

## **Title 9**

### **PUBLIC PEACE, MORALS AND WELFARE**

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# I. OFFENSES BY OR AGAINST PUBLIC OFFICERS

## Chapter 9.08

### ESCAPE

#### Sections:

#### **9.08.010**   **Escape.**

#### **9.08.010**   **Escape.**

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

## **Chapter 9.12**

### **FALSE ALARMS**

#### **Sections:**

#### **9.12.010 False Alarms.**

#### **9.12.010 False Alarms.**

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

## II. OFFENSES AGAINST THE PERSON

### Chapter 9.16

#### FAIR HOUSING

##### Sections:

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

##### **9.16.010 Title.**

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

##### **9.16.020 Declaration of Policy.**

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

##### **9.16.030 Adoption of State Statutes.**

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

##### **9.16.040 Administration and Enforcement.**

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

## Chapter 9.20

### FRAUD ON HOTEL OR RESTAURANT KEEPER

#### Sections:

#### **9.20.010 Unlawful Acts--Penalty.**

#### **9.20.010 Unlawful Acts--Penalty.**

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

1. Having obtained any food, lodging or other service or accommodation at any hotel, motel, boarding or lodging house or restaurant, intentionally absconds without paying for it;
2. While a guest at any hotel, motel, boarding or lodging house or restaurant, intentionally defrauds the keeper thereof in any transaction arising out of such relationship as guest.

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

1. The refusal of payment upon presentation when due and the return unpaid of any bank check or order for the payment of money given by any guest to any hotel, motel, boarding or lodging house or restaurant in payment of any obligation arising out of such relationship as guest. Such facts shall also be deemed prima facie evidence of an intent to abscond without payment;
2. The failure or refusal of any guest at a hotel, motel, boarding or lodging house or restaurant to pay, upon written demand, the established charge for food, lodging or other service or accommodation actually rendered;
3. The giving of false information on a lodging registration form or the presenting of false or fictitious credentials for the purpose of obtaining lodging or credit;
4. The drawing, endorsing, issuing or delivering to any hotel, motel, boarding or lodging house or restaurant of any check, draft or order for payment of money upon any bank or other depository, in payment of established charges for food, lodging or other service or accommodation, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

(Ord. 76-11-2).

### III. OFFENSES AGAINST PUBLIC DECENCY

#### Chapter 9.24

#### OBSCENE WORKS AND MATERIALS

**Sections:**

**9.24.010 Distribution of obscene works and materials prohibited.**

**9.24.010 Distribution of obscene works and materials prohibited.**

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

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

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

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

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

## Chapter 9.32

### INDECENT EXHIBITION OR EXPOSURE

#### Sections:

#### **9.32.010 Indecent Exhibition or Exposure.**

#### **9.32.010 Indecent Exhibition or Exposure.**

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

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

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

## IV. OFFENSES AGAINST PUBLIC PEACE

### Chapter 9.40

#### DISORDERLY CONDUCT

##### Sections:

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

##### **9.40.010 Disorderly Conduct--Prohibited Behavior And Penalties.**

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

##### **9.40.020 Dangerous Weapons.**

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

##### **9.40.030 Fights.**

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

##### **9.40.040 Unnecessary Noises Prohibited.**

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

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

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

#### **9.40.050 Disorderly Conduct.**

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

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

B. Assaulting or striking or intentionally injuring another person;

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

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

E. Collecting in crowds for unlawful purposes;

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

G. (Deleted);

H. Impersonating a Police Officer;

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

J. (Deleted);

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

L. Making a telephone call originating within or received within the limits of the Village which:

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

2. Makes any telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers,

3. Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers,

4. Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers,

5. Knowingly permits any telephone under his control to be used for any purpose prohibited by this Section,

6. In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number;

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

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

O. Throwing stones or missiles at any person or property with the intent to cause damage or injury, or using, brandishing, or threatening to use any missile or dangerous weapon or object against any person or property, including casting or throwing any stone, ball, snowball, mud or other missile upon or at any building or other public or private property or upon or at any person in any street, alley or public grounds with the intent to cause damage or injury or aid in the same or take part in any game or play intending to strike and cause damage or injury to persons or property or to endanger travel;

P. Engaging in any act of vandalism;

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

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

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

#### **9.40.070 Assault.**

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

#### **9.40.080 Prowling.**

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

#### **9.40.100 Obstruct by Loitering.**

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

#### **9.40.110 Disturbance of Meeting.**

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

#### **9.40.130 Sleeping in Vehicle.**

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

#### **9.40.170 Obstructing Firemen or Policemen.**

It is unlawful for any person to willfully hinder, obstruct or otherwise interfere with the Fire or Police Department or any member thereof while engaged in fighting a fire or in traveling thereto or therefrom, or while otherwise engaged in the performance of his duty or any official function, or to willfully damage or destroy any property belonging to the Fire or Police Department or any member thereof while so engaged, or to commit an assault, battery, or throw any object upon a member of the Fire or Police Department while so

engaged. "Obstructs" includes without limitation, resisting or impeding an arrest as well as knowingly giving false information to the Officer with intent to mislead him in the performance of his duty. (Editorially amended per approval by Village Board 7/8/96; (P) of Ord. passed 10/3/73).

**9.40.180 Fire Bombs.**

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

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

**9.40.181 Selling on Public Property--Permit Required.**

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

## Chapter 9.41

### CONDUCT IN PUBLIC PARKS AND BEACHES

#### Sections:

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

#### **9.41.010 Definition.**

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

#### **9.41.015 Identification of Certain Parks.**

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

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

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

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

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

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

**9.41.020 Closing Hours.**

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

**9.41.030 Prohibited Acts and Conduct.**

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

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

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

C. Bring or permit any dog, pet, horse or any other animal on any beach area at any time, nor shall any person bring or permit a dog, pet or other animal in any park where same is prohibited by rule of the Twin Lakes Park Commission.

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

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

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

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

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

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

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

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

**9.41.040 Penalty.**

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

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

## Chapter 9.44

### LOITERING

#### Sections:

#### **9.44.010 Loitering prohibited.**

#### **9.44.010 Loitering prohibited.**

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

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

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

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

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

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

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

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

## **Chapter 9.48**

### **RIOT, NOISE OR DISORDERLY ASSEMBLAGE**

#### **Sections:**

#### **9.48.020 Duty Of Police.**

#### **9.48.020 Duty Of Police.**

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

## Chapter 9.55

### SYNTHETIC CANNABINOID PROHIBITED

#### Sections:

**9.55.010 Possession, Use, and Sale Are Illegal.**

**9.55.020 Medical or Dental Use Allowed.**

**9.55.030 Penalties.**

#### **9.55.010 Possession, Use, And Sale Are Illegal**

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

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

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

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

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

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

F. or any similar structural analogs.

#### **9.55.020 Medical Or Dental Use Allowed**

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

#### **9.55.030 Penalties**

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

(Ord. 2010-12-6)

## Chapter 9.56

### PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES

#### Sections:

#### **9.56.010 Public Consumption Of Alcoholic Beverages.**

#### **9.56.010 Public Consumption Of Alcoholic Beverages.**

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

## Chapter 9.57

### POSSESSION OF CONTROLLED SUBSTANCES

#### Sections:

#### **9.57.010 Unlawful When--Penalty.**

#### **9.57.010 Unlawful When--Penalty.**

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

B. Any person who violates subsection A shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until full payment is made, but not to exceed sixty (60) days. (Ord. 78-8-3; Ord. 75-12-1).

## Chapter 9.58

### REGULATION OF DRUG PARAPHERNALIA

#### Sections:

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

#### **9.58.010 Purpose.**

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

#### **9.58.020 License Required.**

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

#### **9.58.030 Application.**

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

#### **9.58.050 Records.**

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

#### **9.58.060 License Fees.**

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

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

**9.58.070 Drug Paraphernalia.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Water pipes.

c. Carburetion tubes and devices.

d. Smoking and carburetion masks.

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

f. Miniature cocaine spoons and cocaine vials.

g. Chamber pipes.

h. Carburetor pipes.

i. Electric pipes.

j. Air-driven pipes.

k. Chillums.

l. Bongs.

m. Ice pipes or chillers.

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

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

C. Prohibited Activities.

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

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

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

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

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

D. Penalties.

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

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

**9.58.080 Penalty.**

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

## Chapter 9.59

### LIQUOR IN VEHICLES

#### Sections:

**9.59.010 Intoxicants In Vehicles.**

**9.59.020 Open Container In Motor Vehicle.**

**9.59.030 Penalty.**

**9.59.010 Intoxicants In Vehicles.**

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

**9.59.020 Open Container in Motor Vehicle.**

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

**9.59.030 Penalty.**

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

## V. CRIMES AGAINST PROPERTY

### Chapter 9.60

#### THEFT

##### Sections:

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

##### **9.60.010 Definitions.**

In this Chapter:

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

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

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

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

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

##### **9.60.020 Theft.**

The following actions shall be prohibited:

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

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

**9.60.030 Retail Theft.**

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

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

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

D. Evidence.

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

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

**9.60.040 Misappropriation of Property.**

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

**9.60.050 Theft And Tampering of Cable System Services.**

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

## Chapter 9.64

### TRESPASS

#### Sections:

#### 9.64.010 Trespass.

#### 9.64.010 Trespass.

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

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

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

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

## Chapter 9.68

### DESTRUCTION OF PROPERTY\*

#### Sections:

**9.68.010 Destruction of property.**

**9.68.020 Damage to property.**

**9.68.030 Graffiti.**

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

#### **9.68.010 Destruction Of Property.**

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

#### **9.68.020 Damage to Property.**

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

#### **9.68.030 Graffiti.**

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

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

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

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

## Chapter 9.70

### ISSUE OF WORTHLESS CHECKS

#### Sections:

**9.70.010 Worthless Checks.**

**9.70.020 Application.**

#### **9.70.010 Worthless Checks.**

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

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

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

#### **9.70.020 Application.**

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

## **Chapter 9.72**

### **ILLEGAL ENTRY INTO VEHICLE**

#### **Sections:**

#### **9.72.010 Illegal Entry into Vehicle.**

#### **9.72.010 Illegal Entry into Vehicle.**

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

## **VI. OFFENSES BY OR AGAINST MINORS**

### **Chapter 9.75**

#### **JUVENILE JUSTICE CODE**

##### **Sections:**

##### **9.75.010 Juvenile Justice Code Adopted.**

##### **9.75.010 Juvenile Justice Code Adopted.**

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

## Chapter 9.76

### CURFEW

#### Sections:

#### 9.76.010 Curfew.

#### 9.76.010 Curfew.

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

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

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

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

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

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

b. Lawful employment.

c. A school sanctioned activity.

d. A religious event.

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

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

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

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

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

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

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

## Chapter 9.77

### TRUANCY AND SCHOOL DROPOUT

#### Sections:

**9.77.010 Truancy, Habitual Truancy and School Dropout Prohibited.**

**9.77.020 Contributing to Truancy.**

#### **9.77.010 Truancy, Habitual Truancy and School Dropout Prohibited.**

A. Definitions. In this Section:

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

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

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

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

1. An order for the person to attend school;

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

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

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

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

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

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

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

6. An order for the person to attend school;

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

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

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

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

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

**9.77.020 Contributing to Truancy.**

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

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

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

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

## Chapter 9.78

### PARENTAL RESPONSIBILITY FOR JUVENILE MISCONDUCT

#### Sections:

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

#### **9.78.010 Purpose.**

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

#### **9.78.020 Definitions.**

In this Chapter:

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

#### **9.78.030 Prohibited Conduct.**

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

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

#### **9.78.040 Penalty.**

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

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

#### **9.78.050 Defenses.**

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

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

## Chapter 9.80

### TOBACCO PRODUCTS

#### Sections:

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

#### **9.80.010 Definitions.**

In this Section:

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

(Ord. 94-5-4 (part); Ord. 94-5-2 (part)).

#### **9.80.020 Restrictions.**

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

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

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

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

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

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

**9.80.030 Defense of Retailer.**

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

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

**9.80.040 Penalties.**

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

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

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

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

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

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

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

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

**9.80.050 Local Ordinance.**

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

## VI. WEAPONS

### Chapter 9.84

#### CARRYING AND USING WEAPONS

##### Sections:

**9.84.010 Carrying And Concealed Weapons--Prohibited Activities.**

**9.84.020 Violation--Penalty.**

##### **9.84.010 Carrying And Concealed Weapons--Prohibited Activities.**

A. No person except a Police Officer in the course of his duties shall fire or discharge any firearm including a rifle, pistol, BB gun or pellet gun, within the limits of the Village, nor shall any such person transport any gun or firearm within the Village unless the same is unloaded and encased in a carrying case.

B. No person except a Peace Officer shall go armed with a concealed and dangerous weapon.

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

D. No person except a Peace Officer shall make, manufacture, sell or offer to sell, or possess or go armed with Nunchakus or similar devices.

E. No person shall manufacture, sell or offer to sell, transport, purchase, possess or go armed with any knife having a blade which opens by pressing a button, spring or other device in the handle or by gravity or by a thrust or movement.

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

G. Nothing herein shall prohibit the use of shotguns and/or bow and arrow for hunting by licensed hunters during open season.

(Ord. 96-8-1; Ord. 96-7-3; Ord. 81-7-2; Ord. 76-11-1 (part): part of Ord. passed 7/11/66: prior Code § 10.25).

##### **9.84.020 Violation--Penalty.**

Any person who violates the provisions of subsections (A) and (B) of Section 9.84.010 shall forfeit not more than five hundred dollars (\$500.00) nor less than twenty-five dollars (\$25.00), with costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until full payment is made, but not to exceed thirty (30) days. Any person who violates the provisions of subsections (C), (D) or (E) of Section 9.84.010 shall forfeit not more than five hundred dollars (\$500.00) nor less than one hundred (\$100.00) dollars with costs of prosecution, and in default of payment such forfeiture and costs shall be imprisoned in the county jail until full payment is made, but not exceeding sixty (60) days.

(Ord. 81-7-3; Ord. 76-11-1 (part): part of Ord. passed 7/11/66: prior Code § 10.26 (part)).

## Chapter 9.88

### WEAPONS--MINORS AND INTOXICATED PERSONS

#### Sections:

**9.88.010 Armed Minor or Intoxicated Person Prohibited.**

**9.88.020 Sale or Giving Weapons Prohibited.**

**9.88.030 Penalty for Violations.**

**9.88.010 Armed Minor or Intoxicated Person Prohibited.**

No minor or intoxicated person shall go armed with any gun, pistol, revolver or other dangerous or deadly weapon. (Part of Ord. passed 7/11/66: prior Code § 10.23).

**9.88.020 Sale or Giving Weapons Prohibited.**

No person shall sell, loan or give away any gun, pistol, revolver or other deadly or dangerous weapon to any minor. (Ord. 96-7-2: part of Ord. passed 7/11/66: prior Code § 10.24).

**9.88.030 Penalty for violations.**

Any person violating Sections 9.88.010 or 9.88.020 shall be subject to penalty as provided in Section 1.12.010. (Part of Ord. passed 7/11/66: prior Code § 10.26 (part)).

## VII. OTHER REGULATIONS

### Chapter 9.90

#### SEX OFFENDER REGULATIONS

##### Sections:

- 9.90.010 Purpose And Intent.**
- 9.90.020 Definitions.**
- 9.90.030 Residency Restrictions.**
- 9.90.040 Child Safety Zones.**
- 9.90.050 Property Owners Prohibited From Renting Real Estate Property to Certain Sexual Offenders And Sexual Predators.**
- 9.90.060 Appeal**
- 9.90.070 Penalties And Remedies.**

##### **9.90.010 Purpose And Intent.**

A. The Village finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders re-enter society, they are much more likely than any other type of offender to be re-arrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools and daycare centers. The Village finds and declares that, in addition to schools and daycare centers, children congregate or play in a number of public places, including public parks and other facilities for children.

B. This Section is a regulatory measure aimed at protecting the health and safety of children in Twin Lakes from the risk that convicted sex offenders may re-offend in locations close to their residences. It is the intent of this Section not to impose a criminal penalty but rather to serve the Village's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence; and by creating child safety zones where children regularly congregate in concentrated numbers wherein access by certain sexual offenders and sexual predators to such zones shall be restricted or excluded.

##### **9.90.020 Definitions.** As used in this Section and unless the context otherwise requires:

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

##### Wisconsin Statute Sections:

- 940.225(1) First Degree Sexual Assault;
- 940.225(2) Second Degree Sexual Assault;
- 940.225(3) Third Degree Sexual Assault;
- 940.22(2) Sexual Exploitation by Therapist;
- 940.30 False Imprisonment-victim was minor and not the offender's child;
- 940.31 Kidnapping-victim was minor and not the offender's child;
- 944.01 Rape (prior statute);
- 944.06 Incest;
- 944.10 Sexual Intercourse with a Child (prior statute);
- 944.11 Indecent Behavior with a Child (prior statute);
- 944.12 Enticing Child for Immoral Purposes (prior statute);

948.02(1) First Degree Sexual Assault of a Child;  
948.02(2) Second Degree Sexual Assault of a Child;  
948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;  
948.05 Sexual Exploitation of a Child;  
948.055 Causing a Child to View or Listen to Sexual Activity;  
948.06 Incest with a Child;  
948.07 Child Enticement;  
948.075 Use of a Computer to Facilitate a Child Sex Crime;  
948.08 Soliciting a Child for Prostitution;  
948.095 Sexual Assault of a Student by School Instructional Staff;  
948.11(2)(a) or (am) Exposing Child to Harmful Material-felony sections;  
948.12 Possession of Child Pornography;  
948.13 Convicted Child Sex Offender Working with Children;  
948.30 Abduction of Another's Child;  
971.17 Not Guilty by Reason of Mental Disease-of an included offense; and  
975.06 Sex Crimes Law Commitment.

B. *Facility For Children*: means a public or private school, a *group home*, as defined in Wis. Stats. §48.02(7), a *residential care center for children and youth*, as defined in Wis. Stats. §48.02(15d), a *shelter care facility* as defined in Wis. Stats. §48.02(17), a *foster home*, as defined in Wis. Stats. §48.02(6), a *treatment foster home*, as defined in Wis. Stats. §48.02(17q), a *daycare center licensed under Wis. Stats. §48.65*, a *daycare program established under Wis. Stats. §120.13(14)*, a *daycare provider certified under Wis. Stats. §48.651*, or a *youth center*, as defined in Wis. Stats. §961.01(22).

C. *Offender*: means a person who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.

D. *Permanent Residence*: means a place where the person sleeps, abides, lodges, or resides for fourteen (14) or more consecutive days.

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

F. *Temporary Residence*: means residence or premise meeting either of the following criteria:

1. A place where the person sleeps, abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not that person's Permanent Residence as defined in 9.90.020 D above; or

2. A place where the person routinely sleeps, abides, lodges, or resides for a period of four (4) or more consecutive or non-consecutive days in any month and which is not that person's Permanent Residence as defined in 9.90.020 D above.

### **9.90.030 Residency Restrictions.**

A. An offender shall not reside within 1,200 feet of real property that supports or upon which there exists any of the following uses, but not limited to:

1. Any facility for children;
2. A public park, parkway, parkland, park facility;
3. Public / Private beaches
4. A public library;
5. A recreational trail;
6. A public playground;
7. A school for children;
8. Athletic fields used by children;
9. A daycare center;

10. Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school; or

11. Public / Private Golf course.

B. *Prohibited Activity.* It is unlawful for any designated offender to participate in a holiday event involving children under the age of eighteen (18) years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.

C. *Measurement of Distance.* The distance shall be measured from the closest boundary line of the real property supporting the residence of an offender to the closest boundary line of the real property that supports or upon which there exists any of the uses enumerated in 9.90.030 A above.

D. *Residency Restriction Exceptions.* An offender residing within one thousand two hundred (1,200) feet of real property that supports or upon which there exists any of the uses enumerated in 9.90.030 A above does not commit a violation of this Section if any of the following apply:

1. The offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.

2. The offender has established a Permanent or Temporary Residence and reported and registered that residence pursuant to Wis. Stats. § 301.45 prior to the effective date of this Section.

3. The use enumerated in 9.90.030 A above began after the offender established a Permanent or Temporary Residence and reported and registered that residence pursuant to Wis. Stats. § 301.45.

4. The offender is a minor or ward under guardianship.

E. *Original Domicile Restriction.* Subject to 9.90.030 C above, no offender shall be permitted to reside in the Village of Twin Lakes, unless that person was domiciled in the Village of Twin Lakes at the time of the most recent offense giving rise to that person's status as an offender.

#### **9.90.040 Child Safety Zones.**

A. No offender shall enter or be present upon any real property that supports or upon which there exists any facility used for or that supports any one or more of the following uses:

1. A public park, parkway, parkland, park facility;

2. A public library;

3. A recreational trail;

4. A public playground;

5. A school for children;

6. Athletic fields used by children;

7. A daycare center;

8. Any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school;

9. Any facility for children.

10. Public / Private golf course

11. Public / Private beaches

B. *Child Safety Zone Exceptions.* An offender does not commit a violation of 9.90.040 A above, and may be allowed on the property used for or supporting a use enumerated in 9.90.040 A above if any of the following apply:

1. The property used for or supporting a use enumerated in 9.90.040 A above also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to all of the following conditions:

a. The offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and

- b. The offender sends advance written notice to an individual designated by the church to be in charge and receives advance approval from that individual allowing the offender's attendance; and
  - c. The offender shall not participate in any religious education programs which include individuals under the age of eighteen (18).
2. The property used for or supporting a use enumerated in 9.90.040 A above also supports a use lawfully attended by an offender's natural or adopted child, which child's use reasonably requires the attendance of the offender as the child's parent upon the property, subject to all of the following conditions:
- a. The offender's entrance and presence by the offender upon the property occurs only during hours of activity related to the use as posted to the public; and
  - b. The offender sends advance written notice to an individual designated by the property owner to be in charge of the property's enumerated use, and receives advance approval from that individual allowing the offender's attendance.
3. The property used for or supporting a use enumerated in 9.90.040 A above also supports a polling location in a local, state or federal election; subject to all of the following conditions:
- a. The offender is eligible to vote;
  - b. The designated polling place for the person is an enumerated use; and
  - c. The offender enters the polling place, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and vacates the property immediately after voting.
4. The property used for or supporting a use enumerated in 9.90.040 A above also supports an elementary school lawfully attended by an offender as a student, subject to the condition that the offender may only enter upon the property supporting the school at which the person is enrolled for such purposes and at such times as are reasonably required for the educational purposes of the school.

**9.90.050 Property Owners Prohibited From Renting Real Estate Property To Certain Sexual Offenders And Sexual Predators.**

It shall be unlawful for any property owner to lease or rent any place, room, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Permanent Residence or Temporary Residence by any person prohibited from establishing a Permanent Residence or Temporary Residence therein pursuant to this Ordinance, if such place, structure, or mobile home, trailer or any part thereof, is located within a restricted area as defined in 9.90.030. Notwithstanding the exception set forth in 9.90.030 D, it shall be unlawful for a property owner to renew a leasehold interest established prior to the effective date of this Ordinance, whether the leasehold interest is on month-to-month basis or for a definite term, for a period beyond six (6) months from the effective date of this Ordinance.

**9.90.060 Appeal**

The above requirements may be waived upon approval of the Village Board through appeal by the affected. Such appeal shall be made in writing to the Village Clerk's office who shall forward the request to the Village Board. The Board of Trustees shall convene and consider the public interest as well as the affected party's presentation and concerns. The Village Board may consider such information as it deems appropriate including, but not limited to, reports from the Twin Lakes Police Department or other department as appropriate, reports from the Department of Corrections or any other relevant material. After deliberation, the Board shall forward its decision in writing to the affected party. Copies of such decisions shall be provided to the Twin Lakes Police Department and to other persons or entities as the Village Board may direct.

**9.90.070 Penalties And Remedies.**

A. *Forfeiture.* Any person who violates any provisions of this Section shall, upon conviction thereof, be subject to a forfeiture not to exceed five hundred dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each day such violation continues shall be considered a separate offense.

B. *Injunction.*

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

2. **Violation Of Child Safety Zones.** If an offender violates subsection 9.90.040 above more than once in any twelve-month (12) period, the Chief of Police may refer the matter to the Village Attorney. The referral shall include a written determination by the Chief of Police that, upon all of the facts and circumstances and the purpose and intent of this Section, such violations interfere substantially with the comfortable enjoyment of life, health, safety of another or others. Upon such referral, the Village Attorney shall bring an action in the name of the Village in Circuit Court to permanently enjoin such violations as a public nuisance.

(Ord. 2010-3-2)