and building contractors.

(c) Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.

(d) Fires conducted for training or instruction of fire fighters by the Fire Department or for the testing of fire equipment by the Fire Department. (Amended 8/10/2023; Ord. 23-9)

(e) Any fire expressly authorized in writing by the Fire Chief. An exception to burning regulations permit issued by the Fire Chief shall be subject to the conditions established by the Fire Department. The fee for an exception to burning regulations permit shall be established by the Baraboo Area Joint Fire and Emergency Medical Services District Commission. (Amended 8/10/2023; Ord. 23-9)

(7) EMERGENCY REGULATIONS. The Fire Chief may, when necessary, declare an "Emergency Condition of Fire Hazard" for a specified period of time and, during such time, no burning shall be permitted unless done or controlled by the Fire Department. In addition, during such declared fire emergency period, the Fire Chief may prohibit the use of the following: (Amended 8/10/2023; Ord. 23-9)

(a) Fireworks as defined by § 167.10(1), Wis. Stats.

(b) Any of the items included under § 167.10(1)(e), (f), (i), (j), (k), (l), (m), and (n), Wis. Stats.

(c) Any other device that may pose a fire hazard.

(8) OPEN BURNING PROHIBITED WHEN WIND EXCEEDS EIGHT (8) MILES PER HOUR. No person shall kindle or maintain any open burning within the Village whenever the wind speed exceeds eight (8) miles per hour as measured by a portable wind meter device approved by the Fire Chief. Before taking any enforcement action under this subsection (8), the Fire Chief or his/her designee shall first order the violator to completely extinguish the open burning. A citation shall not be issued if the open burning is immediately extinguished after the order to do so has been given. No person shall continue to maintain any open burning after being ordered to completely extinguish the burning as provided in this subsection. (Amended 8/10/2023; Ord. 23-9)

(9) PERMIT REQUIREMENTS. All permits required under this Section must meet the minimum Village licensing and permitting standards as set forth in this Code and shall require the permittee to indemnify the Village. (Adopted 8/10/2023; Ord. 23-9)

(10) ENFORCEMENT. The Fire Chief and his/her designee(s), the Village Code Enforcement Officer, and jurisdictional law enforcement officers of the Village shall be authorized to enforce the provisions of this section. (Renumbered from 9.14(9) and amended 8/10/2023; Ord. 23-9)

(11) RECOVERY OF ABATEMENT COST. The Village has determined that a violation of this section creates a public nuisance or a hazard to the public safety. Therefore, in addition to any other penalty imposed by this code for a violation of this section, if the Fire Department is dispatched to a fire caused as a result of any act, omission, condition, or thing that constitutes a violation of this § 9.14, the person causing, permitting, or maintaining such occurrence, may be charged a fee to cover the Fire Department's cost for responding to such public nuisance. Any such fee shall be charged as established by the Baraboo Area Joint Fire and Emergency Medical Services District Commission. The charge shall be collected as a debt and, if the charge is not paid within thirty (30) calendar days of the date of billing, an administrative collection charge of ten percent (10%) of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of one percent (1%) per month until paid. If the owner of the property where the public nuisance occurred caused, permitted, or maintained such public nuisance, such charge shall be extended upon the current or next tax roll, to the extent allowed by law. (Renumbered from 9.14(10) and amended 8/10/2023; Ord. 23-9)

(11) Reserved. (Repealed 8/10/2023; Ord. 23-9)

9.145 OUTDOOR FURNACES

(1) DEFINITION. "Outdoor furnace" means an outdoor device designed to burn solid fuel such as wood, pellets, or corn to heat the interior of a building intended

for habitation by humans or domestic animals. This includes outdoor furnaces, stoves, or boilers that burn solid fuel.

(2) **PERMIT REQUIRED.** No person shall install, use, or maintain an outdoor furnace in the Village without a permit issued by the Village Board. The applicant shall submit an application for an outdoor furnace and the permit fee set forth on the Village Fee Schedule to the Village Clerk. The Building Inspector shall review the application and prepare a recommendation, and the Village Clerk shall place the application on the agenda for an upcoming Village Board meeting. The Village Board may approve, approve with conditions, or deny applications for outdoor furnaces on a case-by-case basis.

(3) **PERMIT RENEWAL.** Permits expire one year from the date of issuance and may be administratively renewed by the Building Inspector upon payment of the permit renewal fee set forth on the Village Fee Schedule and a determination that there has been no substantial change in conditions with respect to development of nearby property that may be affected by the outdoor furnace. In the event that the Building Inspector determines that there has been a substantial change in conditions, then he or she shall refer the matter to the Village Board, which shall determine whether to issue the permit on a *de novo* basis, giving due consideration to the effect of the outdoor furnace on nearby property. A permit holder under this section 9.145 shall have no vested rights in the permit beyond its one-year term and assumes the risk that development on nearby property will give rise to non-renewal of the permit.

(4) **STANDARDS FOR OPERATING OUTDOOR FURNACES.** An outdoor furnace may be installed and used only in accordance with the following provisions:

(a) The outdoor furnace shall be commercially manufactured in accordance with all federal and state regulations and installed and used only in an area where smoke emission will not adversely impact nearby properties.

(b) The outdoor furnace shall have a chimney. The Building Inspector shall determine the height of the chimney for the outdoor furnace on a case-by-case basis.

(c) The outdoor furnace shall be located at least three hundred (300) feet from the nearest building, which is not on the same property as the outdoor furnace.

(d) The outdoor furnace shall not be used to burn any of the prohibited materials listed in subsection (5) without specific written approval from the Department of Natural Resources and the Fire Chief.

- (e) No outdoor furnace shall be used so as to create a public nuisance prohibited by Chapter 10 of the Code.

Violation of this section may result in termination of the permit.

(5) **MATERIALS THAT MAY NOT BE BURNED.** The following materials may not be burned in outdoor furnaces unless a specific written approval has been obtained from the Department of Natural Resources and the Fire Chief:

- (a) Petroleum products.
- (b) Coal.
- (c) Rubbish or garbage.
- (d) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in NR 590, Wisconsin Administrative Code.
- (e) Treated or painted wood including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.
- (f) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.
- (g) Rubber including tires and synthetic rubber-like products.
- (h) Newspaper, corrugated cardboard, containerboard, office paper, and other materials that must be recycled.

(Adopted 3/12/2020; Ord. 20-01)

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

9.16 ABANDONED OR UNATTENDED ICEBOXES, ETC., PROHIBITED.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock, or other locking device which may not be released from the inside, without first removing such door or lid, snap lock or other locking device from such icebox, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

[9.17 Curfew (repealed)]

9.17 CONSUMPTION OF ALCOHOL ON PUBLIC PROPERTY

(1) DEFINITIONS.

“ALCOHOL BEVERAGE” includes fermented malt beverages, wine and intoxicating liquors.

“CONTAINER” means any glass, cup, can, bottle or other receptacle of any kind.

“OPEN CONTAINER” means a bottle, can or receptacle if the same has been or is opened, the seal has been broken, or the contents thereof have been partially removed.

“PUBLIC PROPERTY” means any public street, tree bank or sidewalk, public parking lot, public park and any other property owned, leased or operated by the Village, Sauk County or other governmental body.

(2) PROHIBITED CONDUCT

(a) No person shall consume any alcohol beverage on any public property.

(b) No person shall sell, serve or distribute or offer to sell, serve or distribute any alcohol beverage upon any public property or from a motor vehicle or other vehicle when the vehicle is on a public property in the Village of West Baraboo.

(c) No person shall possess an open container of alcohol beverage on any public property.

(d) The owner of any motor vehicle, or the driver of the vehicle if the owner is not present in the vehicle, shall not keep, or allow to be kept, in the motor

vehicle when it is upon a public property within the Village of West Baraboo any open container of alcohol beverage. This subsection does not apply if the bottle or receptacle is kept in the trunk of the vehicle or, if the vehicle has no trunk, in some other area of the vehicle not normally occupied by the driver or passengers. A utility compartment or glove compartment is considered to be within the area normally occupied by the driver and passengers.

(3) EXCEPTIONS. The prohibitions in subsection (2) shall not apply to any of the following:

(a) consumption of alcohol beverages in public parks during hours in which the park is open to the public;

(b) events and activities for which a license has been granted under section 12.02 of the Village Code; or

(c) persons transporting unopened alcohol beverages from a point of purchase to their destination unless it is in violation of section 346.93 or 125.09(2), Wis. Stats.

(4) POSSESSION OF ALCOHOL BEVERAGES ON SCHOOL GROUNDS PROHIBITED [Ref. Note: s. 125.09(2)]

(a) Definitions. In this subsection:

“MOTOR VEHICLE” means a motor vehicle owned by, rented by, or consigned to a school.

“SCHOOL” means a public, parochial, or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

“SCHOOL ADMINISTRATOR” means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

“SCHOOL PREMISES” means premises owned, rented or under the control of a school.

(b) Except as provided by subsection (c) no person may possess or consume alcohol beverages:

1. On school premises;
2. In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
3. While participating in a school-sponsored activity.

(c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

(d) Any person who violates this subsection shall forfeit not more than \$200.00, except that ss. 125.07 (4) (c) and (d) and 938.344, Wis. Stats., provide the penalties applicable to underage persons

(5) PENALTIES. Any person who violates any provision of this chapter for which a specific penalty is not provided, shall forfeit not more than \$500.00 and pay the costs of prosecution.

(Adopted 12/14/2017; Ord. 17-06)

9.175 SELF-SERVICE STORAGE FACILITIES: PROHIBITED ACTIVITIES.

(1) DEFINITIONS.

(a) “SELF-SERVICE STORAGE FACILITY” means a storage building comprised of separate compartments each of which is intended for a separate rental and each of which has its own separate access.

(2) PROHIBITED ACTIVITIES. Except as otherwise required by state law, the following activities shall be prohibited within a self-service storage facility or on a lot containing a self-service storage facility:

(a) Commercial, wholesale, or retail sales; flea markets, peddling, or garage sales. However, once a month, the management of the self-storage facility may conduct a one-day auction or sale of abandoned or stored materials.

(b) Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

(c) Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for construction or maintenance of the facility.

(d) Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

(e) Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.

(f) Habitation of storage units by humans or animals.

(Adopted 1/10/2019; Ord. 19-01)

9.18 UNIFORM CITATION METHOD ADOPTED.

(1) CREATION. The citation shall contain the following:

(a) The name and address of the alleged violator.

(b) Factual allegations describing the alleged violation.

(c) The time and place of the offense.

(d) The section of the ordinance or this Code violated.

(e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.

(f) The time at which the alleged violator may appear in court.

(g) A statement which, in essence, informs the alleged violator, as follows:

1. That a cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.

2. That if such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.

3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest

and submitted to a forfeiture and a penalty assessment imposed by § 165.87, Wis. Stats., not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons will be issued demanding him to appear in court to answer the complaint.

4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the penalty assessment imposed by § 165.87, Wis. Stats.

(h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (g) above has been read. Such statement shall be sent or brought with the cash receipt.

(i) Such other information as the Village Board deems necessary.

(2) DEPOSITS.

(a) Each citation issued under this section, except those to which par. (d) below applies, shall specify a cash deposit as set forth in the Village of West Baraboo Bond Schedule which consists of the appropriate forfeiture, a penalty assessment of 15% and court costs of \$10. The said Village of West Baraboo Bond Schedule is hereby adopted by reference and made a part hereof.

(b) Deposits shall be made in cash, money order or check to the Clerk of Courts, who shall provide a receipt therefor.

(c) The 15% penalty assessment imposed by § 165.87, Wis. Stats., shall be added to all forfeitures hereunder, except where said forfeitures derive from citations issued for violations of ordinances for which State law controls or of ordinances involving nonmoving traffic violations. Said assessments shall be in an amount determined after deducting the court costs.

(d) The deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed \$25 plus costs and the penalty assessment imposed by § 165.87, Wis. Stats., except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.

(4) ISSUANCE OF CITATION.

(a) Law Enforcement Officers. Any law enforcement officer may issue citations authorized under this section. (Amended 2/9/2023; Ord. 23-4)

(b) Other Village Officials. The following officials of the Village of West Baraboo are hereby authorized to issue citations or cause citations to be issued by the Code Enforcement Officer for enforcement of those specified sections of this Code:

1. Fire Chief/Fire Inspector
 - Chapter 5 (Entire Chapter)
 - Chapter 9 (Sections 9.14, 9.145)
 - Chapter 10 (Sections 10.01, 10.02, 10.03, 10.04, 10.05)
2. Director of Public Works
 - Chapter 7 (Sections 7.04, 7.06)
 - Chapter 8 (Entire Chapter)
 - Chapter 9 (Section 9.14)
 - Chapter 10 (Sections 10.01, 10.02, 10.03, 10.04, 10.05, 10.07)
 - Chapter 12 (Section 12.04)
 - Chapter 13 (Entire Chapter)
 - Chapter 15 (Sections 15.08, 15.09)
3. Building Inspector
 - Chapter 8 (Section 8.08)
 - Chapter 9 (Section 9.145)
 - Chapter 10 (Sections 10.01, 10.02, 10.03, 10.04, 10.05, 10.06)
 - Chapter 12 (Sections 12.04, 12.06, 12.075)
 - Chapter 14 (Entire Chapter)
 - Chapter 23 (Entire Chapter)
4. Plumbing Inspector
 - Chapter 15 (Entire Chapter)
5. Electrical Inspector
 - Chapter 16 (Entire Chapter)
6. Code Enforcement Officer
 - Chapter 7 (Sections 7.04, 7.06)
 - Chapter 8 (Sections 8.035, 8.04, 8.05, 8.08)
 - Chapter 9 (Sections 9.07, 9.08, 9.10, 9.11, 9.115, 9.12, 9.13, 9.145, 9.15, 9.16, 9.175)
 - Chapter 10 (Entire Chapter)
 - Chapter 12 (Sections 12.04, 12.05, 12.075)

Chapter 22 (Entire Chapter)

- 7. Village Engineer
Chapter 8 (Section 8.03)
Chapter 23 (Entire Chapter)
- 8. Zoning Administrator
Chapter 17 (Entire Chapter)
Chapter 19 (Entire Chapter)

(Amended 2/9/2023; Ord. 23-4) (Amended 8/10/2023; Ord. 23-8)

(5) **PROCEDURE.** Section 66.199(3), Wis. Stats., relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(6) **NON-EXCLUSIVITY.**

(a) **Other Ordinances.** Adoption of this section does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(b) **Other Remedies.** The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

9.19 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code. In addition to any penalty imposed for violation of § 9.943.01(1) of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates § 9.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with § 895.35, Wis. Stats.