

TITLE 9

Offenses and Nuisances

Chapter 1	State Statutes Adopted
Chapter 2	Offenses Against Public Safety and Peace
Chapter 3	Offenses Against Property
Chapter 4	Obscenity
Chapter 5	Offenses Involving Alcoholic Beverages
Chapter 6	Public Nuisances

CHAPTER 1

State Statutes Adopted

9-1-1 Offenses Against State Laws Subject to Forfeiture.

SEC. 9-1-1 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 municipality provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Municipal Code. Any future amendments, revisions or modification of the Statutes incorporated herein by reference are intended to be made part of this Code.

939.22	Words and Phrases Defined
940.19(1)	Battery
941.03	Highway Obstruction
941.10	Negligent Handling of Burning Materials
941.12	Interfering With or Failing to Assist in Fire Fighting
941.13	False Alarms and Interference with Fire Fighting
941.20(1)	Reckless Use of Weapon
941.23	Carrying Concealed Weapon
941.24	Possession of Switchblade Knife
943.01(1)	Criminal Damage to Property
943.06	Molotov Cocktails
943.13	Criminal Trespass to Land
943.20	Theft of Property
943.21	Fraud on Innkeeper
943.38(3)	Forgery
943.50	Retail Theft
944.20	Lewd and Lascivious Behavior
944.21	Lewd, Obscene, or Indecent Matter, Pictures and Performances
944.22	Possession of Lewd, Obscene or Indecent Matter.
944.30	Prostitution
944-31	Patronizing Prostitutes
944.33	Pandering
944.34	Keeping Place of Prostitution
945.01	Definitions Relating to Gambling

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 Obstruction Officer
946.42	Escape
946.65	Obstructing Justice
946.72	Tampering with Public Records and Notices
947.01	Disorderly Conduct
947.015	Bomb Scares
947.047	Littering Shores
947.06	Unlawful Assemblies
947.08	Crime Comics
948.01 –	
948.16	Crimes Against Animals
50.58	Careless Smoking
175.25	Illegal Storage of Junked Vehicles
29.288	Throwing Refuse in Waters/Abandoning Vehicles.

CHAPTER 2

Offenses Against Public Safety and Peace

9-2-1	Discharging and Carrying Firearms and Guns Prohibited
9-2-2	Throwing or Shooting of Arrow, Stones and Other Missiles Prohibited
9-2-3	Sale and Discharge of Fireworks Restricted
9-2-4	Obstructing Streets and Sidewalks Prohibited
9-2-5	Disorderly Conduct
9-2-6	Loitering Prohibited
9-2-7	Loud and Unnecessary Noise Prohibited
9-2-8	False Alarms
9-2-9	Curfew
9-2-10	Sale of Tobacco or Tobacco Products to Minors Forbidden
9-2-11	Unauthorized Presence on School Property Prohibited
9-2-12	Damage or Tampering With Coin Machines
9-2-13	Damage to Public Property
9-2-14	Vandalism

SEC. 9-2-1 DISCHARGING AND CARRYING FIREARMS AND GUNS PROHIBITED.

- a) No person, except a sheriff, constable, police officer or their deputies, shall fire or discharge any firearm, rifle, spring or air gun in his possession or under his control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container.
- b) The Village Clerk-Treasurer may grant a permit for such use for any lawful purpose, such as pest extermination, to any adult resident of the Village for not more than 30 days, provided further any person over the age of 16 years may discharge an air gun or .22 caliber rifle when under the supervision of an adult. The application for such permit shall be accompanied with a fee of \$1.00. The application shall be granted at the discretion of the Clerk-Treasurer, subject to being overruled by the Village Board. Upon the application being approved, the Clerk-Treasurer shall issue a license to the applicant which shall be valid for a period of one year, and shall limit the hours during which time the applicant may discharge said gun.
- c) No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village.

SEC. 9-2-2 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.

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

SEC. 9-2-3 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

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.

State Law Reference: Section 167.10, Wis. Stats.

SEC. 9-2-4 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

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

SEC. 9-2-5 DISORDERLY CONDUCT.

It shall be unlawful for any person within the corporate limits of the Village to violate any of the following subsections of this Section:

- a) In a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance, or
- b) With intent to annoy another, make a telephone call, whether or not conversation ensues.

State Law Reference: Section 947.01, Wis. Stats.

SEC. 9-2-6 LOITERING PROHIBITED.

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

SEC. 9-2-7 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.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

- 1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village, 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 device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
- 2) Radios, phonographs, similar devices. The using operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between

the hours of 10 pm and 7am in a manner as to be plainly audible at the property line from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.

- 3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- 4) Animals, birds. The peeping of any animal or bird which by causing frequent or long continued unnecessary noise.
- 5) Steam Whistlers. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
- 6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- 7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any 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 am and 10 pm on weekdays; provided, however, the Village Board shall have the authority, upon determining that the loss or 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 pm to 7 am.
- 8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal 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 indication a school, hospital or court streets.
- 9) Motor Vehicles. No person shall make unnecessary noises with a motor vehicle, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noises.

The provisions of this Section shall not apply to:

- a) Any vehicle of the Village while engaged in necessary public business.
- b) Excavations or repairs of streets or other public construction by or on behalf of the Village at night when public welfare and convenience renders it impossible to perform such work during the day.

SEC. 9-2-8 FALSE ALARMS.

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

SEC. 9-2-9 CURFEW.

- a) TIME AND AGE LIMIT. All children under the age of 16 years shall be off all public streets and public places in the Village of Norwalk by 10 pm of each day unless accompanied by a parent, guardian or other suitable person above the age of 21 to whom the control and custody of said child has been entrusted by the person or persons legally responsible for the control and custody of said child.
- b) ENFORCEMENT. It shall be the duty of Village police officers to enforce this Section. A Village police officer upon finding any child unaccompanied by a parent, guardian or other suitable person above the age of 18 upon a public street or in a public place in the Village of Norwalk after 10 pm shall escort said child to its home immediately.
- c) PENALTY. Any person who shall violate any provision of this Chapter shall be subject to the general penalty as provided in this Code.

SEC. 9-2-10 SALE OF TOBACCO OR TOBACCO PRODUCTS TO MINORS FORBIDDEN.

Any person, by himself, his servant, or agent, or as the servant or agent of any other person, who shall sell, give away, or otherwise dispose of directly or indirectly, by vending machine or otherwise, any tobacco or tobacco products to any person under the age of eighteen (18) years shall, for every such offense, see Village of Norwalk Bond Schedule.

SEC. 9-2-11 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.

Rescinded November 9, 1999

SEC. 9-2-12 DAMAGING OR TAMPERING WITH COIN MACHINES.

No person shall, without lawful authority, open, remove or damage an 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 foods 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 Norwalk.

SEC. 9-2-13 DAMAGE TO PUBLIC PROPERTY.

- a) DAMAGING OF DRINKING FOUNTAINS. All persons are hereby prohibited from breaking or others wise injuring any bubbler, drinking fountain or any drinking bubbler, or in any way injuring, soiling, tampering with or defacing any such bubbler or drinking fountain, or placing dirt, leaves, refuse or matter of any sort in or upon any such bubbler, drinking fountain or drinking bubbler, in any public park, street, sidewalk or ground, or any public building, schoolhouse, hall, museum, library or branch library, Village of Norwalk.
- b) DAMAGING OF PUBLIC PROPERTY. 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 Norwalk, whether the same shall be owned or held in trust by said Village held in trust for the use of any district of said Village.
- c) BREAKING OF STREET LAMPS OR WINDOWS. No person shall break glass in any street lamps or windows of any building owner or occupied by the village of Norwalk.

SEC. 9-2-14 VANDALISM.

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

CHAPTER 3

Offenses Against Property

9-3-1	Destruction of Property Prohibited
9-3-2	Littering Prohibited
9-3-3	Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited
9-3-4	Abandoned Refrigerators Prohibited
9-3-5	Retail Theft
9-3-6	Storage of Junk Regulated
9-3-7	Issuance of Worthless Checks
9-3-8	Theft of Library Material

SEC. 9-3-1 DESTRUCTION OF PROPERTY PROHIBITED.

No person shall wilfully injure or intentionally deface, 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, or to any private person, without the consent of the owner or proper authority.

SEC. 9-3-2 LITTERING PROHIBITED.

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, or upon property within the Village owned by any private person, or upon the surface of any body of water within the Village.

SEC. 9-3-3 OPENCISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.

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

SEC. 9-3-4 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 control in a place accessible to children, and 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 agent and is securely locked or fastened.

SEC. 9-3-5 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 be a merchant without consent and with intent to deprive the merchant permanently of possession, or the full purchase may be penalized as provided in subsection(d).
- b) 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.

- 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 a peace officer, 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 a police officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his 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.
- d) PENALTY. If the value of the merchandise does not exceed \$100, any person violating this Section shall forfeit not more than \$200. If the value of the merchandise exceeds \$100, this Section shall not apply and the matter shall be referred to the Monroe County District Attorney for criminal prosecution.

State Law Reference: Section 943.50, Wis. Stats.

SEC. 9-3-6 JUNKED OR ABANDONED PROPERTY.

STORAGE OF JUNKED VEHICLES OR OTHER PROPERTY. The storage outside of any building within the village of old, unused, stripped, junked, unlicensed, abandoned or other motor vehicles not in condition for normal use or in good and safe operating condition and of any other vehicles, machinery, implements, appliances or equipment or personal property which is no longer usable for the purposes for which manufactured, or parts thereof, which is hereafter referred to as "personality," for more than five (5) days, except in a licensed salvage yard, is hereby declared to be a public nuisance and dangerous to the public safety and prohibited. For purpose of this section the owner or owners of the land upon which the property is located or the tenants, licensees or occupants of said land may be held responsible.

ABANDONMENT OF ENCLOSED APPLIANCE, BOX OR STRUCTURE. It shall be unlawful for any person to abandon any appliance, box or structure which will fasten from the outside by the closing of a door and on which there is no method of unlocking the door thereto from the inside at any place or grounds or in any place which might be frequented by children and in which such children might be accidentally imprisoned.

VIOLATIONS AND PENALTIES. Any person violating any provision of this chapter including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall forfeit \$25.00 per day for noncompliance and the costs of prosecution, together with the penalty assessment imposed by 757.05, Wis. Stats., where applicable, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation.

SEC. 9-3-7 ISSUANCE OF WORTHLESS CHECKS.

- a) Whoever issues any check or other order for the payment of money less than \$500.00 which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
- b) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
 - 1) Proof that at the time of issuance, the person did not have an account with the drawee; or
 - 2) Proof that at the time of issuance, 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

- 3) Proof that when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.
- c) This section does not apply to a post-dated check or to a check given in past consideration except a payroll check.
- d) Any person violating any provisions of this Section shall forfeit not less than \$50.00 if the worthless check is for an amount equal to or less than \$140.00 and shall forfeit not less than \$100.00 if the worthless check is an amount greater than \$150.00 and less than \$500.00, together with the costs of prosecution, and in default of payment, imprisonment in the Monroe County Jail until forfeiture and costs are paid but not to exceed sixty (60) days.

SEC. 9-3-8 THEFT OF LIBRARY MATERIAL.

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 Norwalk Public Library.

Library Material. Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, 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.

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 forfeiture as provided by the general penalty provisions of this Code.

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 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.

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 is his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to 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 a peace officer who may conduct a lawful interrogation of the accused person.

Compliance with this Section articles the official, agent or 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.

DAMAGING MATERIAL PROHIBITED. No person shall mar, deface or in any other way damage or mutilate any library material.

RETURN DEMANDED. No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the Library.

State Law Reference: Section 943.61, Wis. Stats.

CHAPTER 4

Obscenity

- 9-4-1 Obscene Literature, Materials, and Performances
- 9-4-2 Exposing Minors to Harmful Materials
- 9-4-3 Commercial Sexual Gratification

SEC. 9-4-1 OBSCENE LITERATURE, MATERIALS AND PERFORMANCES.

DEFINITION.

“Obscene.” Material is obscene if :

Its dominant theme taken as a whole appeals to a prurient interest in sex, and

It is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matter, and

It lacks serious literary, artistic, political or moral value.

“Knowingly.” A person acts knowingly if he has general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of the character and content of any materials described herein which is reasonably susceptible of examination.

“Material.” Any book, magazine or other newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any sculpture or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment or machines.

“Person.” Any individual, partnership, firm, association, corporation, or other legal entity.

“Performance.” Any preview, play, show, skit, film, dance or other exhibition performed before an audience.

“Promote.” To cause, permit, procure, counsel or assist.

“Service to Patrons.” The provision of services to paying guests in establishments providing food and beverages, including, but not limited to, hostessing, hat checking, cooking, bartending, serving, table setting and clearing, waiter and waitressing and entertaining.

PROHIBITIONS. It shall be unlawful for any person knowingly:

- 1) To sell, loan for a monetary consideration, deliver or provide, any obscene writing, picture, record or other representation or embodiment of the obscene; or
- 2) To present or direct or participate in an obscene play, dance or performance or knowingly to permit the same on any premises owned or operated by him or under his control; or
- 3) To publish, exhibit, distribute, give away or otherwise make available any obscene material; or
- 4) To possess any obscene material for purposes of sale or other commercial dissemination; or
- 5) To sell, advertise or otherwise commercially disseminate material, whether or not obscene, by representing or suggesting that it is obscene; or
- 6) To provide service to patrons in such a manner as to expose to public view:
 - a) His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
 - b) Any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
 - c) Any portion of the female breast at or below the areola thereof.

State Law Reference: Chapter 944, Wis. Stats.

SEC. 9-4-2 EXPOSING MINORS TO HARMFUL MATERIALS.

- a) **DEFINITIONS.** As used in this Section:
- 1) "Minor" means any person under the age of eighteen (18) years.
 - 2) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
 - 3) "Sexual conduct" is defined to be acts of sexual intercourse between humans, normal or perverted, actual or simulated, acts of masturbation, fellatio, cunnilingus, and acts of excretory function, lewd exhibition of the genitals especially in a stimulated condition and sexual relations between humans and animals
 - 4) "Sadomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
 - 5) "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, which taken as a whole appeals to the prurient interest in sex, which taken as a whole does not have serious literary, artistic, political or scientific value. Whether a work appeals to the prurient interest and whether it depicts or describes sexual conduct in a patently offensive way, and whether it has serious literary, artistic, political or scientific value are to be determined by applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors.
 - 6) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:
 - a. The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and
 - b. The age of the minor, provided however that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.
 - 7) "Knowledge of the minor's age" means:
 - a. Knowledge or information that the person is a minor; or
 - b. Reason to know, or a belief or grounds for belief, which warrants further inspection or inquiry of the age of the minor.
- b) It shall be unlawful for any person Knowingly to exhibit for a Monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation which in whole or in part depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors, unless such minor is accompanied by his parent or legal guardian.
- c) It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:
- 1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors.
 - 2) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in (c)(1) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

- d) It shall be unlawful for any person knowingly to admit a minor whom he or she knows or has reason to believe is not his/her child or legal ward to any premises whereon there is exhibited nudity, sexual conduct or sadomasochistic abuse which is harmful to minors unless such minor is accompanied by his/her parent or legal guardian.

State Law Reference: Section 944.25, Wis. Stats.

SEC. 9-4-3 COMMERCIAL SEXUAL GRATIFICATION.

- a) No person or any legal entity shall offer, make available, permit or in any way participated in the touching of the genitals, pubic area, buttocks, anus or perineum of any person or of the breasts or vulva of a female when such touching can be reasonably construed as being for the purpose of sexual arousal or gratification under circumstances in which it is reasonably expected that money or other consideration will be received therefor.
- b) No person or any legal entity shall offer, make available, permit or in any way participated in the administration of any form of massage for money or other consideration when the genitals, pubic area, buttocks, anus, perineum, vulva and female breast of the administrator of the massage are not fully covered by opaque material.

CHAPTER 5

Offenses Involving Alcoholic Beverages

- 9-5-1 Outside Consumption
- 9-5-2 Sale to Minors Restricted
- 9-5-3 Possession of Liquor on School Grounds Prohibited

SEC. 9-5-1 OUTSIDE CONSUMPTION.

- a) **ALCOHOLIC BEVERAGES IN PUBLIC AREAS.** It shall be unlawful for any person to sell or serve, or offer to sell or serve, or to consume, or to carry or expose to view any open container of any alcoholic beverage upon any street, sidewalk, alley, public parking lot, highway, public playground, public park or other public area within the Village, except that the provisions of this Section may be waived by the Village Board for duly authorized events.
- b) **DEFINITIONS.**
 - 1) As used in this Section, the term "alcoholic beverage" shall include 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 un-malted grains or decorticated and de-germinated grains or sugar, which contain one-half of one percent or more of alcohol by volume and which are fit for use for beverage purposes.
 - 2) As used in this Section, the term "public area" shall be construed to mean any location within the Village 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.

SEC. 9-5-2 SALE TO MINORS RESTRICTED.

No person may:

Sell, furnish or give intoxication liquor to a person under age 21;

Procure intoxicating liquor for a person under age 21; or

Traffic or deal in intoxicating liquor with a person under age 21.

A person who violates this subsection subject to the penalty found in subsection (c), except that disposition proceedings against a person under 18 years of age shall be as provided by section 48.344, Wis. Stats.

A person who commits a violation is subject to a forfeiture of:

See Village of Norwalk Bond Schedule.

State Law Refence: Sections 48.335 and 125.07, Wis. Stats.

SEC. 9-5-3 POSSESSION OF LIQUOR ON SCHOOL GROUNDS PROHIBITED.

Rescinded November 9, 1999

CHAPTER 6

Public Nuisances

9-6-1	Public Nuisances Prohibited
9-6-2	Public Nuisances Defined
9-6-3	Public Nuisances Affecting Health
9-6-4	Public Nuisances Offending Morals and Decency
9-6-5	Public Nuisances Affecting Peace and Safety
9-6-6	Abatement of Public Nuisances
9-6-7	Penalty

SEC. 9-6-1 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

SEC. 9-6-2 PUBLIC NUISANCE DEFINED.

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.

SEC. 9-6-3 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 9-6-2:

- 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 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) PRIVY VAULTS AND GARBAGE CANS. Privy vaults and garbage cans which are not fly-tight.
- f) NOXIOUS WEEDS. All noxious weeds and other tank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed one foot.
- 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 Village emitting 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 Village.

- 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 Village.

SEC. 9-6-4 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

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 9-6-2:

- a) DISORDERLY HOUSES. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- b) GAMBLING DEVICES. All gambling devices and slot machines.
- c) UNLICENSED SALE OF LIQUOR AND 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 by the ordinances of the Village.
- d) CONTINUOUS VIOLATION OF VILLAGE ORDINANCES. Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- e) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the state of Wisconsin or ordinances of the Village.

SEC. 9-6-5 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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 9-6-2:

- 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 Village relating to materials and manner of construction of buildings and structures within the Village.
- 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 any public sidewalk, street or other public place and present a safety hazard.
- f) DANGEROUS TREES. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

- g) FIREWORKS. All use or display of fireworks except as provided by the laws of the state of Wisconsin and ordinances of the Village.
- 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 15 feet 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 Village.
- 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 Village 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 do not conform to the permit.

SEC. 9-6-6 ABATEMENT OF PUBLIC NUISANCES.

- a) ENFORCEMENT. The Chief of Police, the Chief of the Fire Department, the Building Inspector and Health Officer shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this Section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.
- b) ABATEMENT. If the inspecting officer shall determine that a public nuisance exists on private premises, he shall serve upon the person causing or maintaining the nuisance notice to remove the same within 30 days. If such nuisance is not removed within 30 days, the President may direct the proper officer to cause the same to be removed and abated, with the cost thereof to be charged to the person causing or maintaining such nuisance.
- c) OTHER METHODS NOT EXCLUDED. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the state of Wisconsin.

SEC. 9-6-7 PENALTY.

Any person who shall violate any provision of this Chapter of the Municipal Code of the Village of Norwalk shall be subject to a forfeiture as provided in the general penalty section of this code.