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**16.01 STATE STATUTES ADOPTED.**

**16.011 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.** The following Statutes defining offenses against the peace and good order of the State are adopted by reference as if set forth fully herein to define offenses against the peace and good order of the Town of Beloit. Except for [Section 938.342](#), Wis. Stats., the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this ordinance. The penalty for truancy and high school dropouts shall be governed by the provisions of [Section 938.342](#), Wis. Stats., as adopted herein.

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<a href="#">938.342</a>	Disposition – Truancy and School Dropout Ordinance Violations
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<a href="#">938.345</a>	Disposition – Juvenile Adjudged in Need of Protection or Services
<a href="#">939.05(2)(b)</a>	Aiding and Abetting
<a href="#">939.22</a>	Words and Phrases Defined
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<a href="#">941.10</a>	Negligent Handling of Burning Materials
<a href="#">941.12(2),(3)</a>	Interfering With or Failing to Assist in Firefighting
<a href="#">941.13</a>	False Alarms and Interference with Firefighting
<a href="#">941.20(1)</a>	Reckless Use of Weapon
<a href="#">941.23</a>	Carrying Concealed Weapon

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<a href="#">941.35</a>	Emergency Telephone Calls
<a href="#">941.36</a>	Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
<a href="#">941.37(1), (2)</a>	Obstructing Emergency or Rescue Personnel
<a href="#">942.01</a>	Defamation
<a href="#">942.03</a>	Giving False Information for Publication
<a href="#">942.05</a>	Opening Letters
<a href="#">943.20</a>	Theft
<a href="#">943.01(1)</a>	Criminal Damage to Property
<a href="#">943.11</a>	Entry into Locked Vehicle
<a href="#">943.125</a>	Entry into Locked Coin Box
<a href="#">943.13</a>	Trespass to Land
<a href="#">943.14</a>	Trespass to Dwellings
<a href="#">943.145</a>	Criminal Trespass to a Medical Facility
<a href="#">943.15</a>	Entry into Locked Site
<a href="#">943.20(3)(a)</a>	Theft of Property
<a href="#">943.21(3)(a)</a>	Fraud on Innkeeper
<a href="#">943.22</a>	Cheating Tokens
<a href="#">943.23(1)(4)(5)</a>	Operating Vehicle Without Owner's Consent
<a href="#">943.24</a>	I.O.W.C.
<a href="#">943.34(1)(a)</a>	Receiving Stolen Property
<a href="#">943.37</a>	Alteration of Property Identification Marks
<a href="#">943.38(3)</a>	Forgery
<a href="#">943.41</a>	Credit Card Crimes
<a href="#">943.46</a>	Theft of Cable Services
<a href="#">943.50</a>	Retail Theft
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<a href="#">951.02</a>	Mistreating Animals
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<a href="#">961.573(2)</a>	Possession of Drug Paraphernalia (Minor)
<a href="#">961.574(1)</a>	Manufacture or Delivery of Drug Paraphernalia (Adult)
<a href="#">961.574(2)</a>	Manufacture or Delivery of Drug Paraphernalia (Minor)
<a href="#">961.575(1)</a>	Delivery of Drug Paraphernalia to a Minor (Adult)
<a href="#">961.575(2)</a>	Delivery of Drug Paraphernalia to a Minor (Minor)

**16.012 PENALTIES; ATTEMPT; PARTIES TO ACTS.**

1. Penalty. In addition to the general penalty provisions of Chapter I of this Code of Ordinances or any other penalty imposed for violation of any individual Section, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any

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<sup>1</sup> Resolution No. 17-31 adopted 11/20/2017

unemancipated juvenile who violates Section 16.031 of this ordinance may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this ordinance to the District Attorney's office in the interest of justice.

2. Attempt.

- a. Whoever attempts to commit an act prohibited by this Code of Ordinances of the Town of Beloit may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.
- b. An attempt to commit an act prohibited by this ordinance requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he/she does acts towards the commission of the violation which demonstrated unequivocally, under all the circumstances, that he/she formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

3. Parties to Acts Prohibited in this Ordinance.

- a. Whoever is concerned in the commission of an act prohibited by this Code of Ordinances, is a principle and may be charged with and convicted of the commission of said act although he/she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances. A person is concerned in the commission of an act prohibited by these ordinances if he/she:
  - i. Directly commits the act; or
  - ii. Intentionally aids and abets the commission of it; or
  - iii. Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his/her mind and no longer desires that the act be committed and notifies the other parties concerned of his/her withdrawal within a reasonable time before the commission of the violation to allow the others to withdraw.

**16.02 OFFENSES AGAINST PUBLIC SAFETY AND PEACE.**

**16.021 DISCHARGE OF WEAPONS.**

1. Definitions. As used in this ordinance, "weapon" includes without limitation, any pistol, rifle or other firearm of any kind or nature, bow and arrow, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
2. Discharge of Weapons Regulated. No person shall discharge, attempt to discharge or cause to be discharged any weapon within the corporate limits of the Town of Beloit except as provided herein.
3. Exceptions. The following are exceptions to Section (2) above:

- a. When such weapon is being carried, or used by a law enforcement officer in the lawful performance of his/her duty.
- b. When such weapon is necessary to protect the person or property of the one carrying such weapon, or the person or property of another, except that such weapon shall not constitute a concealed weapon within the definition of [Section 941.23](#), Wis. Stats.
- c. When such weapon is carried, or used upon an organized sport shooting range approved by the Town Board.
- d. When such weapon is carried, or used for recreational hunting upon land zoned A-1 Exclusive Agricultural District, A-2 General Agricultural District and C-1 Conservancy District, subject to property owner consent and State regulation. It is further provided that a weapon shall not be discharged within three hundred feet (300') of a dwelling.
- e. When such weapon is used by military personnel at a funeral to honor the deceased. Prior to the funeral, both the Town of Beloit Police Department and the 911 Dispatch Center shall be notified of the intent to honor the deceased. No live ammunition shall be used in any weapon.

**16.022 CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED.**

1. Concealed Weapons Prohibited.
  - a. Prohibition. No person shall, within the Town, wear or in any manner carry under his/her clothes or conceal upon or about his person any deadly or dangerous weapon, provided this ordinance shall not apply to a peace officer or such persons as may be authorized to carry such weapons.
  - b. Dangerous Weapon Defined. "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
2. Concealed Weapons in Public Establishments. No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display, or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This ordinance shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This ordinance shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell, or trade firearms to or from a retailer.
3. Specific Concealed Weapons Prohibited. No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, cross knuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the Town.
4. Possession, Sale and Manufacture of Certain Weapons Prohibited. No person shall sell, manufacture, purchase, possess or carry metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, a "numchuk" (also called a "nunchaku") or any similar weapon, a "cestus" or similar material weighted with

metal or other substance and worn on the hand, a “churkin” (also called a “suriken”) or any similar object intended to injure a person when thrown, a “sucbai” or similar weapon, a “manrikigusari” or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person within the Town of Beloit.

5. For the purpose of this ordinance, the following definitions shall apply:
  - a. Numchuk or Nunchaku. An instrument consisting of two (2) or more sticks, clubs or rods connected by a rope, cord, wire or chain.
  - b. Churkin. A round throwing knife consisting of several sharp points protruding from a rounded disc.
  - c. Reckless Conduct. An act which creates a situation of unreasonable risk and high possibility of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take chances of perpetrating an injury.
  - d. Sucbai. A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
6. Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.
7. Reckless Use of Weapons.
  - a. Acts Prohibited:
    - i. No person shall endanger another’s safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow.
    - ii. No person shall operate or go armed with a firearm, air gun, knife or bow and arrow while he is under the influence of an intoxicant.
    - iii. No person shall intentionally point a firearm, air gun, knife or bow and arrow at or toward another person.

**16.023 SAFE USE AND TRANSPORTATION OF FIREARMS AND BOWS.**

1. Definitions. In this ordinance:
  - a. Aircraft. Meaning given under [Section 114.002\(3\)](#), Wis. Stats.
  - b. Encased. Enclosed in a case that is expressly made for containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
  - c. Firearm. A weapon that acts by force of gunpowder.
  - d. Highway. Meaning given under [Section 340.01\(22\)](#), Wis. Stats.
  - e. Motorboat. Meaning given under [Section 30.50\(6\)](#), Wis. Stats.
  - f. Roadway. Meaning given under [Section 340.01\(54\)](#), Wis. Stats.
  - g. Unloaded. Any of the following:
    - i. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
    - ii. In the case of a cap lock muzzle-loading firearm, having the cap removed.
    - iii. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.



- h. Vehicle. Meaning given under [Section 340.01\(74\)](#), Wis. Stats., and includes a snowmobile, as defined under [Section 340.01\(58a\)](#), Wis. Stats.
2. Prohibitions; Motorboats and Vehicle; Highways and Roadways.
    - a. Except as provided in Section 16.023(3), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
    - b. Except as provided in Section 16.023(3), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
    - c. Except as provided in Section 16.023(3), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
    - d. Except as provided in Section 16.023(3), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty feet (50') from the center of the road.
    - e. A person who violates Sections 16.023(2)(a) through 16.023(2)(d) above is subject to a forfeiture pursuant to Chapter I of this Code of Ordinances.
  3. Exceptions.
    - a. Section 16.023(2) does not apply to any of the following who, in the line of duty, place, posses, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty feet (50') of the center of a roadway:
      - i. A peace officer, as defined under [Section 939.22\(22\)](#), Wis. Stats.
      - ii. A member of the U.S. Armed Forces.
      - iii. A member of the National Guard.

**16.024 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.** No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Town unless he shall be authorized by a firework permit as provided in Chapter 5 of this Code of Ordinances. The term “fireworks” as used in this ordinance shall be defined as provided in [Section 167.10\(1\)](#), Wis. Stats., and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

**16.025 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.**

1. Obstructing Streets. No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Town of Beloit in such a manner as to:
  - a. Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
  - b. Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
  - c. Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
2. Obstructing Sidewalk Prohibited. No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.

3. Definitions. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
  - a. Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
  - b. Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Town of Beloit.
  - c. Obstruct. To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
  - d. Sidewalk. Any sidewalk owned or maintained by the Town. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.
  - e. Free Speech. This ordinance shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.
  - f. No person shall deposit, or cause to be deposited, snow, ice or combination thereof on a public road surface or sidewalk without approval of the Director of Public Works. This specifically prohibits the transfer of snow or ice from the cleaning of driveways or approaches onto public roads and sidewalks, leaving snow ridges horizontal to the road right-of-way during private plowing operations and directing the discharge from snow blowers across public road right-of-way.

#### **16.026 LOITERING PROHIBITED.**

1. Public Property Loitering Prohibited.
  - a. No person shall obstruct or loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any lawful authority.
  - b. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
  - c. No person shall loiter in or about any toilet open to the public for engaging in or soliciting any lewd or lascivious conduct or any unlawful act.
  - d. No person shall loiter in or about any school or public place at or near which children or students attend or normally congregate. As used in this ordinance, "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.
2. Private Property Loitering Prohibited.
  - a. No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots for shopping malls without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps or entrance of any business place of private residence without the

expressed consent of the owner thereof, or at any time other than usual business hours. Under this ordinance, business place shall include public buildings at such times that the same shall be closed for the usual and normal business conduct thereat.

- b. Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
  - c. No person shall sit, lie or otherwise recline upon or against any parked motor vehicle without the expressed consent of the owner thereof, whether such be parked upon a public street, alley, parking lot, driveway or private premises.
  - d. No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.
3. Loitering or Prowling Prohibited. No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself/herself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this ordinance, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this ordinance if the law enforcement officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.
4. Loitering by Underage Persons Where Alcohol Beverage is Dispensed.
- a. Underage Persons and Intoxicants. No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
  - b. Permitting Loitering Prohibited. No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
5. Definitions. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- a. Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
  - b. Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Town of Beloit.
  - c. Soliciting. No person shall 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, that such person 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, waving 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 produce another to commit an act of prostitution. No arrest shall be made for a violation of this ordinance unless the sworn law enforcement officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this ordinance if it appears at trial that the explanation given was true and disclosed a lawful purpose.

- d. Public Place. 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 public, including those which serve food or drink or provide entertainment, and the doorway and entrance to the buildings or dwellings and the grounds enclosing them.
- e. Known Prostitute or Panderer. A person who, within five (5) years before the date of arrest for violation of this ordinance, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

#### **16.027 LOUD AND UNNECESSARY NOISE PROHIBITED.**

- 1. Loud and Unnecessary Noise Prohibited. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise. It shall be unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood are disturbed or annoyed.
- 2. Types of Loud and Unnecessary Noises. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but this enumeration shall not be deemed to be exclusive:
  - a. Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Town for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
  - b. Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the building structure or vehicle in which it is located shall be prima facie evidence of a violation of this ordinance.

- c. Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
  - d. Animals, birds. The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
  - e. Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Town authorities.
  - f. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.
  - g. Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Chief of Police shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
  - h. Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.
3. Exceptions. The provisions of this ordinance shall not apply to:
- a. Operations of Emergency Equipment. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety and protection of the citizens of the Town.
  - b. Excavations or repairs of streets or other public construction by or on behalf of the Town, County or State at night when public welfare and convenience renders it impossible to perform such work during the day.
  - c. The reasonable use of amplifiers or loudspeakers during public addresses which are noncommercial in nature.
4. Stationary Noise Limits. The Town Board finds that excessive noise endangers physical and emotional health and well-being, interferes with legitimate business and recreational activities, depresses property values, offends the senses, creates a public nuisance and, in other respects, reduces the quality of our environment. The Town Board finds that a

significant problem exists in the Town regarding noise that unreasonably disturbs the peace and quiet of our neighbors.

- a. General Prohibition. No person shall, at any time, make any noise tending to reasonably disturb the peace and quiet of any person in the vicinity thereof.
- b. Specific Prohibitions. Activities which create noise that tends to unreasonably disturb the peace and quiet of a person in the vicinity thereof include, but are not limited to, the following:
  - i. Operating a motor vehicle to create an unreasonably loud noise by acceleration or deceleration of the vehicle.
  - ii. Using any hammer, power operated tool, power driven lawn or garden maintenance equipment between the hours of 10:00 p.m. and 7:00 a.m.
  - iii. When it is determined by any law enforcement official that using any musical instrument, radio, television, phonograph, stereo, cassette player, compact disc player or any sound amplification equipment if the sound created thereby:
    - A. Can be heard on residential property across the street from the premises on which the sound is created.
    - B. Can be heard inside the residence of another person and disturbs the peace and quiet of any person inside the residence.
    - C. Can be heard on residential property of another at a distance of more than thirty feet (30') from the property line of the premises on which the sound is created.
- c. Occupant's Responsible for Guests. No person in possession or control of any premises shall permit any other person to use the premises while making any noise tending to unreasonably disturb the peace and quiet of any person in the vicinity of the premises so used.

5. Permits for Amplifying Devices.

- a. Permit Required. The use of loudspeakers or amplifying devices on the streets or in the parks of the Town of Beloit is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.
- b. Grounds or Reasons for Denial or Allowance. The Chief of Police shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.
- c. Time Restrictions. The Chief of Police shall not grant a permit to use a loudspeaker on amplifying device before the hours of 9:00 a.m. or after 10:00 p.m. No permit shall be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

**16.028 DISORDERLY CONDUCT.**

1. Disorderly Conduct Prohibited. No person within the Town of Beloit shall:
  - a. In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person;
  - b. Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation;
  - c. With intent to annoy another, make a telephone call, whether conversation ensues;

- d. Indecently expose his or her person;
  - e. Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner or owner's agent in-charge.
2. Defecating or Urinating in Public Places. It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Town, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his or her person.

**16.029 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY.**

1. Unauthorized Presence.
- a. No student who is under suspension, expulsion or other disciplinary procedures excluding him/her from attending any school located within the Town or any person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise "authorized person", shall be present within any school building or upon any school grounds without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.
  - b. Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Section 16.029(1)(a), shall be guilty of trespass.
  - c. "Authorized person" shall include:
    - i. Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;
    - ii. Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;
    - iii. Any person utilizing a designated area for attending an athletic or other organized school event.
2. Disorderly Conduct on Public School Property.
- a. No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
  - b. Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the School System's published rules and regulations shall be considered in violation of this ordinance. The published rules and regulations of the School System are incorporated as if fully set forth herein.
  - c. All entrances to the school buildings referred to in Subsection (1) shall be posted with a notice stating, "Entry into School Building by Unauthorized Person Prohibited".
  - d. "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a Town summons that regulates parking or may be towed away at the direction of the

school principal or person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.

3. Loitering Near School Prohibited. No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the Town of Beloit or upon any School District grounds or within adjacent posted school zones on any day when such schools are in session.
4. Possession of Intoxicating Liquor and Fermented Malt Beverages. No person shall possess intoxicating liquor or fermented malt beverages while on any school property.
5. Definitions. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
  - a. Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
  - b. Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Town of Beloit.

**16.0210            FAILURE TO OBEY LAWFUL ORDER; RESISTING AN OFFICER.**

1. Lawful Orders. It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.
2. Resisting or Interfering with Officer Prohibited. It shall be unlawful for any person to resist or in any way interfere with any police officer or member of the Police Department or any person called to assist such officer, or to threaten, resist or interfere with such officer or person or to advise or encourage any other person to resist or interfere with such officer or person in the discharge of his/her duty, or to in any way interfere with or hinder or prevent him/her from discharging his duty as such officer or assistant, or to offer or endeavor to do so, or in any manner assist any person in the custody of any law enforcement officer to escape or to attempt to escape from such custody, or to try to persuade any person to escape from the custody of such officer, or to rescue or attempt to rescue any person in custody or to fail to obey the order or direction of such officer while such officer is acting in his official capacity in carrying out his duties.

**16.0211            POSSESSION OF MARIJUANA.**

1. No person shall possess twenty-five (25) grams or less of marijuana, as defined in [Section 961.01\(14\)](#), Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by [Chapter 961](#), Wis. Stats.
2. Definitions. For purposes of this ordinance:
  - a. Practitioner.



- i. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
  - ii. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
- 3. This ordinance does not apply to any person who is charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

**16.0212**        **CROSSING A POLICE LINE.** No individual shall cross a police or fire line that has been so designated by banner, signs or other similar identification.

**16.0213**        **HARASSMENT.**

- 1. Harassment. No person, with intent to harass or intimidate another person, shall do any of the following; each instance shall be considered a separate violation:
  - a. Strike, shove, kick or otherwise subject the person to physical contact or attempts or threatens to do the same.
  - b. Engage in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.
- 2. Harassing or Obscene Telephone Calls. Whoever commits any of the following acts shall be subject to the general penalty as provided in this Code of Ordinances:
  - a. Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
  - b. Makes a telephone call, whether conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
  - c. Makes or causes to harass any person at the called number or numbers;
  - d. Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
  - e. Knowingly permits any telephone under his/her control to be used for any purpose prohibited by this ordinance;
  - f. In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

**16.0214**        **OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.** No person shall have or permit on any premises owned or occupied by him/her any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

**16.0215** **JUMPING AND DIVING FROM PUBLIC STRUCTURES AND ROADWAYS PROHIBITED.** No person shall jump or dive from any public structure in the Town of Beloit for any reason whatsoever, except by permit issued by the Town Board. For the purposes of this Section, public structure shall mean all public buildings and any bridge, bridge abutment, roadway, tower, or other structure constructed and operated for public utility or transportation services, whether privately or publicly owned.

**16.03** **OFFENSES AGAINST PROPERTY.**

**16.031** **DESTRUCTION OR THEFT OF PROPERTY PROHIBITED.**

1. Destruction of Property. No person shall willfully injure or intentionally deface, destroy, or unlawfully remove or interfere with any property belonging to the Town of Beloit, the School District, or to any private person without the consent of the owner or proper authority, nor shall any person or organization place or permit to be placed any sign, poster, advertisement, notice, or other writing upon any utility ornamental light pole belonging to the Town without the consent of proper authority. Any signs, posters, advertisements, notices, or other writings so placed shall be removed by law enforcement authorities and the placing person or organization cited for violation of this ordinance.
2. Parental Liability. Pursuant to [Section 895.035](#), Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
3. Theft of Property. No person shall intentionally take and carry away, use, transfer, conceal or retain possession of movable property of another without that other person's consent and with intent to deprive the owner permanently of possession of such property.

**16.032** **LITTERING PROHIBITED.**

1. Definitions. Terms used in this ordinance mean as follows:
  - a. Highway. Has the meaning given in [Section 340.01\(22\)](#), Wis. Stats.
  - b. Vehicle. Has the meaning given in [Section 340.01\(74\)](#), Wis. Stats.
2. Littering Prohibited.
  - a. No person shall throw any glass, refuse or waste, unauthorized garbage, filth or other litter upon the streets, alleys, highways, public parks, on the ice of public waters, or other property of the Town of Beloit, or upon property within the Town owned by the School District or any private person, or upon the surface of any body of water within the Town.
  - b. No person shall permit any solid waste to be thrown from a vehicle operated by the person within the Town of Beloit.
3. Litter from Conduct of Commercial Enterprise.
  - a. Scope. The provisions of this ordinance shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.

- b. Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
  - c. Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Section (2)(a) within the time specified, the Town shall arrange to have the same picked up by Town crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken with the advice of the Town Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this ordinance.
4. Evidence of Ownership of Solid Waste. The owner of solid waste deposited or discharged in violation of this ordinance shall be liable for a violation of this ordinance. It shall be presumptive evidence that solid waste containing indicia of ownership, such as name labels, mail containing names and addresses or other printed or written names that are consistent throughout is owned by the person or persons whose names are found therein.
5. Depositing of Materials Prohibited. It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Town Board or Town Administrator pursuant to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area to prevent a safety hazard.
6. Handbills.
- a. Scattering Prohibited. It shall be unlawful to deliver any handbills or advertising material to any premises in the Town except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
  - b. Papers in Public Places Prohibited. It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided this shall not prohibit the sale of newspapers in vending machines.

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

#### **16.034 CEMETERY REGULATIONS.**

1. Purpose and Definition. To protect cemetery areas within the Town from injury, damage or desecration, these regulations are enacted. The term “cemetery” as hereinafter used in this ordinance shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the Town of Beloit.
  
2. Authority to Establish Rules and Regulations. The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.
  
3. Specific Regulations.
  - a. Disturbing Cemetery Property. No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property except the owner of the cemetery lot or a person with the cemetery lot owner’s consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner’s consent.
  - b. Protection of Cemetery Property. No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb, any animals, birds or waterfowl, wild or domestic within any cemetery in any manner except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery. No picnic, parties or similar gatherings are permitted.
  - c. Motor Vehicles. Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner’s consent.
  - d. Speed Limit. No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) miles per hour unless otherwise posted.
  - e. Parking. No person, without the owner’s consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner’s expense.
  - f. Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner’s consent.

- g. Pets. Pets, including animals of any species, and horses are prohibited in any cemetery.
- h. Sound Devices. No person shall operate or play any amplifying system in any cemetery.
- i. Authorized Notices. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any cemetery, except cemetery regulations and other signs authorized by the owner. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.
- j. Loitering Prohibited. No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
- k. Alcoholic Beverages Prohibited. No person shall consume or have in his possession any open container containing an alcohol beverage upon any cemetery property within the Town unless the property is specifically named as being part of a licensed premise.
- l. Play Vehicles Prohibited. No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this ordinance, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
- m. Presence After Hours Prohibited. No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

**16.035 DAMAGE TO PUBLIC PROPERTY.**

- 1. Damaging Public Property. No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statute, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Town of Beloit.
- 2. Breaking of Street Lamps or Windows. No person shall break glass in any street lamps or windows of any building owned or occupied by the Town.
- 3. Damaging Fire Hydrants and Water Mains. No person shall, without the approval of Town authorities, operate any valve connected with the street or water supply mains, or open any fire hydrant connected with the water distribution system, except for the purpose of extinguishing a fire. No person shall injure or impair the use of any water main or fire hydrant.

**16.036 RETAIL THEFT.**

- 1. Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Section (4).
- 2. The intentional concealment of unpurchased merchandise which continues from one floor to another or 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 another is evidence of intentional concealment on the part of the person so concealing such goods.

3. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this ordinance in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a peace officer, or to his/her parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his/her will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this ordinance entitles the merchant or his/her employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
4. If the value of the merchandise does not exceed One Hundred Dollars (\$100.00), any person violating this ordinance shall forfeit not more than Two Hundred Dollars (\$200.00). If the value of the merchandise exceeds One Hundred Dollars (\$100.00), this ordinance shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

**16.037 ISSUANCE OF WORTHLESS CHECKS.**

1. Whoever issues any check or other order for the payment of money less than Five Hundred Dollars (\$500.00) which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this ordinance.
2. Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
  - a. Proof that, at the time of issuance, the person did not have an account with the drawee; or
  - b. 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 non-payment or dishonor to pay the check or other order; or
  - c. 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 non-payment or dishonor to pay the check or other order.
3. This ordinance does not apply to a post-dated check or to a check given in past consideration, except a payroll check.

**16.038 TRESPASS TO A DWELLING OR LAND.**

1. Trespass to Land. No person shall enter or remain on any land after having been notified by the owner or occupant not to remain on the premises.
2. Trespass to Dwelling. No person shall intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

**16.039 USE OF TOBACCO PRODUCTS AND ELECTRONIC DELIVERY DEVICES REGULATED.**

1. State Statute Adopted. The provisions of [Section 101.123](#), Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this ordinance.
2. Definitions. In this ordinance:
  - a. Tobacco Products. Any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
  - b. Electronic Delivery Device. Any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
3. Use of Tobacco Products and Electronic Delivery Devices within the Town. It shall be unlawful for any person to use tobacco products or any electronic delivery device in any premise held open to the public or in any public or private workplace within the boundaries of the Town of Beloit. Further, it shall be unlawful for any person to use tobacco products or any electronic delivery device in any premises or vehicle owned by the Town of Beloit.

**16.0310**            **THEFT.** No person shall intentionally take and carry away, use, transfer, conceal or retain possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of such property.

**16.0311**            **GRAFFITI PROHIBITED.**

1. Definitions. In this ordinance:
  - a. Intentionally. The actor either has a purpose to do the thing or cause the result specified, or is aware that her or his conduct is practically certain to cause that result. In addition, the actor must have knowledge of those facts which are necessary to make their conduct unlawful and which are set forth after the word “intentionally”.
  - b. Graffiti. Any writing, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings which are scrawled, painted, drawn or otherwise placed on any surface of a public building, wall, fence, sidewalk, curb or other structure on public or private property which have the effect of defacing the property.
2. It shall be unlawful for any person to intentionally cause damage to any physical property of another without the person’s consent.
3. If more than one item of property is damaged under a single intent and design, the damage to all the property may be prosecuted as a single offense.

4. In any case of unlawful damage involving more than one act of unlawful damage, but prosecuted as a single offense, it is sufficient to allege generally that unlawful damage to property was committed between certain dates. At the trial, evidence may be given of any such unlawful damage that was committed on or between the dates alleged.
5. It shall be unlawful for any person to intentionally place graffiti on any surface located on public or private property.
6. This ordinance does not prohibit any person from using water soluble chalk to mark words or figures, otherwise lawful, upon Town pavement and sidewalks.
7. Any person who shall violate this ordinance shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars. (\$1,000.00).

**16.04 OFFENSES INVOLVING ALCOHOLIC BEVERAGES.**

**16.041 OUTSIDE CONSUMPTION.**

1. Alcoholic Beverages in Public Areas.
  - a. Regulations. No person in the Town of Beloit shall carry or expose to view, any open can, bottle or other container of malt beverages, intoxicating liquor or other alcoholic beverages or drink from the same on any sidewalk, street, alley, parking lot or other public place, without prior written approval of the Town Board. For purposes of this ordinance, “a public place” shall be construed to mean any location within which, at the time the person is apprehended, is open to access to persons not requiring specific permission of the owner to be at such location including, without exclusion by reason of enumeration, all parking lots serving commercial establishments. In no event, shall a private yard or driveway in a residentially zoned district be construed to be a “public place”.
  - b. Private Property Held Out for Public Use. It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Town unless the property is specifically named as being part of a licensed premise.
2. Leaving Licensed Premises with Open Container.
  - a. It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing alcohol beverage.
  - b. It shall be unlawful for any patron to leave licensed premises with an open container containing any alcohol beverage.
3. Exceptions.
  - a. The provisions of this ordinance may be waived by the Town Board for duly authorized events.
  - b. Any organization which has been issued a Temporary Fermented Malt Beverage and/or Temporary Wine License for a designated area pursuant to this Code of Ordinances.
  - c. All Town-owned and operated parks are exempted from the provisions of this ordinance while said parks are open to the public.
4. Definitions. As used in this ordinance:



- a. Alcoholic Beverage. Includes all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (1/2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purposes.
- b. Public Area. Any location within the Town which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.
- c. Underage Person. Any person under the legal drinking age as defined by the Wisconsin Statutes.
- d. Intoxicated Person. A person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.

**16.042 SALE TO UNDERAGE OR INTOXICATED PERSONS RESTRICTED.**

- 1. Sales of Alcohol Beverages to Underage Persons.
  - a. No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
  - b. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
  - c. No adult may knowingly permit or fail to act to prevent the illegal consumption of alcohol beverages by any underage person on premises owned by the adult or under the adult's control. This ordinance does not apply to alcohol beverages used exclusively as part of a religious service.
  - d. No adult may intentionally encourage or contribute to a violation of Section 16.042(1)(a) or (b).
- 2. Penalties. For purposes of determining previous violations, the thirty (30) month period shall be measured from the dates of violations that resulted in an imposition of forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one (1) violation occurs at the same time, all those violations shall be counted as one (1) violation. A person who commits a violation of Section (1) above may be:
  - a. Required to forfeit not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within thirty (30) months of the violation; or
  - b. Fined not more than Five Hundred Dollars (\$500.00) if the person has committed a previous violation within thirty (30) months of the violation.
  - c. Fined not more than One Thousand Dollars (\$1,000.00) if the person has committed two (2) previous violations within thirty (30) months of the violation.
  - d. Fined not more than Ten Thousand Dollars (\$10,000.00) if the person has committed three (3) or more previous violations within thirty (30) months of the violation.
- 3. In addition to the forfeitures provided in Subsection 16.042(2)(a)-(d) above, a court may suspend any license issued under this ordinance to a person violating this ordinance for:
  - a. Not more than three (3) days, if the court finds that the person committed a violation within the twelve (12) months after committing one (1) previous violation;

- b. 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 (2) other violations; or
  - c. 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 (3) other violations.
4. Exception. A person who holds a Class “A” license, a Class “B” license or permit, a “Class A” license or a “Class B” license or permit who commits a violation is subject to Section 16.042(3) but is not subject to Sections 16.042(2)(a)-(d) or [Section 125.11](#), Wis. Stats.
5. Sale of Alcohol Beverages to Intoxicated Persons.
- a. Restrictions.
    - i. No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
    - ii. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
6. Penalties. Any person who violates Section 16.042(5)(a) above shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

**16.043 UNDERAGE PERSONS’ PRESENCE IN PLACES OF SALE; PENALTY.**

1. Restrictions. An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter, or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This ordinance does not apply to:
- a. An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
  - b. An underage person who enters or is on a “Class A” or Class “A” premises for the purpose of purchasing other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
  - c. Hotels, drug stores, grocery stores, bowling alleys, indoor golf simulator facilities, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums or public facilities as defined in [Section 125.51\(5\)\(b\)1.d](#), Wis. Stats., which are owned by a county or municipality, or centers for the visual or performing arts.
  - d. Premises in the state fair parks, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chapters [27](#) and [28](#), Wis. Stats., and parks owned or operated by agricultural societies.
  - e. Ski chalets, golf courses and golf clubhouses, racetracks licensed under [Chapter 562](#), Wis. Stats., curling clubs, private soccer clubs and private tennis clubs.

- f. Premises operated under both a “Class B” and Class “B” license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a “Class B” or Class “B” license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
  - g. Premises operating under both a “Class C” license and a restaurant permit.
  - h. An underage person who enters or remains in a room on a Class “B” or “Class B” licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this ordinance. (An underage person may enter and remain on Class “B” or “Class B” premises under this ordinance only if the Town adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this ordinance and the Town Police Department issues to the Class “B” or “Class B” licensee a written authorization permitting the underage persons to be present under this ordinance on the date specified in the authorization. Before issuing the authorization, the Town Police Department shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the Town. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.)
  - i. A person who is at least eighteen (18) years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.
  - j. An underage person who enters or remains on Class “B” or “Class B” licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company or a person who has an operator’s license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the Police Department, in advance, of the times the underage persons will be allowed on the premises under this ordinance.
  - k. An underage person who enters or remains in a dance hall attached to Class “B” or “Class B” licensed premises if the dance hall is separate from any room where alcohol beverages are sold, if there is a separate entrance to the dance hall and if no alcohol beverages are furnished or consumed by any person in the dance hall where the underage person is present.
  - l. An underage person who enters and remains on premises for which a temporary Class “B” license is issued under [Section 125.26](#), Wis. Stats., if the licensee is authorized by the official or body of the Town that issued the license to permit underage persons to be on the premises under [Section 125.26\(6\)](#), Wis. Stats., and if the licensee permits underage persons to be on the premises.
2. Penalties. A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premise in violation of Subsection 16.043(1) above is subject to a forfeiture of not more than Five Hundred Dollars (\$500.00).

**16.044 UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.**

1. Prohibitions. Any underage person who does any of the following is guilty of a violation:
  - a. Procures or attempts to procure alcohol beverages from a licensee or permittee.
  - b. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age possesses or consumes alcohol beverages on licensed premises.
  - c. Enters, knowingly attempts to enter or is on licensed premises in violation of Section 16.043(1).
  - d. Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.
  
2. Adult to Accompany. Except as provided in Section 16.044(3) below, any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverage is guilty of a violation of this ordinance.
  
3. Exceptions. An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:
  - a. A brewer.
  - b. A fermented malt beverage wholesaler.
  - c. A permittee other than a Class “B” or “Class B” permittee.
  - d. A facility for the production of alcohol fuel.
  - e. A retail licensee or permittee under the conditions specified in Sections [125.32\(2\)](#) or [125.68\(2\)](#), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
  - f. A campus, if the underage person is at least eighteen (18) years of age and is under the immediate supervision of a person who has attained the legal drinking age.
  
4. Penalties for Section 16.044(1) Violations. Any person violating Section 16.044(1) is subject to the following penalties:
  - a. For a first (1st) violation, a forfeiture of not more than Two Hundred Fifty Dollars (\$250.00), suspension of the person’s operating privilege as provided under [Section 343.30\(6\)\(b\)\(1\)](#), Wis. Stats., participation in a supervised work program or other community service work under Section 16.044(6) or any combination of these penalties.
  - b. For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00), suspension of the person’s operating privilege as provided under [Section 343.30\(6\)\(b\)\(1\)](#), Wis. Stats., participation in a supervised work program or other community service work under Section 16.044(6) or any combination of these penalties.
  - c. For a violation committed within twelve (12) months of two (2) previous violations, either a forfeiture of not less than Five Hundred Dollars (\$500.00) nor more than Seven Hundred Fifty Dollars (\$750.00), revocation of the person’s operating privilege under [Section 343.30\(6\)\(b\)\(3\)](#), Wis. Stats., participation in a supervised work program or other community service work under Section 16.044(6) or any combination of these penalties.
  - d. For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person’s operating privilege under [Section 343.30\(6\)\(b\)\(3\)](#), Wis. Stats., participation in a supervised work program or other community service work or any combination of these penalties.

5. Penalties for Section 16.044(2) Violations. Any person violating Section 16.044(2) above is subject to the following penalties:
  - a. For a first (1st) violation, a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), suspension of the person's operating privilege as provided under [Section 343.30\(6\)\(b\)1](#), Wis. Stats., participation in a supervised work program or other community service work under Section 16.044(6), or any combination of these penalties.
  - b. For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Two Hundred Dollars (\$200.00) nor more than Three Hundred Dollars (\$300.00), suspension of the person's operating privilege as provided under [Section 343.30\(6\)\(b\)\(2\)](#), Wis. Stats., participation in a supervised work program or other community service work under Section 16.044(6), or any combination of these penalties.
  - c. For a violation committed within twelve (12) months of a previous violation either a forfeiture of not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00), suspension of the person's operating privilege as provided under [Section 343.30\(6\)\(b\)\(3\)](#), Wis. Stats., participation in a supervised work program or other community service work under Section 16.044(6), or any combination of these penalties.
  - d. For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person's operating privilege under [Section 343.30\(6\)\(b\)\(3\)](#), Wis. Stats., participation in a supervised work program or other community service work under Section 16.044(6), or any combination of these penalties.
6. Multiple Violations from an Incident. For the purposes of Sections 16.044(1) or (2) above, all violations arising out of the same incident or occurrence shall be counted as a single violation.
7. Work Programs.
  - a. A supervised work program ordered under Sections 16.044(4) or (5) above shall be administered by the county department under Sections [46.215](#) or [46.22](#), Wis. Stats., or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work. Community service work ordered under Sections 16.044(4) or (5), other than community service work performed under a supervised charitable organization approved by the court. The court may use any available resources, including any community service work program, in ordering the child to perform community service work under Sections 16.044(4) or (5).
  - b. The supervised work program or other community service work shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from a member of the staff of the county department, community agency, public agency or nonprofit charitable organization or other qualified person. The supervised work program or other community service work may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

8. Disclosure of License Revocation Information. When a court revokes or suspends a person's operating privilege under Sections 16.044(4) or (5), the Wisconsin Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this ordinance may not disclose the information to any other person or agency.
9. Applicability of Statutory Proceedings. A person who is under eighteen (18) years of age on the date of disposition is subject to [Section 938.344](#), Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under [Section 938.344\(3\)](#), Wis. Stats.
10. Alcohol Abuse Programs.
  - a. In this ordinance, "defendant" means a person found guilty of violating Sections 16.044(1) or (2) who is eighteen (18), nineteen (19) or twenty (20) years of age.
  - b. After ordering a penalty under Sections 16.044(4) or (5), the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order under this ordinance shall require the defendant to do any of the following:
    - i. Submit to an alcohol abuse assessment that conforms to the criteria specified under [Section 938.547\(4\)](#), Wis. Stats., and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol abuse assessment and shall specify the date by which the assessment must be completed.
    - ii. Participate in an outpatient alcohol abuse treatment program at an approved treatment facility, if an alcohol abuse assessment conducted under Section 16.044(10)(b)(i) recommends treatment.
    - iii. If the approved treatment facility, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant has submitted to an assessment under Section 16.044(10)(b)(i) and that the defendant does not need treatment or education, the court shall notify the defendant of whether or not the penalty will be reinstated.
    - iv. If the defendant completes the alcohol abuse treatment program or court-approved alcohol abuse education program, the approved treatment facility or court-approved alcohol abuse education program shall, with the written informed consent of the defendant, notify the agency primarily responsible for providing services to the defendant that the defendant has complied with the order and the court shall notify the defendant of whether the penalty will be reinstated. If the court had ordered the suspension of the defendant's operating privilege under Section 16.044(4) or (5), the court may order the secretary of transportation to reinstate the operating privilege of the defendant if he or she completes the alcohol abuse treatment program or court-approved alcohol abuse education program.
    - v. If an approved treatment facility or court-approved alcohol abuse education program, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant

is not participating in the program or that the defendant has not satisfactorily completed a recommended alcohol abuse treatment program or an education program, the court shall hold a hearing to determine whether the penalties under Section 16.044(4) or (5) should be imposed.

**16.045 DEFENSE OF SELLERS.**

1. Defenses. In determining whether a licensee or permittee has violated Sections 16.042(1) or 16.043(1), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages may be considered, including any circumstances listed below. In addition, proof of all the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this ordinance:
  - a. That the purchaser falsely represented that he or she had attained the legal drinking age.
  - b. That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
  - c. That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.
  - d. That the underage person supported the representation under Section 16.045(1)(a) above with documentation that he/she had attained the legal drinking age.
  - e. Book Kept by Licensees and Permittees. Every retail alcohol beverage licensee or permittee may keep a book for the purposes of Section 16.045(1) above. The licensee or permittee or his or her employee may require any of the following persons to sign the book:
    - i. A person who has shown documentary proof that he or she has attained the legal drinking age if the person's age is in question.
    - ii. A person who alleges that he or she is the underage person's parent, guardian or spouse and that he or she has attained the legal drinking age, if the licensee or permittee or his or her employee suspects that he or she is not the underage person's parent, guardian or spouse or that he or she has not attained the legal drinking age.
  - f. The book may show the date of the purchase of the alcohol beverage, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchase and the purchaser's signature.

**16.046 PERSONS WHO HAVE NOT ATTAINED THE LEGAL DRINKING AGE; FALSE OR ALTERED IDENTIFICATION CARDS.**

1. Any person who has not attained the legal drinking age, other than one authorized by Sections [125.085](#) or [343.50](#), Wis. Stats., who makes, alters or duplicates an official identification card may be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
2. Any person who has not attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

3. Any underage person who does any of the following is subject to the penalties specified under Sections 16.044(4) or (5):
  - a. Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this ordinance.
  - b. Makes, alters or duplicates an official identification card.
  - c. Presents false information to an issuing officer in applying for an official identification card.

#### **16.047 POSSESSION OF ALCOHOLIC BEVERAGES ON SCHOOL GROUNDS PROHIBITED.**

1. In this ordinance:
  - a. Motor vehicle. A motor vehicle owned, rented or consigned to a school.
  - b. School. A public, parochial or private school which provides an educational program for one (1) or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
  - c. School administrator. The person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
  - d. School premises. Premises owned, rented or under the control of a school.
2. Except as provided by Section 16.047(3) no person may possess or consume alcohol beverages:
  - a. On school premises;
  - b. In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
  - c. While participating in a school-sponsored activity.
3. Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.
4. A person who violates this ordinance is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00), except that [Section 938.344](#), Wis. Stats., and Section 16.044(4) and (5) of this Code of Ordinances provide the penalties to underage persons.

#### **16.048 ADULT PERMITTING OR ENCOURAGING UNDERAGE VIOLATION.**

1. No adult may knowingly permit or fail to act to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control. This ordinance does not apply to alcohol beverages used exclusively as part of a religious service.
2. No adult may intentionally encourage or contribute to a violation of Section 16.044(1) or (2).
3. A person who violates this ordinance is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00).



**16.049 SOLICITATION OF DRINKS PROHIBITED.** Any licensee, permittee or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the Town who permits an entertainer or an employee to solicit a drink or any alcohol beverage defined in [Section 125.02\(1\)](#), Wis. Stats., or any other drink from a customer on the premises, or any entertainer or employee who solicits such drinks from any customer is deemed in violation of this ordinance.

**16.05 OFFENSES BY JUVENILES.**

**16.051 CURFEW.**

1. Curfew Established.

- a. No person under eighteen (18) years of age but over fifteen (15) years of age shall be or remain in or upon any of the streets, alleys or public places in the Town of Beloit between the hours of 11:00 p.m. and 6:00 a.m. on each day of the week except Friday and Saturday, and from 12:00 midnight Friday to 6:00 a.m. Saturday and 12:00 midnight Saturday to 6:00 a.m. Sunday, unless such person is accompanied by a parent, legal guardian or some person of lawful age having the legal custody of such person or unless he/she is in the performance of an errand or duty directed by such parent, guardian or other person or unless his/her employment makes it necessary for him/her to be upon such streets, alleys or public places during such hours.
- b. No person under fifteen (15) years of age shall be or remain in or upon any of the streets, alleys or public places in the Town between 10:30 p.m. and 6:00 a.m. unless such person is accompanied by a parent, legal guardian or some person of lawful age having the legal custody of such person or unless he/she is in the performance of an errand or duty directed by such parent, legal guardian or other person or unless his/her employment makes it necessary for him/her to be upon such streets, alleys or public places during such hours.
- c. The fact that said child, unaccompanied by parent, legal guardian or other person having legal custody is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefore.

2. Exceptions. This ordinance shall not apply to a child:

- a. Who is performing an errand as directed by his/her parent, legal guardian or person having lawful custody.
- b. Who is on his/her own premises or in the areas immediately adjacent thereto.
- c. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
- d. Who is returning home from a supervised school, church or civic function, but not later than thirty (30) minutes after the ending of such function.
- e. These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

3. Parental Responsibility. It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any minor described in Section 16.051(1) to allow or permit such person to violate the provisions of Sections 16.051(1) or (2) above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this ordinance occurring within thirty (30) days

of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any minor described in Section 16.051(1) to violate this ordinance.

4. Detaining a Juvenile. Pursuant to [Chapter 938](#), Wis. Stats., law enforcement officers are hereby authorized to detain any juvenile violating the above provisions and other provisions in this ordinance until such time as the parent, guardian or person having legal custody of the juvenile shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the juvenile and shall sign a release for him or her, or such juvenile may be taken directly from the scene of his/her apprehension to his/her home. If such juveniles' parents or relative living nearby cannot be contacted to take custody of such juvenile and it is determined by the apprehending officer, that the juveniles physical or mental condition is such as would require immediate attention, the police officer may make such necessary arrangements as may be necessary under the circumstances for the juveniles' welfare.
5. Warning and Penalty.
  - a. Warning. The first time a parent, guardian, or person having legal custody of a juvenile who is taken into custody by a law enforcement officer as provided in Section 16.051(4) above, such parent, guardian, or person having such legal custody shall be advised as to the provisions of this ordinance and further advised that any violation of this ordinance occurring thereafter by this juvenile or any other juvenile under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
  - b. Penalty. Any parent, guardian or person having legal custody of a juvenile described in Section 16.051(1) above who has been warned in the manner provided in Section 16.051(5)(a) herein and who thereafter violates this Section shall be subject to a penalty as provided in Chapter 1 of this Code of Ordinances. After a second violation within a six (6) month period, if the defendant, in a prosecution under this ordinance, proves that he or she is unable to comply with this ordinance because of the disobedience of the juvenile, the action shall be dismissed and the juvenile shall be referred to the court assigned to exercise jurisdiction under [Chapter 938](#), Wis. Stats. Any juvenile under sixteen (16) years of age who shall violate this ordinance shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than Twenty-Five Dollars (\$25.00), together with the costs of prosecution.

**16.052 POSSESSION OF CONTROLLED SUBSTANCES BY JUVENILES.** It shall be unlawful for any juvenile to possess a controlled substance contrary to the Uniform Controlled Substances Act, [Chapter 961](#), Wis. Stats.

**16.053 PETTY THEFT BY JUVENILES.** It shall be unlawful for any juvenile with intent to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

**16.054 RECEIVING STOLEN GOODS.** It shall be unlawful for a juvenile to intentionally receive or conceal property he knows to be stolen.

#### **16.055 JURISDICTION OVER JUVENILES.**

1. Adoption of State Statutes. Sections [938.02](#), and [938.17\(2\)](#), Wis. Stats., are hereby adopted and by reference made a part of this ordinance as if fully set forth herein.
2. Definition of Adult and Juvenile.
  - a. Adult. A person who is eighteen (18) years of age or older, except that for purposes of prosecuting a person who is alleged to have violated any civil law or municipal ordinance, “adult” means a person who has attained seventeen (17) years of age.
  - b. Juvenile. A person who is less than eighteen (18) years of age, except that for purposes of prosecuting a person who is alleged to have violated a civil law or municipal ordinance, “juvenile” does not include a person who has attained seventeen (17) years of age.
3. Provisions of Ordinance Applicable to Juveniles. Subject to the provisions and limitations of Section [938.17\(2\)](#), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against juveniles may be brought on behalf of the Town of Beloit and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
4. No Incarceration as Penalty. The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this ordinance.
5. Additional Prohibited Acts. In addition to any other provision of the Town of Beloit Code of Ordinances, no juvenile shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of [Chapter 125](#), Wis. Stats.
6. Penalty for Violations of Section 16.055(5). Any juveniles who shall violate the provisions of Section 16.055(5) shall be subject to the same penalties as are provided in Chapter 1 of these Code of Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

#### **16.056 POSSESSION, MANUFACTURE AND DELIVERY OF DRUG PARAPHERNALIA BY A MINOR PROHIBITED.**

1. State Statutes Adopted. The provisions of [Chapter 961](#), Wis. Stats., and the definitions therein are adopted by reference as if fully set forth herein.
2. Definition. In this ordinance, “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, selling, distributing, delivering, 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 [Section 961.571](#), Wis. Stats., in violation of this ordinance.
3. Determination of Drug Paraphernalia. [Section 951.572](#), Wis. Stats shall be used in determining whether an object is drug paraphernalia.

4. Possession of Drug Paraphernalia. No person may use or possess drug paraphernalia in violation of this ordinance and [Section 961.573](#), Wis. Stats.
5. Manufacture or Delivery of Drug Paraphernalia. No person may deliver, or possess with the intent to deliver, drug paraphernalia in violation of this ordinance and [Section 961.574](#) and [Section 961.575](#), Wis. Stats.
6. Exemption. This ordinance does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with [Chapter 961](#), Wis. Stats. This ordinance does not prohibit the possession, manufacture or use of hypodermics, in accordance with [Chapter 961](#), Wis. Stats.
7. Prohibited Advertisement of Drug Paraphernalia. No person may place in any newspaper, magazine, handbill or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed for use or primarily intended for use as drug paraphernalia in violation of this ordinance and [Section 951.576](#), Wis. Stats.
8. Penalties. Any person who violates Sections 16.056(5)(a), (b) or (c), shall, upon conviction, be subject to disposition under [Section 938.344](#), Wis. Stats.

#### **16.057 TRUANCY.**

1. Definitions. For the purpose of this ordinance, the following definitions shall be applicable:
  - a. Acceptable Excuse. The meaning as defined in Sections [118.15](#) and [118.16\(4\)](#), Wis. Stats.
  - b. Act of Commission or Omission. Anything that contributes to the truancy of a juvenile, whether the juvenile is adjudged to need protection or services, if the natural and probable consequences of that act would be to cause the child to be truant.
  - c. Habitual Truant. A pupil who is absent from school without an acceptable excuse for either of the following:
    - i. Part or all of five (5) or more days out of ten (10) consecutive days in which school is held during a school semester.
    - ii. Part or all of ten (10) or more days in which school is held during a school semester.
  - d. Truancy. Any absence of part of all of one (1) or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil. Intermittent attendance carried on for defeating the intent of [Section 118.15](#), Wis. Stats., shall also be considered truancy.
2. Prohibition Against Habitual Truant. Any person attending school in the School District between the ages of six (6) and eighteen (18) years, subject to the exceptions found under [Section 118.15](#), Wis. Stats., is prohibited from becoming a habitual truant as the term is defined in this ordinance. Any police officer in the Town of Beloit is authorized to issue a citation to any such person who is determined to be a habitual truant under the terms of this ordinance.

3. Preconditions to Issuance of Citation. Prior to the issuance of any citation, the district school Attendance Officer shall provide evidence to the Police Department that appropriate school personnel in the school in which the juvenile is enrolled has within the school year during which the truancy occurred:
  - a. Met with or attempted to meet with the juvenile's parent or guardian to discuss the juvenile's truancy.
  - b. Provided an opportunity for educational counseling to the juvenile and considered curriculum modifications.
  - c. Evaluated the juvenile to determine whether learning problems are the cause of the truancy and, if so, taken steps to overcome the learning problems.
  - d. Conducted an evaluation to determine whether social problems are the cause of the juvenile's truancy and, if so, taken appropriate action or made appropriate referrals.
4. Form of Citation. Any citation issued shall be returnable in the Court in the same manner as all other ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation.
5. Disposition. Upon a finding the juvenile is habitually truant, the provisions of [Section 938.34](#), Wis. Stats shall be the dispositions available to the court:
6. Required School Attendance.
  - a. Violations. Any person having under his/her control a juvenile who is between the ages of six (6) and eighteen (18), subject to the exceptions found in [Section 118.15](#), Wis. Stats., shall cause the juvenile to attend school regularly during the full period and hours that the public or private school in which the juvenile shall be enrolled is in session until the end of the school term, quarter, or semester of the school year in which the juvenile becomes eighteen (18) years of age.
7. Exceptions.
  - a. A person will not be found in violation of this ordinance if that person can prove that he/she is unable to comply with the provisions of this ordinance because of the disobedience of the juvenile. The juvenile shall be referred to the Court assigned to exercise jurisdiction under [Chapter 938](#), Wis. Stats.
8. Proof Required for Exacting a Penalty. Before a person may be found guilty of violating this ordinance, the school attendance officer must present evidence to the Court that the activities under [Section 118.16\(5\)](#), Wis. Stats., have been completed by the school system. If that evidence has been presented to the Court and if the Court finds a person guilty of violating this ordinance, a forfeiture may be assessed as hereinafter provided.
9. Contributing to Truancy.
  - a. Except as provided in Section 16.057(9)(b) below, any person eighteen (18) years of age or older, who, by an act or omission, knowingly encourages or contributes to the truancy, as defined in Section 16.057(9)(d), of a juvenile shall be subject to a forfeiture pursuant to Chapter 1 of these Code of Ordinances.
  - b. Section 16.057(9)(a) above does not apply to a person who has under his or her control a juvenile who has been sanctioned under [Section 49.26\(1\)\(h\)](#), Wis. Stats.

- c. An act or omission contributes to the truancy of a child, whether the juvenile is adjudged to need protection or services, if the natural and probable consequences of that act or omission would be to cause the juvenile to be a truant.
  - d. Truancy means any absence of part or all of one (1) or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of [Section 118.15](#), Wis. Stats.
10. Parent or Guardian Liability for Truancy.
- a. Unless the juvenile is excepted or excused under [Section 118.15](#), Wis. Stats., or has graduated from high school, any person having under control a juvenile who is between the ages of (6) and eighteen (18) years shall cause the juvenile to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the juvenile should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes eighteen (18) years of age.
  - b. A person found to have violated Section 16.057(10)(a) above, after evidence is provided by a school official that the activities under [Section 118.16\(5\)](#), Wis. Stats., have been completed, shall be subject to a forfeiture pursuant to Chapter 1 of these Code of Ordinances.

**16.058 UNLAWFUL SHELTERING OF MINORS.**

- 1. No person shall intentionally shelter or conceal a juvenile under the age of eighteen (18) who:
  - a. Is a “runaway child”, meaning a juvenile who has run away from his or her parent, guardian or legal or physical custodian; or
  - b. Is a child who may be taken into custody pursuant to [Section 938.19](#), Wis. Stats.
- 2. Section 16.058(1) applies when the following conditions are present:
  - a. The person knows or should have known that the child is a child described in either Section 16.058(1)(a) or (1)(b); and
  - b. The child has been reported to a law enforcement agency as a missing person or as a child described in Section 16.058(1)(a) or (1)(b).
- 3. Subsection 16.058(1) does not apply to any of the following:
  - a. A person operating a runaway home in compliance with [Section 48.227](#), Wis. Stats.; or
  - b. A person who shelters or conceals a child at the request or with the consent of the child’s parent, guardian or legal or physical custodian; or
  - c. A person who immediately notifies a law enforcement agency, county department of public welfare or social services, or the intake worker of the court exercising jurisdiction under Chapters [48](#), or [938](#), Wis. Stats., that he or she is sheltering or concealing such child and provided the person or agency notified with all information requested.

**16.059 PURCHASE OR POSSESSION OF TOBACCO PRODUCTS.**

1. Definition of Tobacco Products. For the purposes of this ordinance, “tobacco products” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
2. Definition of Electronic Delivery Device. Any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
3. Purchase by Minors Prohibited. It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or electronic delivery devices, or to misrepresent their identity or age, or to use any false or altered identification for purchasing tobacco products or electronic delivery devices.
4. Possession by Minors Prohibited. It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products, or electronic delivery devices.

**16.0510            CRIMINAL GANG ACTIVITY PROHIBITED.**

1. Authority. This ordinance is adopted pursuant to the authority granted by [Section 66.0107](#) and [Chapter 948](#), Wis. Stats.
2. Definitions. For purposes of this ordinance, the following terms are defined:
  - a. Criminal Gang. An ongoing organization, association or group of three (3) or more persons, whether formal or informal, that has as one of its primary activities, the commission of one (1) or more criminal or unlawful acts, or acts that would be criminal or unlawful if the actor were an adult, specified in [Sections 939.22\(21\)\(a\) to \(s\)](#), Wis. Stats., or in any of the Municipal Code sections referred to in Section 16.0510(2)(a) below; that has a common name or common identity sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.
  - b. Pattern of Criminal Gang Activity. Has the same meaning as the definition in [Section 939.22\(21\)](#), Wis. Stats.
  - c. Unlawful Act. A violation of any of the Municipal Code sections referred to in Section 16.0510(2)(b) above or any criminal act or act that would be criminal if the actor were an adult.
3. Unlawful Activity.
  - a. It is unlawful for any person to engage in criminal gang activity.
  - b. It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to commit or attempt to commit any violation of the provisions of this Code of Ordinances.
  - c. It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to participate in criminal gang activity.
  - d. It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to join a criminal gang.

**16.0511            ENFORCEMENT AND PENALTY.**

1. Citation Process. For violations of Sections 16.052 through 16.0510, juveniles may be cited by the citation process on a form approved by the Town Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.
2. Penalties. Violations of Sections 16.052 through 16.0510 by a person under the age of eighteen (18) shall be punishable according to Chapter 1 of this Code of Ordinances and Sections [938.17\(2\)](#), [938.343](#), [938.344](#) and [938.345](#), Wis. Stats. Nothing in this ordinance shall prevent the juvenile officer, in his/her discretion, from referring cases directly to the District Attorney's office.

## **16.06 PUBLIC NUISANCES.**

**16.061 PUBLIC NUISANCES PROHIBITED.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Beloit.

## **16.062 PUBLIC NUISANCES DEFINED.**

1. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
  - a. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
  - b. In any way render the public insecure in life or in the use of property;
  - c. Greatly offend the public morals or decency;
  - d. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

## **16.063 PUBLIC NUISANCES AFFECTING HEALTH.**

1. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumerations shall not be construed to exclude other health nuisances coming within the definition of Section 16.062:
  - a. Adulterated Food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
  - b. Unburied Carcasses. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
  - c. Breeding Places for Vermin, Etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
  - d. Stagnant Water. All stagnant water in which mosquitoes, flies or other insects can multiply.
  - e. Garbage Cans. Garbage cans which are not fly-tight.
  - f. Noxious Weeds. All noxious weeds and other rank growth of vegetation.



- g. Water Pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- h. Noxious Odors, Etc. Any use of property, substances or things within the Town or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
- i. Street Pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- j. Animals at Large. All animals running at large.
- k. Accumulations of Refuse. Accumulations of old cans, lumber, elm firewood and other refuse.
- l. Disabled or Unregistered Vehicles. The outside storage of disabled, wrecked, abandoned or unregistered vehicles where specific permissions have not been granted for a commercial use.
- m. Air Pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile there from in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

**16.064 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.**

- 1. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 16.062:
  - a. Gambling Devices. All gambling devices and slot machines, except as permitted by state law.
  - b. Unlicensed Sale of Liquor or Beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Town.
  - c. Continuous Violation of Town Ordinances. Any place or premises within the Town where Town Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
  - d. Illegal Drinking. Any place or premises resorted for drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

**16.065 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.**

- 1. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 16.062:
  - a. Signs, Billboards, Etc. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

- b. Illegal Buildings. All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.
- c. Unauthorized Traffic Signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- d. Obstruction of Intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- e. Tree Limbs. All limbs of trees which project over a public sidewalk less than ten feet (10') above the surface thereof and all limbs which project over a public street less than fourteen feet (14') above the surface thereof.
- f. Dangerous Trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the public.
- g. Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Town.
- h. Dilapidated Buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- i. Wires Over Streets. All wires over streets, alleys or public grounds which are strung less than fifteen feet (15') above the surface thereof.
- j. Noisy Animals or Fowl. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- k. Obstructions of Streets; Excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Ordinances of the Town or which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- l. Open Excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- m. Abandoned Refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- n. Flammable Liquids. Repeated or continuous violations of the Ordinances of the Town or laws of the State relating to the storage of flammable liquids.
- o. Un-removed Snow. All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

**16.066 ABATEMENT OF PUBLIC NUISANCES.**

- 1. Summary Abatement.
  - a. Notice to Owner. If the inspecting officer determines that a public nuisance exists within the Town and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such

notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than twenty-four (24) hours or greater than seven (7) days and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance.

- b. Abatement by Town. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- c. Abatement by Court Action. If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspecting officer shall file a written report of such findings with the Town Administrator who, upon direction of the Town Board, shall cause an action to abate such nuisance to be commenced in the name of the Town in the Rock County Circuit Court in accordance with the provisions of [Chapter 823](#), Wis. Stats.
- d. Court Order. Except where necessary under Section 16.066(1), no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- e. Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

**16.067 COST OF ABATEMENT.** In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

**16.068 ENFORCEMENT AND PENALTY.**

1. Enforcement. The Town Administrator, Chief of Police, Fire Chief, Director of Public Works, Code Enforcement Officer and Building Inspector shall enforce those provisions of this ordinance that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under Section 16.066 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
2. General Penalty. Any person who shall violate any provision of this ordinance shall be subject to a penalty as provided in Chapter 1 of the Town of Beloit Code of Ordinance.

**16.07 NUISANCE PROPERTIES.**

**16.071 NUISANCE PROPERTIES PROHIBITED.** No person shall erect, cause, continue, maintain or permit to exist any nuisance property within the Town of Beloit.

**16.072 NUISANCE PROPERTIES DEFINED.**

1. A nuisance property is a property that substantially annoys, injures or endangers the comfort health, repose or safety of the public and/or in any way renders the public insecure in life or in the use of property by any of the following means:
  - a. Causing law enforcement to respond to the property three (3) or more times in a thirty (30) day period for actual or alleged violations of State Statutes and/or Town ordinances;
  - b. Receiving more than the general and adequate level of law enforcement response thereby placing an undue and inappropriate burden on the Town's taxpayers; or
  - c. Generating excessive complaints to law enforcement and/or to the Town's administration from the surrounding property owners that may or may not prompt ordinance and/or code enforcement citations.
2. "Property" shall be defined as any single-family dwelling, multi-family dwelling, mobile home or manufactured home or any non-residential building used for commercial, business, industrial, recreational, educational, religious or charitable purposes.<sup>2</sup>
3. "Town administration" shall be defined as any member of the Board of Supervisors, the Town Administrator, the Town Attorney, the Town Engineer, the Town Code Enforcement Officer, the Town Building Inspector or any designee thereof.
4. "Law enforcement" shall be defined as any officer in the Town of Beloit Police Department, any deputy in the Rock County Sheriff's Department or any officer in the City of Beloit Police Department.

**16.073 ABATEMENT OF NUISANCE PROPERTIES.**

1. Procedure.
  - a. Notice to Property Owner of Nuisance. Upon the occurrence of one or more of the following enumerated situations in Section 16.072(1), the Chief of Police or the Town Administrator shall send a letter to the property owner containing the following information:
    - i. the street address of the property;
    - ii. a statement of the nuisance activity(ies) occurring on the property;
    - iii. the amount of time that the property owner shall have to abatement the nuisance activity(ies); and
    - iv. a statement that, should the property owner fail to abate the nuisance, the cost to the Town to abate the nuisance shall be assessed to the property owner.
  - b. Affidavit by Law Enforcement or Town Administration. If the property owner fails to abate the noticed nuisance, a member of law enforcement and/or the Town administration shall prepare an Affidavit outlining the following:
    - i. the street address of the property;
    - ii. a statement of the nuisance activity(ies) occurring on the property;

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<sup>2</sup> Ordinance No. 17-09 adopted 8/7/2017

- iii. the date that the property owner was provided with a notice to abatement the nuisance;
- iv. the amount of time that the property owner was given to abate the nuisance; and
- v. a statement as to what abatement action, if any, the Town took in response to the nuisance and the cost of said action.

The Affidavit shall be provided to the Town Attorney and served on the property owner. Along with the Affidavit, the property owner shall receive a notice stating that the Town deems the property to be a nuisance property.

- c. Effect of being a Nuisance Property. Once the Town deems a property a nuisance property, the property owner may be responsible for all further costs of law enforcement action taken in connection with the property. Further, the property owner may be cited for continued violations of State Statutes and/or Town ordinances.
- d. Other Remedies Not Excluded. Nothing in this section prohibits the Town from abating nuisance properties in accordance with State Statutes.

**16.074 COST OF ABATEMENT.** In addition to any other penalty(ies) imposed by State Statutes and/or Town ordinances, the cost to abate nuisance properties shall be collected as a debt from the property owner and shall be assessed against the property as a special charge.

**16.075 ENFORCEMENT AND PENALTY.**

- 1. Enforcement. Law enforcement and/or the Town administration, as defined above, shall enforce the provisions of this ordinance.
- 2. General Penalty. Any person who violates any provision of this ordinance shall be subject to, not only the penalties outlined in this ordinance, but shall be subject to a penalty as provided in Chapter 1 of the Town of Beloit Code of Ordinances.