

CHAPTER 2

Offenses Against Public Safety and Peace

- § 9-2-1 Regulation of Firearms
- § 9-2-2 Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited
- § 9-2-3 Throwing or Shooting of Arrows, Stones, and Other Missiles Prohibited
- § 9-2-4 Harassing or Obscene Telephone Calls
- § 9-2-5 Sale and Discharge of Fireworks Restricted
- § 9-2-6 Obstructing Streets and Sidewalks Prohibited
- § 9-2-7 Regulation of Display and Sale of Instruments Used for Inhaling or Ingesting Controlled Substances
- § 9-2-8 Loitering Prohibited
- § 9-2-9 Loud and Unnecessary Noise Prohibited
- § 9-2-10 Disorderly Conduct
- § 9-2-11 Possession of Marijuana Prohibited
- § 9-2-12 Unauthorized Presence on School Property Prohibited
- § 9-2-13 Possession of Firearms in Public Buildings and Business Establishments Prohibited
- § 9-2-14 Curfew
- § 9-2-15 Failure to Obey Lawful Order
- § 9-2-16 Child Enticement
- § 9-2-17 Safe Use and Transportation of Firearms and Bows
- § 9-2-18 Possession of Synthetic Cannaboid Prohibited
- § 9-2-19 Child Sex Offender Restrictions
- § 9-2-20 Bow Hunting within the Village

SEC. 9-2-1 REGULATION OF FIREARMS.

- (a) No person, except a sheriff, police officer or other law enforcement officer, shall fire or discharge any firearm, rifle, spring gun, air gun, or pneumatic pellet gun of any description, or tipped arrow, except as provided in 9-2-3, within the Village or have any compound or strung bow, rifle, spring gun, air gun, or pneumatic pellet gun in his possession or under his or her control unless it is unloaded and enclosed or encased within a carrying case or other suitable container.
- (b) No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village.
- (c) This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Chief of Police and Village Board where proper safety precautions are taken.
- (d) No minor shall have in his or her possession any firearm, rifle, or ammunition therefore, except as authorized pursuant to Sec. 29.304, Wis. Stats., as amended from time to time.

History: Sec. 9-2-1(a) & (d) amended. Ordinance No. 2, Series of 2011.

SEC. 9-2-2

CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED.

- (a) **CONCEALED WEAPONS.** No person, except a sheriff, constable, police officer or other law enforcement officer shall carry or wear concealed about his person any, sling shot, cross knuckle of lead, brass or other metal, or any other dangerous or deadly weapon within the Village. No person, except a sheriff, constable, police officer or other law enforcement officer shall carry or wear concealed about his person any bowie knife, switchblade, dirk, dagger, or other knife in a building, or part of a building, that is owned, occupied, or controlled by the Village. In all cases of conviction hereunder, any and all dangerous weapons found on the person of the convicted shall be confiscated and become the property of the Village and may be destroyed by order of the court. No person, except a Peace or Law Enforcement Officer, or member of the Military in the line of duty as provided for in Sec. 175.60, Wis. Stats., et seq., as amended from time to time, or person acting within the terms of a license to carry a concealed weapon shall have any spring gun, handgun, air gun, or paint ball gun in his or her possession or under his or her control unless it is both unloaded and locked or enclosed within a carrying case or other suitable container. No person may maliciously carry a concealed or openly displayed weapon. No person may carry a concealed or openly displayed weapon with criminal intent.
- (b) **POSSESSION, SALE AND MANUFACTURE OF CERTAIN WEAPONS PROHIBITED.**
- (1) No person shall sell, manufacture, purchase, possess, or carry 8 "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Sucbai" or similar weapon, within the Village of Prairie du Sac.
- (2) For the purpose of this Section the following definitions shall apply:
- a. "Numchuk" or "Nunchaku." An instrument consisting of two or more sticks, clubs or rods connected by a rope, cord, wire or chain.
- b. "Churkin." A round throwing knife consisting of several sharp points protruding from a rounded disc.
- c. "Sucbai." A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
- (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

History: Sec. 9-2-2(a) amended. Ordinance No. 2, Series of 2011. Sec. 9-2-2(a) amended. Ordinance No. 6, Series of 2016.

SEC. 9-2-3

THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.

It shall be unlawful for any person to discharge or throw any dangerous missile, object, arrow, stone, snowball or other missile in or at any dwelling or building or any public park, playground, street, enclosure or other public place within the Village, provided, however upon written application to the Chief of Police, a person may be granted permission by the Chief of Police to construct and maintain approved archery ranges if in the opinion of the Chief of Police and the Village Board the construction of such ranges will in no way endanger the public health and

safety; and further provided however, that bow hunting is permitted subject to the conditions of Sec. 9-2-20.

History: Sec. 9-2-3 amended. Ordinance No. 2, Series of 2014.

SEC. 9-2-4 HARASSING OR OBSCENE TELEPHONE CALLS.

Whoever of the following shall be subject to the penalty as provided in this Municipal Code:

- (a) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- (b) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
- (c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- (d) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- (e) Knowingly permits any telephone under his control to be used for any purpose prohibited by this section;
- (f) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number of numbers.

SEC. 9-2-5 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

PRIVATE USE AND SALE. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village unless he shall be authorized by a fireworks permit as provided in Title 7, Chapter 8, of this Municipal Code. The term "fireworks" as used in this section shall be defined as provided in Section 167.10(1), Wisconsin Statutes, and shall be deemed to include all rockets or similar missiles containing explosive fuel.

SEC. 9-2-6 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED

- (a) **OBSTRUCTING STREETS.** No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.
- (b) **BLOCKING SIDEWALK PROHIBITED.** No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (c) **FREE SPEECH.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

- (d) **DEFINITIONS.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Block:** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
 - (2) **Sidewalk:** Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

SEC. 9-2-7 REGULATION OF DISPLAY AND SALE OF INSTRUMENTS USED FOR INHALING OR INGESTING CONTROLLED SUBSTANCES.

- (a) **LICENSE REQUIRED.**
- (1) 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 by the Wisconsin Statutes, without obtaining a license therefor. Such licenses shall be in addition to any or all other licenses held by applicant. The annual fee for such license shall be Fifty (\$50.00) Dollars.
 - (2) The following guidelines define, in part, the scope of the terminology in subsection (1) above of "items, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs":
 - a. "Paper"--White paper or tobacco-oriented paper not necessarily designed for use with illegal cannabis or drugs may be displayed under this Section. Other paper of colorful design, names oriented for use with illegal cannabis or drugs and displayed are covered by this Section and are unlawful to sell.
 - b. "Roach Clips"--Roach clips are designed for use with illegal cannabis or drugs and therefore covered by this Section and are unlawful to sell.
 - c. "Pipes"--Pipes if displayed away from the proximity of nonwhite paper or tobacco-oriented paper and not displayed within proximity of roach clips or literature encouraging illegal use of cannabis or illegal drugs are not covered by this Section; otherwise covered.
 - d. "Paraphernalia"--Paraphernalia if displayed with roach clips or literature encouraging illegal use of cannabis or illegal drugs is covered by this Section and is illegal to sell.
- (b) **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 the applicant, and each and every employee authorized to sell such items, that such person has never been convicted of a drug-related offense.
- (c) **MINORS.** It shall be unlawful to sell or give items as described in Subsection (a) in any form to any male or female minor under eighteen (18) years of age.
- (d) **RECORDS.** Every licensee shall 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. 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

the sale, and the licensee or agent of the licensee. Such records shall be retained for not less than two (2) years.

SEC. 9-2-8 LOITERING PROHIBITED

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.

SEC. 9-2-9 LOUD AND UNNECESSARY NOISE PROHIBITED.

- (a) **LOUD AND UNNECESSARY NOISE PROHIBITED.** It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- (b) **TYPES OF LOUD AND UNNECESSARY NOISES.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
 - (1) *Horns, signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three (3) seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
 - (2) *Radios, phonographs, similar devices.* The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 9:00 PM and 7:00 AM in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
 - (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the

public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

- (4) *Animals, birds.* The keeping of any animal or bird which by causing frequent or long continued unnecessary noise.
- (5) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
- (6) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- (7) *Construction or repair of buildings.* The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 AM and 9:00 PM on weekdays and Saturdays; provided, however, the Village Administrator shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 9:00 PM to 7:00 AM.
- (8) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
- (9) *Exemptions.* The provisions of this section shall not apply to:
 - a. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster. To restore public utilities, or to protect persons or property from an imminent danger.
 - b. Sound made to alert persons to the existence of an emergency, danger, or attempted crime.
 - c. Activities or operations of governmental units or agencies.
 - d. Parades, concerts, festivals, fairs or similar activities subject to any sound limits in the approval by the Village Board or its designee.

- e. Athletic, musical, or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, and public or private colleges or universities; provided however such activities are conducted between the hours of 7:00 AM to 9:00 PM on Sundays through Thursdays and 7:00 AM to 10:30 PM on Fridays and Saturdays; and except that athletic events (exclusive of practices) may extend to 9:30 PM on Sundays through Thursdays.
- f. Equipment and activities creating sound from the collection of solid waste.
- g. Sounds emanating from public or private schools, colleges or universities, other than those described in (9)e above.

(10) *Temporary Exemptions.*

- a. The Village Administrator is authorized to grant a temporary exemption from the maximum permissible sound levels established by this section if such temporary exemption would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary exemption is sought.
- b. The following factors shall be considered by the Village Administrator in determining whether to grant a temporary exemption:
 - (i) The balance of the hardship to the applicant, the community and other persons in not granting the exemption against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the exemption.
 - (ii) The nearness of any residence or residences, or any other use which would be adversely affected by sound in excess of the limits prescribed by this article.
 - (iii) The level of the sound to be generated by the event or activity.
 - (iv) Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the exemption is requested.
 - (v) The density of population of the area in which the event or activity is to take place.
 - (vi) The time of day or night which the activity or event will take place.

(vii) The nature of the sound to be produced, including but not limited to, whether the sound will be steady, intermittent, impulsive, or repetitive.

c. A temporary exemption must be in writing and signed by the Village Administrator or his appointed representative and must set forth the name of the party granted the exemption, the location of the property for which it is authorized, the date(s) and time(s) for which it is effective and the dB(A) level(s) authorized.

d. A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed 30 days.

(c) STATIONARY NOISE LIMITS.

(1) *Maximum Permissible Sound Levels.*

a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.

Zoning Districts	Noise Rating Daytime	Noise Rating Nighttime
Residential and Conservancy	60 db	50 db
Commercial, Office/Research and Institutional	70 db	70 db
All Other Zoning Districts	75 db	75 db

b. Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor in determining permissible noise limits. If the subject noise being measured exceeds the ambient noise by the following amounts, the subject noise shall be designated excessive.

Zoning Districts	Increase in Noise Level over Ambient Noise Level
Residential and Conservancy	3 db
Commercial, Office/Research and Institutional	5 db
All Other Zoning Districts	8 db

- c. Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection "a" above, if the subject noise consists primarily of a pure tone or if it is impulsive in character.
 - d. For the purposes of this section, the noise limits that apply to Residential Zoning Districts also apply to the lots directly adjacent to the Residential Zoning District.
 - e. For the purposes of this section:
 - i. Daytime – means 7:00 AM to 9:00 PM
 - ii. Nighttime – means 9:00 PM to 7:00 AM
- (2) *Noise in Residential Zoning Districts.* In Residential Zoning Districts, the person in violation of this Section shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officers. A person in violation of this Section for two (2) or more times will be subject to a general penalty per Sec. 1-1-6.
- (3) *Operation of Certain Equipment.* Lawnmowers, chainsaws, powered garden equipment, electric insect killing/repelling devices, and other non-construction maintenance equipment shall be operated only during the hours between 7:00 AM and 9:00 PM unless within the specified noise levels measured at the property line of the location at which said equipment is in use.
- (4) *Exemptions.* Operation of emergency equipment shall be exempt from this Chapter. Snowblowers not operated on a commercial basis shall be exempt from this Chapter when used to gain access to a Village street. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Village.
- (5) *Methods of Measuring Noise.*
- a. Equipment. Noise measurement shall be made with minimum of a Type 2 sound meter that complies with ANSI standard S1.4-1983, using “A” weighted values.
 - b. Location of Noise Meter. Noise measurement shall be made at a location directly across a street from the source of the sound. The noise meter shall be placed at a height of at least three (3) feet above the ground and at least three (3) feet away from walls, barriers, obstructions, and all other sound reflective surfaces.
- (6) *Control of Nighttime Noise Emitted From Residential Air Conditioners.*

- a. No person shall install, operate, or use any residential air-conditioner which creates a noise level in a sleeping room in any dwelling unit located on any adjacent premises in the excess of three (3) db above the ambient noise level at the location being measured.
- b. Upon receiving a complaint, the Police Department will conduct a noise survey through the use of a sound level meter. The sound pressure level should be measured in a sleeping room in the complainants premises with the sound level measuring microphone placed three (3) feet from an open window nearest to the source of the noise and not less than three (3) feet above the floor of the room in which the measurement is made.

History: Sec. 9-2-9 Repealed and recreated. Ordinance No. 7, Series of 2013.

SEC. 9-2-10 DISORDERLY CONDUCT.

- (a) **DISORDERLY CONDUCT PROHIBITED.** No person, within the Village of Prairie du Sac, shall:
 - (1) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (b) **DISORDERLY CONDUCT WITH MOTOR VEHICLE.** No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noise.
- (c) **DEFECATING OR URINATING IN PUBLIC PLACES.** It shall be unlawful for any person to defecate or urinate, outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings.

SEC. 9-2-11 POSSESSION OF MARIJUANA PROHIBITED.

- (a) **DEFINITIONS.** For the purpose of this section, the following definitions shall apply:
 - (1) "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. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.
 - (2) "Practitioner" means:
 - a. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense,

conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.

- b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.
- (b) It is unlawful for any person to possess and/or use marijuana, unless the marijuana was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by Chapter 961, Wisconsin Statutes.

SEC. 9-2-12 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.

- (a) It shall be unlawful for any person, except as provided in subsection (b) hereof, to be present in, loiter or enter into any public school building, school parking lot or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days.
- (b) This Section shall not apply to:
 - (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof, to leave the school building or school grounds;
 - (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this except shall apply only to the portion of the premises on which such facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;
 - (3) Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- (c) The exceptions set forth in subsection (b) shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
- (d) All entrances to the school buildings shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited." All school grounds shall be posted with a notice stating "Entry Upon School Grounds by Unauthorized Persons Prohibited "

SEC. 9-2-13 POSSESSION OF FIREARMS IN PUBLIC BUILDINGS AND BUSINESS ESTABLISHMENTS PROHIBITED.

- (a) DEFINITIONS
 - (1) Firearm means any rifle, shotgun, handgun, spring gun, air gun, or bow and arrow device.
 - (2) Law Enforcement Officer means any person employed by the federal government or by the state or any political subdivision of the 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.
- (b) RESTRICTIONS

No person, except a Peace or Law Enforcement Officer, judge, or member of the Military in the line of duty as defined in Wisconsin Statutes, may carry, possess, or control a firearm within or directed at the confines of any structure owned by Prairie du Sac. The structures owned by Prairie du Sac include, but are not limited to: Pavilions in municipal parks, the Village Hall, the Community Library, the Fire Department, the Police Department or Municipal Court.

- (c) This section shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.

History: Sec. 9-2-13(a) & (b) amended. Ordinance No. 2, Series of 2011.

SEC. 9-2-14 CURFEW.

- (a) It shall be unlawful for any person seventeen (17) years of age or under to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place in the Village of Prairie du Sac between the hours of 10:30 p.m. and 4:00 a.m., except Friday and Saturday when the hours shall be 12:00 a.m. (midnight) to 4:00 a.m., unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore. The fact that said child, unaccompanied by parent, guardian, or other person having legal custody, is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor.
- (b) **EXCEPTIONS.**
 - (1) This section shall not apply to a child:
 - a. Who is performing an errand as directed by his parent, guardian or person having lawful custody.
 - b. Who is on his own premises or in the areas immediately adjacent thereto.
 - c. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
 - d. Who is returning home from a supervised school, church or civic function.
 - (2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- (c) It shall be unlawful for any parent, guardian, or other person having the lawful care, custody and control of any person under the age of seventeen (17) years to allow or permit such person to violate the provisions of (a) and (b) above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this ordinance occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian, or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any person under the age of seventeen (17) years to violate this section.

- (d) It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under the age of seventeen (17) to loiter, loaf, or idle in such place during the hours prohibited by this Section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this Section shall find persons under the age of seventeen (17) years loitering, loafing, or idling in such place of business, he shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the police department and inform them of the violation.
- (e) Every law enforcement officer is hereby authorized to detain any minor violating the provisions of above, until such time as the parent, guardian, or person having legal custody of the minor shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the minor and shall sign a release for him or her. If no response is received, the Police shall take whatever action is deemed necessary, in the best interest of the minor.
- (f) **GENERAL PENALTY.**
 - (1) Any parent, guardian or person having legal custody of a child described in Sub section (a) and (e) who has been warned in the manner provided in Subsection (f) and who thereafter violates any of the provisions of this section shall be subject to a penalty as provided in Sec. 1-1-6 of this Municipal Code. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this ordinance because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Chapter 948, Wis. Stats.
 - (2) Any child who violates this section after being detained and released under Subsection (e) shall be dealt with under Chapter 948, Wis. Stats.

History: Sec. 9-2-14 amended. Ordinance No. 6, Series of 2020.

SEC. 9-2-15 FAILURE TO OBEY LAWFUL ORDER.

It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

SEC. 9-2-16 CHILD ENTICEMENT.

It shall be unlawful for any person eighteen (18) years of age or over, who does not have legal authority or the consent of the parent or legal guardian, to attempt or complete the act of enticing, luring or coercing a child below the age of fifteen (15), into a vehicle, building, room or secluded place by offering gifts, using unreasonable requests, language or gestures. An unreasonable request shall include, without limitation because of enumeration, offers to help move furniture, clean, babysit, or see or play with pets or toys. No arrest shall be made for a violation of this Section unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this Section if it appears at trial that the explanation given was reasonable and disclosed a lawful purpose.

SEC. 9-2-17 SAFE USE AND TRANSPORTATION OF FIREARMS AND BOWS.

- (a) **DEFINITIONS.** In this Section:
- (1) Aircraft has the meaning given under Sec. 114.002(3), Wis. Stats.
 - (2) Encased means enclosed in a case that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
 - (3) Firearm means a weapon that acts by force of gunpowder.
 - (4) Highway has the meaning given under Sec. 340.01(22), Wis. Stats.
 - (5) Motorboat has the meaning given under Sec. 30.50(6), Wis. Stats.
 - (6) Roadway has the meaning given under Sec. 340.01(54), Wis. Stats.
 - (7) Unloaded means any of the following:
 - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
 - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
 - c. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
 - (8) Vehicle has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.
- (b) **PROHIBITIONS; MOTORBOATS AND VEHICLES; HIGHWAYS AND ROADWAYS**
- (1) Except as provided in Subsection (c), no person may place, possess, or transport a firearm, bow, or crossbow in or on a motorboat with the motor running, unless the firearm is a handgun as defined by Wisconsin Statutes, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
 - (2) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow, or crossbow in or on a vehicle, unless the firearm is a handgun as defined by Wisconsin Statutes unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
 - (3) Except as provided in Subsection (c), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
 - (4) Except as provided in Subsection (c)(1) and (5), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet of the center of a roadway.
 - (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture of not more than One Hundred Dollars (\$100.00).
- (c) **EXCEPTIONS.**
- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:
 - a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
 - b. A member of the U.S. armed forces.
 - c. A member of the national guard.
 - (2) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.

- (3) Subsection (b)(2) and (3) does not apply to the holder of a permit under Sec. 29.09(9), Wis. Stats., who is hunting from a standing automobile in accordance with that subsection.
- (4) Subsection (b)(2) does not prohibit a person from leaning an unloaded firearm against a vehicle.
- (5) Subsection (b)(4) does not apply to a person who is legally hunting small game with a muzzle-loading firearm or with a shotgun loaded with shotshell or chilled shot number BB or smaller, if the surface of the highway or roadway is anything other than concrete or blacktop.
- (6) Nothing contained in this Sec. 9-2-17 shall prohibit the transport of firearms, bow or crossbows in any manner that is authorized by Sec. 176.31, Wis. Stats., as amended from time to time.

History: Sec. 9-2-17(a) & (b) amended. Ordinance No. 2, Series of 2011.

History: Sec. 9-2-17(c) amended. Ordinance No. 2, Series of 2014.

SEC 9-2-18 POSSESSION OF SYNTHETIC CANNABOID PROHIBITED

- (a) Findings. The Village Board of the Village of Prairie du Sac, Wisconsin, has determined that herbal preparations powdered or sprayed with a chemical synthetic cannabinoid are available for sale in the Sauk County area that claim to produce intoxicating effects similar to THC or marijuana. While the substances are not yet categorized as illegal controlled substances under Wisconsin or federal law, several other countries, states and municipalities have already taken action to prohibit these substances due to increased overdoses and other negative health concerns. While these synthetic cannabinoid substances are often marketed as benign and legal alternatives to marijuana, they are potentially dangerous to users as the substances can create potency from 3 up to 100 times greater than marijuana, produce severe adverse health conditions such as hallucinations, paranoia, seizures, and vomiting based on reported emergency room experiences in areas of the country where use is more prevalent, and further that long term health effects of use of these substances are not yet known. It has been determined that the effects of these substances are a health, safety, and welfare concern to the citizens of the Village of Prairie du Sac;
- (b) Possession, Use and Sale are Prohibited. It shall be illegal for any person to use, possess, transport, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give trade or barter any one or more of the following chemicals whether under the common street names of “Spice,” “K2,” “Genie,” “Yucatan Fire,” “fake” or “new” marijuana, or by any other name, label or description:
 - (1) Salviadinorum or salvinatorum 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 such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
 - (2) (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol some trade or other names: HU-210;
 - (3) 1-Pentyl-3-(1-naphthoyl) indole-some trade or other names: JWH-018\spice;
 - (4) 1-Butyl-3-(1naphthoyl) indole-some trade or other names: JWH-073;

- (5) 1-(3{trifluoromethylphenyl})piperazine – some trade or other names: TFMPP;
- (6) Or any similar structural analogs.
- (c) Exception. Acts otherwise prohibited under this Section 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.
- (d) Penalty. Any person violating this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, exclusive of costs.

History: Sec. 9-2-18 created. Ordinance No. 3, Series of 2010.

SEC 9-2-19 CHILD SEX OFFENDER RESTRICTIONS

(a) **FINDINGS.** The Village Board of the Village of Prairie du Sac, Wisconsin, has determined that there is a risk that persons convicted of a sexual offense against a child may re-offend in locations close to where children tend to congregate. Due to the high rate of recidivism for child sexual offenders, reducing the opportunity and temptation is important to minimizing the risk of re-offense. Accordingly, there is a need to protect children where they congregate or play in public places. Therefore, it is the intent of this Ordinance is to serve the Village’s compelling interest to promote, protect, and improve the health, safety, and welfare of the children of the Village of Prairie du Sac by prohibiting convicted sexual offenders from loitering or being present in specified areas around locations where children regularly congregate in concentrated numbers. In addition to schools and daycare centers, the Village finds and declares that children congregate or play at child-oriented facilities, such as parks and playgrounds and libraries. This Ordinance also recognizes that convicted sexual offenders must reenter the community and the Village of Prairie du Sac accepts that it has a responsibility to convicted sexual offenders and the surrounding area municipalities to ensure that its regulatory measures are not aimed at prohibiting convicted sexual offenders from being part of this society. This Ordinance is not intended to be a criminal penalty.

(b) **DEFINITIONS.** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning. All other terms are to be given their commonly used and understood meaning.

- (1) Child – means a person under the age of fifteen.
- (2) Designated Offender – means any person:
 - a. Who has been convicted of a sexual offense against a child, *and* is required to register under Wis. Stat. § 301.45, *or*
 - b. Is under court ordered supervision by the Wisconsin Department of Corrections for any sexual offense against a child.
 - c. The term “Designated Offender” *does not* include a person who:
 - 1. At the time of the offense was under the age of eighteen (18); *and*
 - 2. Was not tried and convicted of the offense as an

adult.

- (3) Loitering – has the meaning given under § 9-2-8 of this chapter.
 - (4) Restricted Zones: means certain areas that are designated by the Village as areas children congregate, including, but not limited to, schools, parks, library, playgrounds, licensed day care centers, or any other place designated by the Village as a place where children are known to congregate. Restricted Zones will not expand beyond the real estate parcel or parcel(s) upon which the building, park, or establishment is located that prompted the Village’s designation of the property as a Restricted Zone. A Restricted Zone will include contiguous parcels used for ancillary purposes, such as an athletic field located adjacent to a school.
 - (5) Loiter-Free Zones: means a 100 foot radius surrounding all Restricted Zones, except businesses defined in the “Restricted Zone Map” on file at the Village Clerk’s office.
 - (6) Restricted Zone Map: means an official map, maintained by the Village, showing Restricted Zones designated in Red and Loiter-Free Zones designated in Yellow. The Village shall update the “Restricted Zone Map” as needed to reflect any changes in the location of Restricted Zones and Loiter-Free Zones. Any such changes shall be made at a regularly scheduled meeting of the Village Board with approval by the full board. Restricted Zone Maps will be available at the Village Office.
- (c) LOCATIONS AND ACTS PROHIBITED.
- (1) Restricted Zones:
 - a. Prohibitions: It is unlawful for any Designated Offender to be physically present within a Restricted Zone under any of the following circumstances:
 - 1. When children are present or should be known to be present; *or*
 - 2. Monday through Friday, in a school or day care center Restricted Zone between 7:00 a.m. and 11:00 p.m.; *or*
 - 3. In a park or playground Restricted Zone between 7:00 a.m. and 11:00 p.m.
 - b. Exceptions: A Designated Offender may be physically present on any day or time within a Restricted Zone if either of the following conditions are met:
 - 1. The Designated Offender has official business in the zone; *or*
 - 2. The zone includes a facility which is lawfully attended by the Designated Offender’s natural or adopted children; *or*
 - 3. The Designated Offender has received preapproval from the Sauk Prairie Police Department.
 - (2) Loiter-Free Zones: It is unlawful for any Designated Offender to loiter within a Restricted Zone or Loiter-Free Zone.
- (d) PENALTY. A person who violates this Ordinance shall be subject to a forfeiture of not less than \$250.00, nor more than \$500.00, exclusive of

costs, for the first offense. Any subsequent violation of this Ordinance shall result in a forfeiture of not less than \$750.00, nor more than \$1,000.00.

History: Sec. 9-2-19 created. Ordinance No. 5, Series of 2013.

Sec. 9-2-20 BOW HUNTING WITHIN THE VILLAGE

- (a) Notwithstanding any other provision contained in this Chapter 2, no person is prohibited from hunting with a bow and arrow or cross bow within the Village; subject however, to the following restrictions:
 - (1) No person shall hunt with a bow and arrow or crossbow within 100 yards from any building located on another person's land. For purposes hereof, the term "building" means a permanent structure used for human occupancy, and includes a manufactured home as defined in Wis. Stats. Sec. 101.91(2). The foregoing restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt within the specified distance of the building.
 - (2) Any person who hunts with a bow and arrow or crossbow shall discharge the arrow or bolt from the respective weapon toward the ground.
 - (3) No person shall hunt with a bow and arrow or crossbow on any municipally owned land within the Village.
- (b) Any person violating this Sec. 9-2-20 shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, exclusive of costs.

History: Sec. 9-2-20 created. Ordinance No. 2, Series of 2014.