

Chapter 325

PEACE AND GOOD ORDER

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[HISTORY: Adopted by the Village Board of the Village of Endeavor at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

GENERAL REFERENCES

Adult entertainment — See Ch. 163.

Nuisances — See Ch. 312.

Animals — See Ch. 176.

Parks and recreation areas — See Ch. 320.

Intoxicating liquor and fermented malt beverages — See
Ch. 273.ARTICLE I
State Statutes Adopted**§ 325-1. 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 to define offenses against the peace and good order of the Village, provided that the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Chapter 1, § 1-4 of this Code. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.

167.10	Regulation of fireworks
175.25	Storage of junked automobiles
254.76	Causing fires by tobacco smoking
939.05	Parties to crime
939.22	Words and phrases defined
940.19(1)	Battery
941.01	Negligent operation of vehicle
941.10	Negligent handling of burning material
941.12	Interfering with fire fighting
941.13	False alarms
941.20(1)	Endangering safety by use of dangerous weapon
941.23	Carrying concealed weapon
941.235	Carrying firearm in public building
941.24	Possession of switchblade knife
941.30	Recklessly endangering safety
941.35	Emergency telephone calls
941.36	Fraudulent tapping of electric wires or gas or water meters or pipes
943.01(1)	Damage to property
943.06	Molotov cocktails
943.11	Entry into locked vehicle
943.13	Trespass to land
943.14	Criminal trespass to dwellings
934.20	Theft
943.21	Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station

943.23	Operating vehicle without owner's consent
943.24	Issue of worthless check
943.245	Worthless checks; civil liability
943.34	Receiving stolen property
943.37	Alteration of property identification marks
943.38(3)	Forgery
943.41	Financial transaction card crimes
943.50	Retail theft
944.20	Lewd and lascivious behavior
944.21	Obscene material or performance
944.23	Making lewd, obscene or indecent drawings
944.30	Prostitution
944.31	Patronizing prostitutes
944.33	Pandering
944.34	Keeping place of prostitution
945.01	Definitions
945.02	Gambling
945.03	Commercial gambling
945.04	Permitting premises to be used for commercial gambling
946.40	Refusing to aid officer
946.41	Resisting or obstructing officer
946.42	Escape
946.65	Obstructing justice
946.69	Falsely assuming to act as public officer or employee or a utility employee
946.70	Impersonating peace officers
946.72	Tampering with public records and notices
947.01	Disorderly conduct
947.012	Unlawful use of telephone
947.015	Bomb scares
947.06	Unlawful assemblies and their suppression
948.11	Exposing a child to harmful material or harmful descriptions or narrations
948.60	Possession of a dangerous weapon by a person under 18
951.01	Definitions
951.015	Construction and application
951.02	Mistreating animals
951.03	Dognapping and catnapping
951.04	Leading animal from motor vehicle
951.05	Transportation of animals
951.06	Use of poisonous and controlled substances

951.07	Use of certain devices prohibited
951.08	Instigating fights between animals
951.09	Shooting at caged or staked animals
951.10	Sale of baby rabbits, chicks and other fowl
951.11	Artificially colored animals; sale
951.13	Providing proper food and drink to confined animals
951.14	Providing proper shelter
951.15	Abandoned animals

§ 325-2. Conflicting provisions.

In the event of any conflict between the provisions of this chapter and the Wisconsin Statutes, the Wisconsin Statutes shall control.

**ARTICLE II
Offenses Against Public Safety and Peace**

§ 325-3. Weapons.

Bow and arrow target practice using practice arrows in a nonreckless manner by a private citizen and his guest, on his or her own premises, for personal use only, is permitted.

§ 325-4. Throwing or shooting arrows, stones and other missiles.

No person shall throw or shoot an object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, automobile, park, playground or other public place within the Village of Endeavor.

§ 325-5. Fireworks.

- A. Regulation. Section 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this section as though set forth in full.
- B. Private use and sale. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village.
- C. Fireworks permits. Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the Village Board. All applications shall be referred to the Chief of Police or his/her designee for investigation, and no permit shall be granted unless the Village Board, from the report of the Chief of Police or his/her designee, determines that the applicant will use the fireworks in a public

exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit the Village Board shall require the applicant to post with the Village Clerk-Treasurer an approved certificate in a sum to be established by the Board for the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit.

§ 325-6. Obstructing streets and sidewalks.

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress and egress to or from any place or business or amusement, church, public hall or meeting place.

§ 325-7. Noise.

- A. Loud and unnecessary noise prohibited. No person shall make or cause to be made any loud, disturbing or unnecessary noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.
- B. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
 - (1) Horns and signaling devices. The excessive sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any signaling device and the sounding of any device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.
 - (2) Animals and birds. The keeping of any animal or bird which causes frequent or long-continued unnecessary noise.
- C. No person shall make unnecessary noises with a motor vehicle, nor operate a motor vehicle in a disorderly, dangerous or aggressive manner.

§ 325-8. Curfew.

- A. It shall be unlawful for any person 18 years of age or under to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place in the Village of Endeavor between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by his or her parent, guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said child, unaccompanied by a parent, guardian or other person having legal custody, is

found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor.

- B. This section shall not apply to minors on an emergency, urgent or necessary errand or other legitimate business directed by such minor's parent or to any minor who is engaged in lawful, gainful employment during curfew hours. Other exceptions are minors returning home from functions authorized by the governing body or sanctioned by a bona fide, legitimate governing body of any public or parochial school or church or the Village of Endeavor, or other civic or service organization, when such function is in the best interest of the common good.
- C. It shall be unlawful for any parent, guardian, or other person having the lawful care, custody and control of any person under the age of 18 years to allow or permit such person to violate the provisions of Subsection A 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 section occurring within 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 Chief of Police or his/her designee shall not be considered to have allowed or permitted any person under the age of 18 years to violate this section.
- D. It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under the age of 18 to loiter, loaf, or idle in such place during the hours prohibited by this section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this section shall find persons under the age of 18 years loitering, loafing, or idling in such place of business, he shall immediately order such person to leave, and if such person refuses to leave said place of business, the operator shall immediately notify the Chief of Police or his/her designee and inform him or her of the violation.
- E. Every law enforcement officer is hereby authorized to detain any minor violating the provisions of Subsection A above until such time as the parent, guardian, or person having legal custody of the minor shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Chief of Police or his/her designee for the purpose of taking custody of the minor and shall sign a release for him or her. If no response is received, the Chief of Police or his/her designee shall take whatever action is deemed necessary, in the best interest of the minor.
- F. The first time a minor is detained by a law enforcement officer of the Village of Endeavor as provided in Subsection E, the parent, guardian or person having legal custody of such minor shall be advised personally, if known, or by registered mail as to the provisions of this section and further advised that any violation of this section occurring thereafter by this minor or any other minor under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
- G. Penalties.

- (1) Any person violating this section shall forfeit not more than \$25 and the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until the forfeiture and costs of prosecution are paid, but not exceeding five days.
- (2) For a first offense any minor who shall be found violating the provisions of this section shall be warned of the penalty for such violation by the Chief of Police or his/her designee and shall be taken and delivered to the custody of the person having legal custody over him or her. Any minor found violating the provisions of this section a second or subsequent time shall be dealt with in accordance with the provisions of Ch. 48, Wis. Stats.

§ 325-9. Possession of tobacco products by minors; use on school grounds. ¹

- A. Definitions. As used in this section, the following terms shall have the meaning indicated:

ADULT — Any person 18 years of age or older.

CHILD — Any person under the age of 18.

CIGARETTE — Has the meaning given in § 139.30(1m), Wis. Stats.

SCHOOL — Any building under the jurisdiction of the School Board of the Portage School District.

SCHOOL GROUNDS — Any ground owned, leased or used by the school under the jurisdiction of the School Board of the Portage School District.

TOBACCO PRODUCTS — Has the meaning given in § 139.75(12), Wis. Stats.

- B. Except as provided in Subsection C below, no child may do any of the following:

- (1) Buy, or attempt to buy, any cigarette or tobacco products.
- (2) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco products.
- (3) Possess any cigarette or tobacco product (§ 254.92, Wis. Stats.).

- C. A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours, if employed by a retailer licensed under § 134.65(1), Wis. Stats.²

- D. Use or possession at school or on school grounds.

- (1) No child may possess or use any cigarette or tobacco product at any time in school or on school grounds.

1. Editor's Note: See also Ch. 368, Smoking.

2. Editor's Note: See also Ch. 212, Cigarettes and Tobacco Products.

- (2) No adult may use any cigarette or tobacco product at any time in school or on school grounds.

§ 325-10. Marijuana and drug paraphernalia.

A. Marijuana.

- (1) Definitions. For the purpose of this section, the terms "marijuana" and "practitioner" shall be defined as provided in § 961.01, Wis. Stats.
- (2) Unlawful to possess or use. It is unlawful for any person to possess and/or use marijuana, unless the marijuana was obtained directly from, or pursuant to, a valid prescription or order of a practitioner, or except as otherwise authorized by Ch. 961, Wis. Stats.

B. Drug paraphernalia.

- (1) "Drug paraphernalia" means all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, aging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, or as found in § 961.571, Wis. Stats.
- (2) It is unlawful for any person to be in possession of, manufacture, or make delivery of drug paraphernalia in this Village, or as found in § 961.573, 961.574, or 961.577, Wis. Stats.

C. Penalties.

- (1) Any person who violates Subsection A or B who is under 18 years of age is subject to a disposition under § 938.344(2e), Wis. Stats.
- (2) Any person who violates Subsection A or B who is 18 years of age or older may be subject to a penalty as provided in Chapter 1, § 1-4 of this Code.

§ 325-11. Gambling, lotteries and fraudulent devices and practices.

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the limits of the Village. The Chief of Police or his/her designee is hereby authorized to seize anything devised solely for gambling or found in actual use for gambling within the Village and to dispose thereof after a judicial determination that said device was used solely for gambling or found in actual use for gambling.

§ 325-12. Disorderly conduct.

- A. Whoever does any of the following may be required to pay a forfeiture as provided in § 325-19 of this article:

- (1) In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstance in which such conduct tends to cause or provoke a disturbance.
 - (2) With intent to annoy another, makes a telephone call or sends a text message, e-mail message or any other electronic communication, whether or not conversation ensues.
 - (3) Intentionally causes a noisy altercation, other than a bona fide athletic contest in designated areas.
- B. The commencement of an action for violation of this section may be by complaint and summons as well as by complaint and warrant.
- C. The District Attorney is hereby authorized to commence actions to collect forfeitures by action as provided above for violation of this section.
- D. The authority to enforce this section is delegated to the Chief of Police or his/her designee.

§ 325-13. Defecating or urinating in public places.

It shall be unlawful for any person to defecate or urinate, outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings.

§ 325-14. Harassing or obscene calls or messages.

Whoever does any of the following shall be subject to the penalty provided in § 325-19 of this article:

- A. Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent.
- B. Makes a telephone call or sends a text message, e-mail message or any other electronic communication, whether or not conversation ensues, with the intent to abuse, threaten or harass any person.
- C. Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers.
- D. Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers.
- E. Knowingly permits any telephone under his control to be used for any purpose prohibited by this section.
- F. In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

§ 325-15. Unlawful removal of parking citations.

No person other than the owner or operator thereof shall remove a Village parking ticket from a motor vehicle.

§ 325-16. Loitering.

No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, the Chief of Police or his/her designee shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of any offense under this section if Chief of Police or his/her designee 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 Chief of Police or his/her designee at the time, would have dispelled the alarm.

§ 325-17. False fire alarms.

No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false.

§ 325-18. Obedience to officers.

No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the Village while such officer is doing any act in his official capacity and with lawful authority.

§ 325-19. Violations and penalties.

The penalty for violation of §§ 325-3 through 325-7, 325-9 or 325-11 through 325-18 shall be in accordance with the general penalty in Chapter 1, § 1-4 of this Code.

ARTICLE III
Offenses Against Property

§ 325-20. Destruction of property.

No person shall injure or intentionally deface or destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Village and belonging to the Village or its departments, the Portage School District or any private person, without the consent of the owner or proper authority.

§ 325-21. Littering.

No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village.

§ 325-22. Retail theft.

- A. 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 Subsection D.
- B. The intentional concealment of unpurchased merchandise which continues from one floor to another and 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.
- C. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to the Chief of Police or his/her designee, or to his 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 will before the arrival of the Chief of Police or his/her designee who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- D. Penalty. If the value of the merchandise does not exceed \$100, any person violating this section shall be subject to a penalty as provided in Chapter 1, § 1-4 of this Code. If the value of the merchandise exceeds \$100, this section shall not apply and the matter shall be referred to the Marquette County District Attorney for criminal prosecution.

§ 325-23. Storage of junked or discarded property.³

No person shall store junk or discarded property, including automobiles, automobile parts, trucks, tractors, tires, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood except in an enclosure which houses such property from public view, or upon permit issued by the Village Board. The Chief of Police or his/her designee may require by written order any premises violating this section to be put in compliance within the time specified in such order and, if such order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

3. Editor's Note: See also Ch. 421, Vehicles, Abandoned and Junked.

§ 325-24. Library material.

- A. Definitions. For the purposes of this section, certain words and terms are defined as follows:

ARCHIVES — A place in which public or institutional records are systematically preserved.

LIBRARY — The Endeavor Public Library.

LIBRARY MATERIAL — Includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records or other tapes, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

- B. Possession without consent prohibited. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a penalty as provided by § 325-30 of this chapter.
- C. Concealment. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- D. Detention based on probable cause. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to the Chief of Police or his/her designee, or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls but shall not be interrogated or searched against his or her will before the arrival of the Chief of Police or his/her designee who may conduct a lawful interrogation of the accused person. Compliance with this section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- E. Damaging material prohibited. No person shall mar, deface or in any other way damage or mutilate any library material.
- F. Return of material. No person shall fail on demand to return any library material when such demand has been made in accordance with the rules and regulations made and adopted by the library.

§ 325-25. Damaging or tampering with coin machines.

No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the Village of Endeavor.

§ 325-26. Damage to public property.

- A. All persons are hereby prohibited from breaking or otherwise injuring any tree, shrub or plant, breaking, soiling or defacing any fountain, statue or other ornamental structure or in any way injuring, soiling, damaging or defacing any public building or public property in any public park, square, sidewalk or ground in the Village of Endeavor, whether the same shall be owned or held in trust for the use of any district of said Village.
- B. No person shall break glass in any streetlamps or windows of any building owned or occupied by the Village of Endeavor or damage any street signs erected by the Village.

§ 325-27. Vandalism.

No person within the limits of the Village of Endeavor shall intentionally cause damage to any physical property of another without his or her consent.

§ 325-28. Open cisterns, wells or other dangerous openings.

No person shall have or permit on any premises owned or occupied by him open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner 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.

§ 325-29. Abandoned refrigerators.

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

§ 325-30. Violations and penalties.

- A. Except where another penalty is provided, the penalty for violation of any provision of this article shall be as provided in Chapter 1, § 1-4 of this Code.
- B. In addition to the penalty provided in Subsection A above, any person who shall damage public property shall be liable for the costs of repairing or replacing such property. The parent of an unemancipated child who causes damage to public or private property shall be liable for the cost thereof pursuant to § 895.035, Wis. Stats