

## CHAPTER 14

### Orderly Conduct

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#### **14.01 DANGEROUS AND CONCEALED WEAPONS.**

(1) **Definitions.**

- (a) Dangerous Weapon. The term “dangerous weapon” shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: black jack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles of any metal, barbed, or blade type arrowhead, bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight-edge razor, or any other knife having a blade three (3) inches or longer. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.
- (b) Concealed Weapon. The term “concealed weapon” shall include any dangerous weapon which is hidden from ordinary observation. Absolute invisibility is not necessary to constitute a weapon as being concealed. Any weapon which is

carried within a case is not to be construed as a concealed weapon if the case is plainly visible.

- (2) **Carrying Dangerous or Concealed Weapons Prohibited.** No person, except policemen or any officer authorized to serve process, shall wear concealed about his person, any dangerous weapon. The carrying of any instrument necessary to certain trades, crafts, sports, or professions during the usual course of such endeavor is exempt from the terms of this section.
- (3) **License for Sale of Weapons.**
  - (a) No person shall engage in the business of buying or selling, or shall sell or give away to any person, or buy or receive of any person, within the Village, any weapon listed or defined as dangerous, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight-edge razors, household purpose knives, any knife having a blade less than three (3) inches, or instruments necessary to certain trades, crafts, professions, or sports, without securing a license to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon. It is the intent of this section that no permit to purchase and no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of these items that further interest in the commonly accepted fields of sport.
  - (b) Any person desiring a license authorizing the sale of any weapon listed or defined as dangerous, except rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods as defined in paragraph (a) hereof, straight-edge razors, household purpose knives, any knife having a blade less than three(3) inches, or instruments necessary to certain trades, crafts, professions, or sports, shall make application to the Village Board in writing, setting out in such application the full name of the residence of the applicant, if an individuals, and if a firm or corporation, the name and residence of each of its members or officers. Such applicant shall also set out the location at which it is intended or desired to conduct such business. Upon the receipt of such application the Village Board may issue such license to the applicant upon his payment to the Village Treasurer of an annual license fee of \$5.00. The date of expiration of such license shall be June 30 of each year.
- (4) **Selling Weapons to Minors Prohibited.** No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, except household purpose knives or knives having blades less than three (3) inches.
- (5) **Weekly Report on Sale of Dangerous Weapons.** Every person who is licensed to deal in the sale of dangerous weapons shall make out and deliver to the Chief of Police every Tuesday before 12:00 p.m. a legible and correct report of every sale or gift made under authority of said license during the preceding week, which report shall contain the date of such sale or gift, the name of the purchaser or donee, with his or her address and age, the number, the kind, description, and price of such weapon, the number of the purchaser's permit, and the purpose for the purchase of such weapon; provided, however, that it shall not be necessary for any person engaged in the buying and selling of such dangerous weapons, in wholesale or job-lots, to make the above mentioned report, but such person shall permit the Chief of Police to examine the books of such person at any time he may

deem it advisable. Said report shall not be required on the sale of the following: rifles or shotguns used for hunting purposes; air rifles; weapons used for target practice purposes; straight-edge razors; household purpose knives; any knife having a blade of less than three (3) inches; or instrument necessary to certain trades, crafts, professions, or sports.

- (6) **Permit Required for Purchase of Dangerous Weapons.** No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle or shotgun used for hunting purposes, air rifle, weapon used solely for target practice purposes, sporting goods, as hereinbefore defined, straight-edge razors, household purpose knives, any knife having a blade less than three (3) inches, or instruments necessary to certain trades, crafts, professions, or sports. Before any such permit is granted, an application in writing shall be made therefore, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of any person desiring such permit.

Such application shall also contain a recommendation from two (2) persons who shall be residents of the State, that the permit should be issued. No such permit shall be granted to a person having been convicted of a felony or to minors. Such permit shall be delivered to the person or agent thereof from whom such instrument or weapon is purchased and shall be filed with the Village Clerk within three (3) months from the date of the issuance of the same. No person shall mutilate a shotgun or rifle or destroy the identification marks on any firearm. No shotgun or rifle shall be shortened to barrel length of less than 18 inches nor shall anyone remove the serial number from any weapon.

**14.02 DISCHARGE OF FIREARMS AND WEAPONS.** No person shall discharge any air rifle, instrument which compels a missile, shot, or other projectile by compressed air, spring, or other means, firearm, or arrow from a bow within the Village except:

- (1) Upon a duly established revolver, rifle, or archery range, the construction of which has been approved by the Village Board.
- (2) In self defense.
- (3) By any peace officer in the lawful discharge of his duties.
- (4) As authorized in advance by the Chief of Police for compliance with this subsection and which involves only the discharge of blank cartridges; during a public organized athletic event (starter pistol) or for community or school educational purposes or public ceremony or celebration purposes.

**14.03 REGULATION OF FIREWORKS.**

- (1) **Definition.** In this section, “fireworks” means anything manufactured, processed, or packaged for exploding, emitting sparks, or combustion which does not have another common use, but does not include the following:
  - (a) Fuel or a lubricant.
  - (b) A firearm cartridge or shotgun shell.
  - (c) A flare used or possessed or sol for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft, or motor vehicle.
  - (d) A match, cigarette lighter, stove, furnace, candle, lantern, or space heater.

- (e) Tobacco and a tobacco product.
- (f) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (g) A toy snake which contains no mercury.
- (h) A model rocket engine.
- (i) A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate, or perchlorate.
- (j) A device designed to spray out paper confetti or streamers and which contains less than one quarter grain of explosive mixture.
- (k) A device designed to produce an audible sound but not explode, spark, move, or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
- (l) A device that emits smoke with no external flame and does not leave the ground.
- (m) A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inch designed to sit on the ground and emit only sparks and smoke.
- (n) A cone fountain not exceeding 75 grams in total weight designed to sit on the ground and emit only sparks and smoke.

(2) **Sale and Use.**

- (a) Sale and Use. No person may sell or possess with intent to sell any fireworks, including those devices described in (1)(f) through (n) within the Village limits. No person may possess or use fireworks without a user's permit from the Clerk of the Village following approval of the chiefs of the fire and police departments. A user's permit may be issued to a person listed under subsection (2)(b)1 to 6.
- (b) A permit under this section may be issued only to the following:
  1. A public authority.
  2. A fair association.
  3. An amusement park.
  4. A park board.
  5. A civic organization.
  6. An agricultural producer for the protection of crops from predatory birds and animals.
- (c) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- (d) No person may use a device listed under subsection (1)(f) to (n) within the Village of Hales Corners except upon private property with the owner's consent.
- (e) No person may possess or use fireworks or any device listed under subsection (1)(f) to (n) while attending any permitted fireworks display.
- (f) The Village Clerk or designee, if the Clerk is unavailable, issuing a permit under this subsection shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use, or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Village Clerk.
- (g) A permit under this subsection shall specify all of the following:

1. The name and address of the permit holder.
  2. The kind and quantity of fireworks which will be used.
  3. The date and location of permitted use.
  4. Other special conditions prescribed by Ordinance.
- (h) A copy of a permit under this subsection shall be given to municipal fire and law enforcement officials at least two (2) days before the date of authorized use.
- (i) A permit under this subsection may not be issued to a minor.
- (j) Permit applications must be filed with the Village Clerk no later than 5:00 p.m., June 27.
- (k) No person may use any device listed under subsection (1)(f) to (n) within the Village of Hales Corners during a period of fire hazard conditions upon the declaration of an emergency by the Village President after consultation with the Fire Chief.

(3) **Enforcement.** Fireworks stored, handled, sold, possessed, or used by a person in violation of this section except as defined in (2)(d) shall be seized. The fireworks shall be destroyed after conviction for a violation, or otherwise, returned to the owner.

(4) **Penalties.** Notwithstanding the provisions of Section 14.18, a person who violates this section shall forfeit not more than \$1,000.00. A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit not more than \$1,000.00.

**14.04 ABANDONED OR UNATTENDED REFRIGERATORS, ETC.** No person shall leave outside any building, dwelling, or at a place accessible to children, any unattended or discarded ice box, refrigerator, or other container which has an airtight door which may not be opened from the inside.

**14.05 LOUD AND UNNECESSARY NOISE PROHIBITED.** No person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley, or park of any private residence.

**14.06 OBEDIENCE TO OFFICERS.**

(1) 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.

(2) **Obstructing Firemen or Policemen.** No person shall willfully hinder, obstruct, or otherwise interfere with the Fire or Police Departments, or any member thereof, or its auxiliaries, while engaged in fighting a fire, or in traveling thereto or therefrom, or while otherwise engaged in the performance of its duty, or any official function, or shall willfully damage or destroy property belonging to the Fire or Police Departments, or any member thereof, while so engaged, nor shall any person commit an assault, battery, or throw any object which could inflict bodily harm upon a member of the Fire or Police Department

**14.07 PROHIBITED ACTS.** No person within the Village shall:

- (1) **Language.** Use any profane, vulgar, or obscene language or loud, boisterous, insulting, or abusive language tending to excite a breach of the peace, or tending to destroy good order within the Village.
- (2) **Gamblers, Vagrants, Etc.** Be on the street as a gambler, common prostitute, vagrant, mendicant street beggar, organ grinder, or street musician playing on any instrument for the purpose of begging.
- (3) **Explosives.** Recklessly or willfully discharge any explosive, or in any other manner create any noise or disturbance.
- (4) **Violence.** Make any threat of violence, or resort to violence.
- (5) **Use of Weapons.** Flourish or use any weapon, tending to disturb the peace and good order, or to frighten any persons in said Village.
- (6) **Riots, Etc.** Participate in, or being present, aid, abet, or encourage any assault, affray, riot, dog fight, disorderly assemblage.
- (7) **Assault.** Commit any assault upon another.
- (8) **Indecent Exposure.** Make any indecent, immodest, or immoral exhibition or exposure of his or her person, or cause or procure any other person to do so.
- (9) **Intoxication.** Be found intoxicated in such a place or under such circumstances as to disturb the peace and good order.
- (10) **Spooning.** Spoon, caress, or fondle a person of the opposite sex or of the same sex in, upon, or about any street, highway, alley, or other public or exposed places, or in any motor vehicle, or in any place where any other person or persons passing or being in or upon any public street or other public place might see the same, or in any way, manner, or place, so as to annoy any other person exercising his or her lawful rights.
- (11) **False Reports.** Intentionally and falsely report in any manner, directly, to the sheriff, coroner, or any police officer that a violation of a State law or a Village ordinance has been or is being committed at any place within said Village, or that an accident has occurred for the purpose of causing any such officer to investigate such report, or mislead any such officer in any manner.
- (12) **False Fire Alarms.** Intentionally and falsely report in any manner, directly or indirectly, to any officer or employee of any Fire Department located within said Village, or any officer or employee of said Village, that there is any fire in said Village for the purpose of misleading.
- (13) **Trespass.** Recklessly or willfully commit any trespass upon the property of another.
- (14) **Destruction of Property.** Willfully injure or intentionally deface, destroy, or unlawfully remove, take, or meddle with any property belonging to the Village or its departments or to any private person without the consent of the owner or proper authority.

- (15) **Dumping.** No person shall deposit or cause to be deposited, dump, sort, scatter, or leave any rubbish, stones, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth, snow, ice, dirt, grass, leaves, twigs, shrubs, construction waste, cans, bottles, garbage, or other offensive or nauseous material in any public street, alley, or upon any public property of any nature nor upon any vacant private property except upon approved private or public dumps and except where certain of these materials, are used in a normal manner for improving property by grading, fertilizing, or resurfacing.
- (16) **Littering.** No person shall scatter old newspapers, old bills, waste paper, floor sweepings, cans, paper cartons, bottles, or any other litter of any description whatsoever upon public or private property. Such materials shall be deposited in sufficient public or private receptacles.
- (17)
- (18) **Outdoor and Refuse Burning.**
- (a) Purpose. This Subsection (18) is intended to promote the public health, safety, and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the citizens of the Village of Hales Corners due to the air pollution and fire hazards of open burning, outdoor burning, and refuse burning.
- (b) Applicability. This Subsection (18) applies to all outdoor burning and refuse burning within the Village of Hales Corners.
1. This Subsection (18) does not apply to grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances.
  2. This Subsection (18) does not apply to burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation unless the material being burned includes reuse as defined in Subsection (d) of this Subsection (18).
  3. This Subsection (18) does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.
- (c) Severability. Should any portion of this Subsection (18) be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Subsection (18) shall not be affected.
- (d) Definitions.
1. “Campfire” means a small outdoor fire intended for recreation or cooking using only clean dry wood and sticks, and newspaper or paper to ignite the same, but not including a fire intended for disposal of other yard waste or refuse.
  2. “Clean Wood” means natural wood which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.
  3. “Fire Chief” means the Chief of the Hales Corners Fire Department or other person authorized by the Fire Chief.
  4. “Outdoor Burning” means open burning or burning in an outdoor wood-fired furnace.
  5. “Open Burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

6. "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove, or boiler that is not located within a building intended for habitation by humans or domestic animals.
  7. "Refuse" means any waste material except clean wood.
  8. "Yard Waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter.
- (e) General Prohibition on Outdoor Burning and Refuse Burning. Open burning, outdoor burning, and refuse burning are prohibited in the Village of Hales Corners unless the burning is specifically permitted by this Subsection (18).
- (f) Materials that may not be Burned.
1. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove, or any other indoor or outdoor incinerator or heating device. The Village of Hales Corners will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.
  2. Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
  3. Waste oil or other oily wastes except used oil burning in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
  4. Asphalt and products containing asphalt.
  5. Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished, or treated with preservatives.
  6. Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films, and plastic containers.
  7. Rubber including tires and synthetic rubber-like products.
  8. Newspaper, corrugated cardboard, container board, office paper, and other materials that must be recycled in accordance with the recycling ordinance except as provided in Subsection (k) of this Subsection (18).
- (g) Burning Leaves, Brush, Clean Wood, and Other Vegetative Debris. Open burning of dry leaves, weeds, brush, stumps, clean wood, and other vegetative debris is allowed only in accordance with the following provisions.
1. Open burning under this Subsection shall be conducted only following the issuance of and in accordance with a permit issued under Subsection (l) of this Subsection (18), except where noted in Subsections (10) and (11) below.
  2. Open burning under this Subsection and conducted under a permit issued under this Subsection (18) may only be conducted between on and after April 15 and through May 15 and between on and after October 15 and through November 30, between the hours of 9:00 a.m. and 4:00 p.m. and on Saturdays only.
  3. All allowed open burning shall be conducted in a safe nuisance free manner, when wind velocity is nine (9) miles per hour or less as determined by the National Weather Service and weather conditions are

- such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads, airfields, sidewalks, and ditches.
4. Open burning shall be conducted only on the property on which the materials were generated.
  5. Open burning shall be constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and cold. The person shall have readily available for use of fire extinguishing equipment as may be necessary for the total control of the fire.
  6. No materials may be burned, or any ash residue disposed of, upon any street, curb, gutter, sidewalk, alley, parkway, drainage ditch, public place, or public right-of-way.
  7. No burning shall be undertaken within 30 feet from any building or structure, combustible material, combustible wall or partition, exterior window opening, building or structure exit access, or building or structure exit, unless authorized by the Fire Chief.
  8. Except for barbeque, gas, and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
  9. No open burning may be conducted on days when the Department of Natural Resources has declared an ozone action day applicable to the Village of Hales Corners.
  10. Fires set for the ecological management of native plant species are allowed, without obtaining a permit, on property at least one (1) acre in size and zoned P-1 (Parks and Institutional), provided that prior approval is obtained from the Fire Chief, who shall consider climatological conditions, the ground, flora, and structure conditions upon the subject property and adjoining property, in light of public safety.
  11. Burning of trees, limbs, stumps, brush, or weeds for clearing or maintenance of rights-of-way, performed or authorized by the Village Department of Public Works, is allowed, without obtaining a permit, if approved by the Fire chief and in accordance with other provisions of this Subsection (18).
- (h) Small outdoor campfires (as defined in Subsection (d)(1)) for cooking, ceremonies, or recreation are allowed, without obtaining a permit, provided that the fire is confined by a control device or structure such as a fire ring or fire pit. A small outdoor campfire does not require a permit, provided that the fire complies with all other applicable provisions of this Subsection (18).
1. Small outdoor campfires are subject to the provisions of Subsections (g)(3), (5), (6), (8), and (9) of this Subsection (18).
- (i) Burn Barrels. No person shall use or maintain a burn barrel in the Village of Hales Corners.
- (j) Outdoor Wood-fired Furnaces. No person shall install, use, or maintain an outdoor wood-fired furnace in the Village of Hales Corners.
- (k) Fire Department Practice Burns. Notwithstanding Subsections (e) and (f) of this Subsection (18), the Village of Hales Corners may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.
- (l) Permits. Unless specifically exempted elsewhere in this Subsection (18), no person shall start or maintain any open burning without a permit issued by the Village.

1. The annual permit fee is \$25.00, which fee amount may be changed by the resolution of the Village Board from time to time and kept on file in the Office of the Village Clerk. The term of a burning permit shall be annual, from January 1 through November 30 of each year. The permit shall be displayed on the property at all times while permitted burning is occurring on the property, so that the permit is visible and conspicuous to view by persons from the public street right-of-way adjoining the property.
  2. Sunset Provision. Open burning will be permitted until January 1, 2009, when all open burning permitted by a permit under this Subsection (18) shall be prohibited.
  3. A burning permit issued under this Subsection shall require compliance with all applicable provisions of this Subsection (18) and any additional special restrictions deemed necessary to protect public health and safety.
  4. Any violation of the conditions of a burning permit or failure to obtain a burning permit shall be deemed a violation of this Subsection (18). Any violation of this Subsection (18) or the burning permit shall void the permit and subject the violator to the penalty provisions of Subsection (o) of this Subsection (18).
- (m) Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.
- (n) Right of Entry. The Fire Chief, Zoning Administrator, Village Administrator, Police Chief, Health Administrator, Sanitarian, Building Inspector, or their respective designees of the Village of Hales Corners may inspect any property for the purpose of ascertaining compliance with the provisions of this Subsection (18). [Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Section 66.0119, Wis. Stats.]
- (o) Enforcement and Penalties.
1. The Fire Chief, Zoning Administrator, Village Administrator, Police Chief, Health Administrator, Sanitarian, Building Inspector, and any agents designated by these individuals are authorized to enforce the provisions of this Subsection (18)
  2. The penalty for a first offense shall be double the permit fee. Any subsequent violation of this Subsection (18) shall subject the violator to the penalty provisions of Section 19.04 of the Municipal Code.

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(22) **Bribery.** With intent to influence the conduct of any public officer or public employee in relation to any matter which by law is pending or might come before him in his capacity. As such officer or employee or with intent to induce him to do or omit to do any act in violation of his lawful duty, transfer, or promise to him or on his behalf any property or any personal advantage which he is not authorized to receive.

- (23) **Crimes and Misdemeanors.** Participate in any crime or misdemeanor as defined in the Wisconsin Statutes.
- (24) **Non-resident Dumping.** As a non-resident of the Village, dump any matter in any dumpster, bin, box, barrel, or other receptacle provided by the Village for the use of Village residents.
- (25) **Orderly Conduct at or Near Licensed Premises.** Possess an open or unsealed container of fermented malt beverage or intoxicating liquor, or disturb the peace, or engage in an altercation, or be loud or boisterous, or use any controlled substance, or act in a disorderly or riotous or indecent manner, or loiter, outside the confines of any Class "A" or Class "B" fermented malt beverage or intoxicating liquor licensed premises within a distance of 300 feet from the main entrance of such licensed premises.
- (26) By means of telephone calls originating within or received within the limits of the Village of Hales Corners:
- (a) Make any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;
  - (b) Make a telephone call, whether or not conversation ensues, with the intent to abuse, threaten, or harass any person at the called number or numbers;
  - (c) Make or cause the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
  - (d) Make repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
  - (e) Knowingly permit any telephone under his control to be used for any purpose prohibited by this section;
  - (f) In conspiracy or concerted action with other persons, make repeated calls or simultaneous calls solely to harass any person at the called number or numbers.
- (27) Sell, expose, or offer for sale, use, keep, discharge, or explode any fireworks as defined and excepted in §167.10, Wis. Stats., which is herein adopted by reference. Any violation of said §167.10, Wis. Stats., shall be a violation of this ordinance.
- (28) **Harassment.**
- (a) Strike, shove, kick, or otherwise subject another person to physical contact or attempt or threaten to do the same.
  - (b) Engage in a course of conduct or repeatedly commit acts which harass or intimidate the person and which serve no legitimate purpose.
  - (c) This subsection does not prohibit any person from participating in lawful conduct in labor disputes under §103.53, Wis. Stats.
  - (d) §813.125 and 947.013, Wis. Stats., are herein adopted by reference, and the municipal court of Hales Corners is specifically granted concurrent jurisdiction in the commencement of an action, the issuance of a temporary restraining order, and the granting of an injunction as provided in §813.125, Wis. Stats.
- (29)
- (30) **Drug Paraphernalia.**
- (a) Definition. In this section "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, designed for use, or marketed for use, in planting, propagating, cultivating, growing, harvesting,

manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, as defined in Chapter 161, Wis. Stats., in violation of this section. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
8. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Capsules, balloons, envelopes, or other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, including, but not limited to:
  - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
  - b. Water pipes.
  - c. Carburetion tubes and devices.
  - d. Smoking and carburetion masks.
  - e. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
  - f. Miniature cocaine spoons and cocaine vials.
  - g. Chamber pipes.
  - h. Carburetor pipes.

- i. Electric pipes.
  - j. Air-driven pipes.
  - k. Chillums.
  - l. Bonges.
  - m. Ice pipes or chillers.
- (b) Determination of Drug Paraphernalia. In determining whether an object is drug paraphernalia, a court or other authority should consider, but is not limited to, the following factors:
1. Statements by an owner or by anyone in control of the object concerning its use.
  2. Prior convictions, if any, of an owner and/or anyone in control of the object, under any federal or state law, or any ordinance, rule, or regulation of any political subdivision, relating to any controlled substance, as defined in Chapter 161, Wis. Stats., or any drug paraphernalia offense.
  3. The proximity of the object in time and space to a direct violation of this section.
  4. The proximity of object to controlled substances.
  5. The existence of any residue of controlled substances on the object.
  6. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom the person knows intend to use the object in violation of this section. The innocence of an owner or of anyone in control of the object as to a direct violation of this section shall not prevent a finding that the object is intended for use, designed for use, or marketed for use as drug paraphernalia.
  7. Oral or written instructions provided with the object concerning its use.
  8. Descriptive materials accompanying the object which explain or depict its use.
  9. National and local advertising concerning its use.
  10. The manner in which the object is displayed for sale.
  11. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
  12. The existence and scope of legitimate uses for the object in the community.
  13. Expert testimony concerning its use.
- (c) Prohibited Activities.
1. Possession of Drug Paraphernalia. No person may use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this section.
  2. Manufacture, Sale, or Delivery of Drug Paraphernalia. No person may sell, deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this section.

3. Delivery of Drug Paraphernalia to a Minor. Any person 18 years of age or over who violates paragraph (c)2, by delivering drug paraphernalia to a person under 18 years of age is guilty of a special offense.
4. Advertisement of Drug Paraphernalia. No person may place in any newspaper, magazine, handbill, or other publication or upon any outdoor billboard or sign, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
5. Exemption. Subsection (c) does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapter 161, Wis. Stats. This section does not prohibit the possession, manufacture, or use of hypodermics, in accordance with Chapter 161, Wis. Stats.

## 14.08

**14.09 GAMBLING, LOTTERIES, FRAUDULENT DEVICES, AND PRACTICES PROHIBITED.** All forms of gambling, lotteries, and fraudulent devices and practices are prohibited within the Village. Any peace officer or policeman of the Village may 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. This section shall not apply to such lotteries permitted under Article 4, Section 23, Wisconsin Constitution, and such exceptions thereto provided by the Wisconsin Legislature.

**14.10 DISORDERLY HOUSES PROHIBITED.** No person shall keep a disorderly house or house of prostitution within the Village.

## 14.11 LOITERING PROHIBITED.

- (1) **Public Places.** It shall be unlawful for any person not in official attendance or on official business, to enter into, congregate, loiter, wander, stroll, stand, or play in public places within the Village between the hours of 10:00 p.m. and sunrise.
- (2) **In Buildings.** No person shall remain in a building or structure, without lawful cause, after being asked to leave by the owner or by the person entitled to possession or in control thereof. No person shall lodge in any building or structure without the permission of the owner or the person entitled to possession or in control thereof.
- (3) **On Posted Private Property.** It shall be unlawful for any person to congregate, loiter, wander, stroll, or stand upon any private property in the Village which has been posted with a notice stating “No Loitering”, “Patrons Only”, or other notice indicating that the said property is not thoroughfare for the use of the general public. Such notice shall be at least 8½ X11 inches in size, or of comparable area, and plainly posted, at least one to each property intended to be so posted. This section shall include loitering in parked motor vehicles.
- (4) **On Roadways.**
  - (a) Purpose. It is hereby found and determined by the Village Board that cruising during the evening hours on South 108<sup>th</sup> Street creates a hazardous traffic situation, which could result in death, personal injury, and property damage, as

well as numerous traffic and public safety violations; that loitering in and around parked vehicles on South 108<sup>th</sup> Street hinders and obstructs safe traffic movement and otherwise contributes to the cruising problem; and, that there is a need to prohibit such loitering during specific hours to promote safe traffic movement on south 108<sup>th</sup> Street and otherwise protect and preserve the public health, safety, and welfare.

- (b) Prohibition. It is unlawful for any person to congregate, loiter, wander, or stand beside or among any parked cars on the roadway on south 108<sup>th</sup> Street between the hours of 8:00 p.m. and 5:00 a.m. from the North Village limits to the South Village limits.

#### **14.12 NO LOITERING BY MINORS.**

- (1) **No Loitering by Minors.** No person under the age of 17 shall loiter away from home between the hours of 11:00 p.m. and 5:00 a.m., nor shall any parent or guardian of such minor knowingly permit such minor to loiter away from home during such hours, unless such minor is accompanied by a parent, guardian, or some person 21 years of age or older standing in loco parentis, or unless performing an errand or duty if directed by such parent or guardian, or of urgent necessity, or unless pursuing the duties of employment in an expeditious and orderly manner, or unless going directly home from places of business or amusement or private homes.
- (2) **Truancy and School Dropouts Prohibited.** No person under 18 years of age shall be a truant, habitual truant, or dropout. The definitions set forth under §118.63(1), Wis. Stats., are incorporated herein by reference. Upon any violation of this subsection, all applicable penalties and dispositions as set forth under §118.63(lm), (2), and (2m), Wis. Stats., respectively, may be ordered and entered by the Municipal Court. The Court may suspend the operating privilege of a person who is at least 16 years of age but less than 18 years of age and is a dropout and the Court may suspend such person's operating privilege until the person reaches the age of 18.

#### **14.13 EMERGENCY POWERS FOR THE PROTECTION OF PERSONS AND PROPERTY.**

- (1) The Village Board is empowered to declare by ordinance or resolution an emergency existing within the Village whenever conditions arise, either within the Village or within other municipalities or areas, by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot or civil commotion, acts of God, and including conditions, without limitation or restriction because of enumeration, which impair transportation, food, or fuel supplies, medical care, fire, health, or police protection, or other vital facilities of the Village, or endanger the health, welfare, or safety of persons or property in the Village. The period of such emergency shall be limited by such ordinance or resolution to the time during which such emergency conditions exist or are likely to exist. Even though none of the conditions exist which authorize a declaration of an emergency under this provision, an emergency may be declared if there are reasonable grounds for belief that any one or more of said conditions is impending or threatened.
- (2) The emergency power of the Village Board herewith conferred shall include such general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, welfare, and good order of the Village in such emergency, and shall include each authority as is necessary and expedient without limitation or restriction

because of enumeration and shall include the power to bar, restrict, or remove all unnecessary traffic, both vehicular and pedestrian, from the streets and highways in the Village, notwithstanding any provisions of Chapter 341 to 349, Wis. Stats., or any other provisions of law, or ordinance of this Village, and shall further include the power to declare a reasonable curfew during the period of emergency and to limit the sale of fermented malt beverages and intoxicating liquors, notwithstanding the provisions of Chapter 10 of the Village Code.

- (3) The President or acting President shall exercise by proclamation all of the powers herewith conferred upon the Village Board which within the discretion of the President or acting President are necessary and expedient for the purpose herein set forth wherever, because of such emergency conditions, the Village Board shall be unable to meet with promptness or because of the existence or threat of such conditions the action is reasonably necessary prior to a meeting of the Village Board. Any such proclamation by the President or acting President shall be subject to ratification, alteration, modification, or repeal by the Village Board shall not affect the validity or force or effect of any such prior proclamation by the President or acting President.
- (4) Public notice of the adoption of any ordinance or resolution or the issuance of any proclamation pursuant to the authority above given shall be given promptly in a manner which reasonably can be considered will advise the residents of the Village of such resolution, ordinance, or issuance of such a proclamation, such as, but not limited to, news accounts or advertisements in the press, on television, or over radio stations.

#### **14.14 FAIR HOUSING.**

- (1) It is the intent of this ordinance to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing, regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, or ancestry, and it is the duty of the political subdivisions to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under §66.432 and 66.433, Wis. Stats. This ordinance shall be deemed an exercise of the police powers of the Village for the protection of the welfare, health, peace, dignity, and human rights of the people of this Village.
- (2) The provisions of §101.22(1m), (2), (2m), (2r)(a), and (2r)(b), Wis. Stats., relating to fair housing, 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 amendment, revisions, or modifications of the statutes incorporated herein are intended to be made a part of this ordinance.
- (3) The provisions of this section shall be enforced by the Village Attorney, upon receipt of a verified complaint, may issue a summons or warrant if, in his judgment, an act of discrimination is sustainable in court.

#### **14.15 ISSUE OF WORTHLESS CHECKS.**

- (1) No person shall, within the Village of Hales Corners, issue any check or other order for payment of money which, at the time of issuance, he intends shall not be paid.
- (2) Any of the following is pram facia evidence that the person as the time he issued the check, or other order, for the payment of money, intended it should not be paid:
  - (a) Proof that, at the time of issuance, he did not have an account with the drawee; or
  - (b) Proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee, and that he failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check, or other order; or
  - (c) Proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee, and he failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check, or other order.
- (3) This ordinance does not apply to a post-dated check.

#### **14.16 SHOPLIFTING.**

- (1) Whoever intentionally alters indicia of price or value of merchandise, or who takes and carries away, transfers, conceals, or retains possession of merchandise held for resale by a merchant without his consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of such merchandise, may be penalized as provided in Section (2) below.
- (2) The concealment of unpurchased merchandise which continues from one floor to another, or beyond the last station for receiving payment 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.
- (3) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this ordinance 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 in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he shall not be interrogated or searched against his will before the arrival of a peace officer who may conduct a lawful interrogation and search 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.

**14.17 FAILURE TO RETURN LIBRARY BOOKS AND PROPERTY.** No person shall take or borrow any materials or property from the Hales Corners Public Library except under the rules and regulations prescribed by the Hales corners Library Board. No person shall fail to return any book, periodical, pamphlet, audiovisual materials, or other property belonging to or in charge of the Hales Corners Public Library. Any person who borrows or takes any such property from said Public Library shall be deemed to have violated this section when he fails to return such property on or before the due date as shown on the borrowing card, and after the Hales Corners Library Board or its agent, shall mail, by ordinary mail, to the person at the address at which he is registered with the Library, a notice, by regular mail, indicating that such failure constitutes a violation of this ordinance. The penalty for violation of this section shall be in addition to any fines

or charges imposed under any rules and policies established by the Hales Corners Library Board.

**14.18 TRESPASS UNDER POTENTIALLY DANGEROUS CONDITIONS.** No person shall trespass within Village-owned lands posted to prohibit entry thereon. When the Village Board Safety Committee has ascertained any are of Village-owned lands which may constitute a dangerous condition, it shall cause to post such notice to prohibit entry thereon and to fence or otherwise protect the area as it deems necessary.

**14.19 MISUSE OF 911 EMERGENCY DIALING.** No person shall intentionally dial the telephone number “911” to report an emergency in the Village of Hales Corners, knowing that the fact situation which he or she reports does not exist.

**14.20 DISCHARGE AND CLEANUP OF HAZARDOUS MATERIALS.**

(1) **Prohibited Discharge.** No person, firm, or corporation shall discharge or cause to be discharge, leak, leach, or spill upon or into any public street, alley, or public property or onto the ground, surface water, subsurface waters, or aquifers, or n ay private property except those areas specifically licensed for waste disposal or landfill activities in the Village any hazardous material as defined in subsection (7).

(a) Exceptions. This section shall not apply to an induction well for which the owner or lessee has a valid permit from the United States Environmental Protection Agency. Likewise, this section shall not apply to any activity expressly licensed or permitted by the United State Atomic Energy Commission or the Wisconsin Department of Natural Resources.

(2) **Containment, Cleanup, and Restoration.** Any person, firm, or corporation in violation of this section must, upon the direction of any Police/Fire officer or Public Health official of the Village, begin immediate actions to contain, clean up, and remove to an approved depository the offending material(s) and restore the site to its original condition. Should any person, firm, or corporation fail to engage or complete the requirement of this section, the Police/Fire or Health Department may order the owner or lessee to take the required action or, in default thereof, may, in behalf of the Village, without the taking of bids, do the necessary work with all costs incurred by the Village to be reimbursed by anyone violating this section.

(3) **Access.** The owner or lessee of any site, public or private, where a prohibited discharge is occurring or where there is probably cause to believe that such discharge is occurring shall provide access to personnel of the Police/Fire or Health Department of the Village for the purpose of allowing them to evaluate the threat to public health and safety or to monitor the containment, cleanup, or restoration activity needed for the protection of public health or safety. In the event voluntary access is not granted by the owner or lessee, the appropriate officer or employee of the Police/Fire or Health Department may obtain an administrative search warrant and after receiving the same may enter the premises.

(4) **Public Protection.** Should any prohibited discharge occur that reasonably causes a threat to the life, safety, welfare, or health of the public, a Police/Fire or Health Department officer or employee on the scene may order an evacuation of the area or take other appropriate protective steps for such period of time as needed until the Village Administrator and Emergency Government officials can act.

- (5) **Enforcement.** A Police/Fire officer shall have the authority to make complaints and issue citations and summonses under this section.
- (6) **Civil Liability.** Any person, firm, or corporation in violation of this section shall be liable to the Village for any and all expenses incurred by the Village and loss or damage sustained by the Village by reason of such violation, including the pro rata wage cost of Village personnel for cleanup or removal services.
- (7) **Definitions.** Hazardous material is defined as either:
- (a) Any material or combination of materials of a solid, liquid, or contained gaseous or semi-solid form which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment. Such material includes, but is not limited to, material which is toxic, carcinogenic, or flammable. Such material also includes irritants and strong sensitizers and materials which generate pressure because of decomposition or heat. Likewise, toxic material also includes containers and receptacles previously used in transportation, storage, use, or application or material described herein as hazardous material.
  - (b) Hazardous waste as described in Wisconsin Administrative Code, NR 181.12.
- (8) **Penalty.** Notwithstanding any other provisions of this Chapter, any of the provisions of this ordinance shall be subject to a forfeiture of not more than \$100.00 for the first offense and not more than \$500.00 for each subsequent offense, together with the costs of prosecution in each instance; and in default of payment thereof, shall be imprisoned in the County Jail or the House of Correction of Milwaukee County until said forfeiture and costs together with subsequent costs are paid, but in any event not to exceed 30 days.
- (9) **Separate Offense.** Each day that a violation is permitted or continues to exist shall constitute a separate offense.

**14.21 PENALTY.** Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 19.04 of this code.

#### **14.22 TATTOO AND BODY PIERCING ESTABLISHMENTS.**

- (1) **State Regulations Adopted.** §252.23 to 252.245 of the Wisconsin Statutes and Wisconsin Administrative Code HFS Chapter 173 as amended from time to time are adopted by reference and incorporated herein. Subject to §252.245(6), Wis. Stats., the Village intending that certain provisions herein be stricter than the aforesaid statutes and code, should any term or provision of this section conflict with the aforesaid statutes or code, the provisions of the latter shall prevail.
- (2) **Licenses.**
- (a) No tattoo or body piercing establishment shall be operated or maintained in the Village without first obtaining a license from the Village.
  - (b) Any operator desiring to operate more than one (1) tattoo or body piercing establishment in the Village must have a license for each such establishment,

except that a combination tattoo/body piercing establishment license may be issued for one (1) location.

- (c) It shall be unlawful for any tattooist, body piercer, or operator to knowingly perform any service directly related to the operation of a tattoo or body piercing establishment which does not have a valid license pursuant to this section.

(3) **Application for License.**

- (a) Any person, partnership, corporation, or entity desiring to secure a license for a tattoo establishment, body piercing establishment, or combination tattoo/body piercing establishment shall make application to the State of Wisconsin Department of Health and Family Services.

- (b) The application shall be on a form provided by the Health Department and shall provide the following information:

1. The name(s) (including aliases), addresses, and dates of birth of the applicant, any partner or limited partner in a partnership application, any shareholder holding more than 10% of the stock of a corporate applicant, and each corporate officer and director.
2. Written proof that each person required to be identified in subsection (3)(b)1. is at least 18 years of age.
3. The address of the establishment to be licensed.
4. Whether the applicant or any person required to be identified in subsection (3)(b)1. is currently operating or has previously operated, in this or any other municipality or state, under a tattoo or body piercing establishment license, whether the applicant or person required to be named in subsection (3)(b)1. has ever had such a license or permit suspended or revoked, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
5. If the applicant is a corporation, the name of the corporation, the date and state of incorporation, and the name and address of the registered agent.
6. Proof of ownership, lease, or other legally enforceable right to possess, use, and control premises where the licensed establishment is to be located.

- (c) Failure or refusal of the applicant to completely and truthfully provide responses to the application questions, to give any information relevant to the investigation of the application, or refusal to appear at any reasonable time and place for examination regarding said application shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof.

- (4) **Investigation.** Upon receipt of an application and fee, the Village Clerk shall refer the application to the Health Department, Police Department, Fire Department, and Building Inspection Department. The Health Department and each other department, except the Police Department, shall make an investigation of the premises to ensure that it complies with applicable state and local laws. The Police Department shall make an investigation of the statements made in the application. Each department shall notify the Village Clerk as to the results of its investigation.

- (5) **Standards for Granting of a License.** The Village Board or its designee may grant a license if all of the following conditions are met:

- (a) That the business operation as proposed by the applicant will comply with the provisions of this section and all other applicable rules, regulations, ordinances, and State law.
  - (b) That, subject to §111.321, 111.322, and 111.335, Wis. Stats., the applicant, or any of the officers, directors, or persons holding more than 10% of the corporation stock or any of the partners have not, within the five (5) years immediately preceding the date of the application been convicted of violating this ordinance, or of any other offense substantially related to tattooing or body piercing.
  - (c) That the applicant, if an individual, partners, or the officers, directors, or persons holding more than 10% of the corporate stock if the applicant is a corporation, are at least 18 years of age on the date of application.
  - (d) That the applicant has not knowingly made any false, misleading, or fraudulent statement of fact or omission in the license application or other information required in conjunction therewith.
  - (e) That the applicant, if a corporation, is licensed to do business and is in good standing in the State of Wisconsin.
  - (f) That the applicant has substantially complied with all building, zoning, plumbing, electrical, fire, and health codes.
- (6) **Fees.** The following fees shall be assessed all applicants:
- (a) A nonrefundable license fee of \$100.00, plus the State of Wisconsin administrative fee shall be submitted with the application for a tattoo establishment license.
  - (b) A nonrefundable license fee of \$100.00, plus the State of Wisconsin administrative fee shall be submitted with the application for a body piercing establishment license.
  - (c) A nonrefundable license fee of \$150.00, plus the State of Wisconsin administrative fee shall be submitted with the application for a combination tattoo/body piercing establishment license.
  - (d) A one-time \$100.00 pre-inspection fee for each original tattoo, body piercing, or tattoo/body piercing establishment license.
- (7) **License Year.**
- (a) All licenses granted under this chapter shall expire on June 30 and must be renewed.
  - (b) There shall be no proration of license fees.
  - (c) An annual nonrefundable renewal fee in the amount of \$100.00 as well as any and all State of Wisconsin administrative fees shall be paid by the renewal applicant.
  - (d) Application for renewal shall be made no later than June 1.
- (8) **Sterilization Procedures, Sharps, and Infectious Waste Disposal and Care Instructions.**
- (a) Each operator shall submit written procedures to the Hales Corners Health Department setting forth each step to be taken by a tattooist, body piercer, or other employee in sterilizing equipment that is not single use.
  - (b) Each operator shall submit written procedures to the Hales Corners Health Department setting forth each step to be taken by a tattooist or body piercer in cleaning, preparing, and applying antiseptic to the skin of the patron.

- (c) Each operator shall submit to the Hales Corners Health Department written care instructions which shall be required to be provided to each patron after completion of the tattoo or body piercing procedure.
  - (d) Each operator shall submit written proof to the Hales Corners Health Department of the establishment's ability to properly dispose of sharps and infectious waste as provided in Wisconsin Administrative Code §NR 526.
  - (e) Each operator shall require employees to sign a statement acknowledging awareness of the written procedures set forth in this subsection and an agreement to comply with these procedures and shall submit a copy of that acknowledgement and agreement to the Hales Corners Health Department.
- (9) **Insurance.** All tattoo and body piercing establishment licensees shall submit to the Hales Corners Health Department proof of workers' compensation and comprehensive general liability insurance in minimum amounts of \$500,000 per occurrence and \$1 million aggregate, covering all potential personal injury to patrons and all operations and procedures conducted on the licensed premises, including, but not limited to the tattooing and piercing of a person's skin and any complications arising therefrom. All licensees shall also deliver a certificate of insurance to the Village requiring 30 days prior notice to the Village of any change or cancellation of the policy. Such insurance shall be maintained at all times the tattoo or body piercing establishment is open for business.
- (10) **Display of License.** No tattooist or body piercer may perform tattooing or body piercing procedures unless a current and valid license issued by the Village is posted in the establishment in a public and conspicuous place. Such license shall be displayed to any member of the Hales Corners Health Department, Hales Corners Police Department, or Department of Health and Family Services employee upon request. Any person performing such procedures shall also maintain any non-establishment personal license in their possession at all times for such display, accordingly.
- (11) **Hours of Operation.** Tattoo or body piercing establishments shall be allowed to be open only between the hours of 8:00 a.m. and 10:00 p.m. Monday through Saturday and 10:00 a.m. and 6:00 p.m. on Sunday.
- (12) **Temporary Establishments.** No temporary establishment may be operated in the Village of Hales Corners without first obtaining a license from the Village. A temporary tattoo or body piercing establishment shall comply with all regulations for regular establishments as well as those set forth in Wisconsin Administrative Code HFS 173.11.
- (13) **Single Use Needles for Tattooing.** Tattoo needles shall be disposable, sterile, and for single patron use only.
- (14) **Piercing Gun Use.** No body piercer may use a piercing gun or similar device for body piercing a patron unless such piercing gun is disposable, sterile, and for single patron use only or is sterilized between each use as set forth in Wisconsin Administrative Code HFS 173.03(20).
- (15) **24-Hour Waiting Period for Tattoos and Body Piercings.** Due to the permanent nature of tattoos and body piercing, no tattooist, tattoo establishment, body piercer, or body piercing establishment may apply a tattoo or perform body piercing to a patron until 24 hours have passed since the patron first requested the tattoo or body piercing. The patron's record shall note that the patron was advised of the 24-hour waiting period in

writing, with the patron's signed acknowledgement thereon. No tattooist, tattoo establishment, body piercer, or body piercing establishment may bind or attempt to bind a patron to committing to obtaining a tattoo or body piercing or paying for such services by signing the 24-hour waiting period acknowledgement.

- (16) **Lead in Solder Prohibited.** No tattooist shall use and no tattoo establishment shall suffer or permit the use of solder which contains lead to be used to fasten needles.
- (17) **Aprons.** All tattooists and body piercers shall wear single use aprons which shall be disposed of after completing the procedure on a patron.
- (18) **Prohibited Practices.** It shall be unlawful to do any of the following:
- (a) Use, cause, or promote the use of false, misleading, or deceptive advertising, promotional literature, warranty, label, or insignia.
  - (b) Knowingly deceive a patron or the public by acting in a manner so as to mislead the patron or the public as to the person's professional or license status.
  - (c) Knowingly employ, directly or indirectly, any suspended, revoked, or unlicensed person to perform tattooing or body piercing.
  - (d) Knowingly permit another person to use the license issued under this section.
  - (e) Practice tattooing or body piercing under a false, misleading, or deceptive name.
  - (f) To sexually harass, as the term "sexual harassment" is defined in §111.32(13), Wis. Stats., a patron.
- (19) **Loitering Prohibited.** No operator or employee of a tattoo or body piercing establishment shall allow, suffer, or permit loitering on the business premises. For purposes of this section, "business premises" shall include the licensed premises, property owned or leased by the tattoo or body piercing establishment and contiguous with the licensed premises, and parking lots, alleys, and sidewalks contiguous with the licensed premises.
- (20) **Implanting, Branding, and Scarification Prohibited.**
- (a) Definitions. As used in this section:
    - 1. "Branding" means the burning of skin with a hot tool, cauterizing laser, or dry ice, so that a mark is imbedded in the deep tissues.
    - 2. "Implantation" means the insertion of an object under the skin, so that it remains under the skin, in whole or in part, after the procedure. This definition shall not apply to the post used in body piercing to keep the perforation from closing.
    - 3. "Scarification" means the cutting of the skin so that when it heals, scar tissue remains.
  - (b) No person shall intentionally engage in the practice of implanting, branding, or scarification in the Village of Hales Corners, except as set forth herein.
  - (c) Exceptions. The prohibition set forth in subsection (b) shall not apply to Wisconsin licensed physicians, or procedures or orders delegated by a licensed Wisconsin physician.
- (21) **Responsibility of the Operator.** Every act or omission by an employee constituting a violation of the provisions of this ordinance shall in addition be deemed the act or omission of the operator and the operator shall be liable for all purposes for such act or omission in the same manner as if the operator committed the act or caused the omission.

(22) **Enforcement and Inspection.**

- (a) The Hales Corners Police Department and Hales Corners Health Department shall have the authority to enter any tattoo or body piercing establishment at all reasonable times to inspect the premises and enforce this ordinance. The Health Department shall inspect each tattoo and body piercing establishment at least twice annually to ensure compliance with the provisions of this ordinance.
- (b) If upon inspection of a tattoo or body piercing establishment, the authorized employee or agent of the department finds that the tattoo or body piercing establishment is not planned, equipped, or operated as required by this chapter, the employee or agent shall notify the operator in writing. The notice shall include an order that directs the operator to make specified changes that will bring the establishment into compliance with standards established in this chapter and that stipulates the time period within which compliance is to take place.

(23) **Suspension, Revocation, and Non-renewal.**

- (a) A license issued pursuant to the provisions of this section is subject to suspension, revocation, or non-renewal by written order of the Village Board or its designee. Any person aggrieved by such order may request a hearing to challenge the order. A request for a hearing under this subsection shall be submitted to the Village Board within 15 days of issuance of the order. The hearing shall be held before the Village Board. Procedures for the hearing shall be in accordance with Wis. Stats., §68.11 and 68.12 and the decision shall be appealable by either party under procedures set forth at Wis. Stats., §68.13.
- (b) The Village Board or its designee may suspend, revoke, or refuse to renew a tattoo or body piercing license for any of the following reasons:
  - 1. Violation of this section or any other ordinance, administrative rule, or statute related to the practice of tattooing or body piercing.
  - 2. Failure to correct violations noted in an order issued under subsection (23)(b) by the expiration of the time period stated in the order or any reasonable extension of that time period.
  - 3. Knowingly misrepresenting, misstating, or failing to disclose information requested on the application form(s) or requested by the License Committee.
  - 4. Using, causing, or promoting the use of false, misleading, or deceptive advertising; promotional literature; warranty; label; or insignia.
  - 5. Knowingly deceiving a patron or the public by acting in a manner as to mislead the patron or the public as to the person's professional or license status.
  - 6. Knowingly employing, directly or indirectly, any suspended, revoked, or unlicensed person to perform tattooing or body piercing.
  - 7. Knowingly permitting another person to use the license issued under this section.
  - 8. Practicing tattooing or body piercing under a false, misleading, or deceptive name.
  - 9. "Sexual harassment", as that term as defined in §111.32(13), Wis. Stats., of a patron.
- (c) An operator whose license has been revoked or not renewed shall not be eligible for licensure under this ordinance for a period of one (1) year from the date the revocation or non-renewal takes effect.
- (d) Except for emergency suspensions for the public health and safety, a suspension shall be not for less than 10 days nor more than 90 days.

(24) **Summary Suspension.**

- (a) The provisions of subsection (23) notwithstanding, whenever the Health Officer or designee has reasonable cause to believe that the sanitary condition, operation, method of operation of the premises, or equipment used on the premises creates an immediate danger to health or safety or whenever the Health Officer or designee has reasonable cause to believe that the insurance required in subsection (9) has been changed or canceled so as not to provide the required insurance, the Health Officer or designee may issue a temporary order suspending the operation of a tattoo or body piercing establishment.
- (b) The order may be made orally but must be followed within 24 hours by a written order personally delivered to the licensed establishment.
- (c) The order may require cessation of all operations authorized by the license or prohibit a particular operation or condition which creates the immediate danger.
- (d) The order shall be effective for up to 14 days unless sooner rescinded, but may be extended for one (1) additional 14-day period if the condition still exists or to complete analysis of samples or specimens.
- (e) No person may operate a tattoo or body piercing establishment or operate as a tattooist or body piercer at an establishment that has been suspended pursuant to this subsection.
- (f) Any order issued under this section shall be accompanied by a notice of hearing as required by Wis. Stats., §66.124(3) and 68.11(1). The hearing must be held within 15 days of the service of the notice unless both parties agree to a later date. A final decision must be issued within 10 days of the hearing. The hearing shall be held before the Village Board.

- (25) **Penalties and Prosecution.** Any person, partnership, entity, or corporation who is found to have violated any provision of this ordinance shall forfeit the sum of not less than \$50.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs, by imprisonment in the Milwaukee County House of Correction until the forfeiture and costs are paid, but not in excess of the number of days set forth in §800.095(4), Wis. Stats. Each violation of this ordinance shall be considered a separate offense, and each and every day an offense continues shall be considered a separate offense. Notwithstanding the above minimum forfeiture of \$50.00 and specifically pertaining only to a violation of this ordinance in the Village by a “practitioner”, as defined in HFS 173.03(16), the minimum forfeiture for a first offense shall be \$100.00, for a second offense shall be \$250.00, and for a third offense shall be \$500.00. In addition to the monetary penalty imposed, violation of this section may further result in the suspension, revocation, or non-renewal of any license issued under this section and may also be enforced by way of all other legal and equitable actions and remedies available under law.

**14.23 RECYCLING OF WASTE MATERIALS.**

- (1) **Purpose.** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in §159.11, Wis. Stats. And Chapter NR 544, Wis. Admin. Code.
- (2) **Statutory Authority.** This ordinance is adopted as authorized under §159.09(3)(b) and 61.34(1), Wis. Stats.

- (3) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- (4) **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Admin. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- (5) **Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (6) **Applicability.** The requirements of this ordinance apply to all persons within the Village of Hales Corners, Wisconsin.
- (7) **Administration.** The provisions of this ordinance shall be administered by the Village Director of Public Works or his designee. Such officers are hereby authorized to administer and enforce the provisions of this ordinance, including those matter set forth in §14.23(14) and (36) below.
- (8) **Effective Date.** The provisions of this ordinance shall take effect on January 1, 1995.
- (9) **Definitions.** For the purposes of this ordinance:
- (a) “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - (b) “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.
  - (c) “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
    1. Is designed for serving food or beverages.
    2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
    3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
  - (d) “HDPE” means high density polyethylene, labeled by the SPI code #2, and for illustration purposes only, generally includes milk jugs, detergent bottles, and bleach bottles.
  - (e) “LDPE” means low density polyethylene, labeled by the SPI code #4, and for illustration purposes only, generally includes grocery store produce bags, bread bags, food wrap, and mustard squeeze bottles.
  - (f) “Magazines” means magazines and other materials printed on similar paper.
  - (g) “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven if the capacitor has

not been removed, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

- (h) “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
- (i) “Newspaper” means a newspaper and other materials printed on newsprint.
- (j) “Non-residential facilities and properties” means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple family dwellings.
- (k) “Office paper” means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (l) “Other resins or multiple resins” means plastic resins labeled by the SPI code #7.
- (m) “Person” includes any individual, corporation, partnership, association, local government unit, as defined in §66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (n) “PETE” means polyethylene terephthalate, labeled by the SPI code #1, and for illustration purposes only, generally includes two-liter soft drink bottles.
- (o) “Plastic container” means an individual, separate, rigid plastic bottle, can, jar, or carton, except for a blister pack, that is originally used to contain a product that is the subject of retail sale.
- (p) “Post-consumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in §144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in §144.44(7)(a)1., Wis. Stats.
- (q) “PP” means polypropylene, labeled by the SPI code #5, and for illustration purposes only, generally includes yogurt containers, shampoo bottles, straws, syrup bottles, and margarine tubs.
- (r) “PS” means polystyrene, labeled by the SPI code #6, and for illustration purposes only, generally includes plastic foam, hot beverage cups, fast food clamshell containers, egg cartons, and meat trays.
- (s) “PVC” means polyvinyl chloride, labeled by the SPI code #3, and for illustration purposes only, generally includes cooking oil bottles and packaging around meat.
- (t) “Recyclable materials” includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (u) “Solid waste” has the meaning specified in §144.01(15), Wis. Stats.
- (v) “Solid waste facility” has the meaning specified in §144.43(5), Wis. Stats.
- (w) “Solid waste treatment” means any method, technique, or process which is designated to change the physical, chemical, or biological character or composition of solid waste. “Treatment” includes incineration.
- (x) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (y) “Yard waste” means leaves, grass clippings, yard and garden debris, and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

- (z) "Published" means set forth in an ordinance adopted by the Village Board, in a newspaper of general circulation or in a notice mailed to the Village residents.
- (10) **Separation of Recyclable Materials.** Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings, and non-residential facilities and properties shall separate the following materials from post-consumer waste:
- (a) Lead acid batteries.
  - (b) Major appliances.
  - (c) Waste oil.
  - (d) Yard waste.
  - (e) Aluminum containers.
  - (f) Bi-metal containers.
  - (g) Corrugated paper or other container board.
  - (h) Foam polystyrene packaging.
  - (i) Glass containers.
  - (j) Magazines.
  - (k) Newspaper.
  - (l) Office paper (applies only to non-residential facilities and properties.)
  - (m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, and PS and other resins or multiple resins.
  - (n) Steel containers.
  - (o) Waste tires.
- (11) **Separation Requirements Exempted.** The separation requirements of §14.23(10) above, do not apply to the following:
- (a) Occupants of single-family and two (2) to four (4) unit residences, multiple-family dwellings, and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in §14.23(10) from solid waste in as pure a form as is technically feasible.
  - (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  - (c) A recyclable material specified in §14.23(10)(e) through (o) for which a variance has been granted by the Department of Natural Resources under §159.11(2m), Wis. Stats., or §NR 544.14, Wis. Admin. Code.
- (12) **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with §14.23(10) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.
- (13) **Management of Lead Acid Batteries, Major Appliances, Waste Oil, and Yard Waste.** Occupants of single-family and two (2) to four (4) unit residences, multiple-family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:
- (a) Lead acid batteries shall be transported by the owner thereof to any recycling business or person authorized by law to accept lead acid batteries for recycling.

- (b) Major appliances shall be collected at curbside upon request to the Village or its collection contractor by the occupant of a single or two (2) to four (4) family residences. A person may dispose of a microwave oven in a solid waste disposal facility in this State if the capacitor has been removed and disposed of in accordance with §144.79(7), Wis. Stats., relating to rules prescribing the methods and providing or designation sites and facilities for disposal of PCB's and products containing PCB's.
  - (c) Waste oil shall be transported by the owner thereof to any recycling business or person authorized by law to accept waste oil for recycling.
  - (d) Yard waste, excepting grass clippings, shall be placed at curbside by the occupant for collection by the Village solid waste contractor on such dates as published by the Village. Grass clippings shall not be collected by the Village or its solid waste contractor. Grass clippings shall be mulched or composted on the property from which they were obtained or transported by the owner thereof to any recycling business or person authorized by law to accept grass clippings for composting, recycling, or disposal.
- (14) **Preparation and Collection of Recyclable Materials.** Except as directed by the Village Director of Public Works, or his designee, occupants of single family and two (2) to four (4) unit residences shall do the following for the preparation and collection of the separated materials specified in §14.23(10)(e) through (o):
- (a) Aluminum containers shall be rinsed free of product residue, crushed or flattened, placed in the approved recycling bin, and placed at curbside on such dates as published by the Village for collection.
  - (b) Bi-metal containers shall be rinsed free of product residue, placed in the approved recycling bin, and placed at curbside for collection on the dates as published by the Village for collection.
  - (c) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied, and placed at curbside on the dates as published by the Village.
  - (d) Foam polystyrene packaging shall be placed in the approved recycling bin and placed at curbside for collection on the dates as published by the Village.
  - (e) Glass containers shall be placed in the approved recycling bin and placed at curbside for collection on the dates as published by the Village.
  - (f) Magazines shall be bound with string or twine or in a paper bag and placed at curbside for collection on the dates as published by the Village.
  - (g) Newspapers shall be bound with string or twine or in a paper bag and placed at curbside for collection on the dates as published by the Village.
  - (h) Rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, or other resins or multiple resins shall be rinsed free of product residue, placed in the approved recycling bin, and be placed at curbside for collection on the dates as published by the Village.
  - (i) Steel containers shall be rinsed free of product residue, placed in the approved recycling bin, and be placed at curbside for collection on the dates as published by the Village.
  - (j) Waste tires shall be placed at curbside for collection on such dates as published by the Village.
- (15) **Responsibilities of Owners or Designated Agents or Multiple-Family Dwellings.**
- (a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in §14.23(10)(e) through (o):
    1. Provide adequate, separate containers for the recyclable materials.

2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.
  3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, location and hours of operation, and a contact person or company, including a name, address, and telephone number.
- (b) The requirements specified in 1 do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in §14.23(10)(e) through (o) from solid waste in as pure a form as is technically feasible.

(16) **Responsibilities of Owners or Designated Agents of Non-residential Facilities and Properties.**

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in §14.23(10)(e) through (o):
1. Provide adequate, separate containers for the recyclable materials.
  2. Notify in writing, at least semiannually, all users, tenants, and occupants of the properties about the established recycling program.
  3. Provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants and the delivery of the materials to a recycling facility.
  4. Notify users, tenants, and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- (b) The requirements specified in 1 do not apply the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in §14.23(10)(e) through (o) from solid waste in as pure a form as is technically feasible.

(17) **Prohibition on Disposal of Recyclable Materials Separated for Recycling.** No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in §14.23(10)(e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(18) **Hauler Licensing.** No person shall engage in the business of hauling recyclables within the Village without being licensed by the DNR under section NR 502.06, Wis. Admin. Code.

(19) **Processing Facilities.** Any contractor operating in the Village shall not transport for processing any recyclables to a processing facility unless that facility has been approved

in writing by the Village and, by January 1, 1995, the facility has self-certified with the Wisconsin DNR under section NR 544.16, Wis. Admin. Code.

- (20) **Anti-scavenging or Unlawful Removal of Recyclables.** It shall be unlawful for any person, unless under contract with or licensed by the Village, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or non-residential building for the purpose of collecting for recycling.
- (21) **Dumping Prohibited.**
  - (a) It shall be unlawful for any person to dispose of or dump garbage in any street, alley, or other public place within the Village or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the time specified in this ordinance and §14.08 of this Code.
  - (b) No person shall place for collection any garbage at the curb not owned or occupied by such person.
- (22) **Burning or Burying Prohibited.** It shall be unlawful for any person to burn or bury solid waste or recyclables unless such person is authorized or licensed to do so by the Wisconsin Department of Natural Resources.
- (23) **Nondisposable Materials.** No person shall place for disposal or municipal collection any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, medical wastes (excepting personal needles which shall be contained in cardboard to eliminate injury to collection personnel.)
- (24) **Garbage from Outside of Municipality.** No person shall bring refuse for disposal (and recyclables) from outside the corporate limits into the Village unless authorized by written agreement with the Village.
- (25) **Hauler Restrictions.**
  - (a) Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the Village that have been separated for recycling.
  - (b) Haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall maintain materials in marketable condition.
- (26) **Right to Reject Materials.** The hauler has the right to reject or leave at the curb any recyclable material that is not prepared according to the specifications of this ordinance or in education material provided by the contractor or the Village to the service recipients. Materials may also be left if not separated from solid waste, placed in the proper containers, or are not designed recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers or material. In such cases, the hauler shall notify the generator of the materials about the reasons for rejecting the item in writing. The hauler shall also keep a list of such occurrences and provide it to the Village at least quarterly each year.
- (27) **Hauler Licensing.** Haulers who collect solid waste or recyclables in the Village for storage, treatment, processing, marketing, or disposal shall obtain and maintain all

necessary municipal, federal, and State permits, licenses, and approvals prior to collecting any materials in the Village.

- (28) **Reporting Requirements.** The recycling haulers and processors operating in the municipality are required to maintain records and report in writing to the Village at least quarterly each year. Reports shall include: the amount of solid waste and recyclables collected and transported from the municipality; the amount of solid waste and recyclables processed and/or marketed by item type from the municipality; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler/processor.
- (29) **Ownership of Recyclables and Refuse.** Recyclable materials, upon collection by any permitted collection contractor, shall become the property of the contractor.
- (30) **Exemption.** The Village reserves the right to designate additional waste materials as recyclable or currently collected materials as no longer recyclable in accordance with State law and to either add or delete them from any collection services provided by the Village or its contractors. The Village shall publish any such change in designated recyclable materials.
- (31) **Collection Schedule.** The Village shall establish the time of collection of solid waste and recyclables and the Clerk shall publish such collection schedule upon its inception and at any time when the collection schedule is changed.
- (32) **Specified Containers.**
  - (a) Solid waste shall be placed for collection in bags or containers, not to exceed 50 pounds per bag or container or 30 gallons, and contained in a manner to avoid litter.
  - (b) Recyclables shall be placed in recyclable bins approved by the Village. Yard waste shall not be enclosed in plastic bags, except dry leaves, for which for the fall leaf collection only, may be contained in 55-gallon size plastic bags, full weight not to exceed 80 pounds. Brush shall not exceed three (3) inch stalk diameter and shall be packaged so as not to exceed one (1) foot in diameter and four (4) feet in length. Wooden logs cannot exceed four (4) feet in length or six (6) inches maximum cross sectional dimension.
- (33) **Placement of Recyclables and Solid Waste for Collection.** Except as otherwise specifically directed or authorized by the Village, solid waste and recycling containers shall be placed within seven (7) feet of the edge of roadway pavement, adjacent to the premises owned or occupied by the person. Materials should be placed out for collection according to the scheduled days established and published by the Village.
- (34) **Special Materials.** Occupants of single family and two (2) to four (4) residences shall contact the Village or hauler when they have couches and bulky items for disposal, to obtain preparation requirements and to arrange for the collection time of such items.
- (35) **Enforcement.**
  - (a) For the purpose of ascertaining compliance with the provisions of this ordinance, the Village Director of Public Works or his designee may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal,

recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records information. No person may refuse access to such authorized officer of the Village who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- (b) Any person who violates a provision of this ordinance may be issued a citation by the Village Director of Public Works or his designee to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (c) Penalties for violating this ordinance may be assessed as follows:
  - 1. Any person who violates §14.23(17) may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation. Each day that a violation continues shall constitute a separate violation. To such forfeiture shall be added the costs of prosecution and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail or House of Correction until paid, but not exceeding 90 days.
  - 2. Any person who violates a provision of this ordinance, except §14.23(17), may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation. Each day that a violation continues shall constitute a separate violation. To such forfeitures shall be added the costs of prosecution and in default of payment to such forfeiture and costs, shall be imprisoned in the County Jail or House of Correction until paid, but not exceeding 90 days.

#### **14.24 GRAFFITI VANDALISM PROHIBITED.**

- (1) **Graffiti Defined.** “Graffiti” means any inscription, word, figure, or design, marked, scratched, etched, drawn, or painted with spray paint, liquid paint, ink, chalk, dye, or other similar substances, on buildings, fences, structures, and other similar places, without the express written consent of the owner or operator of the property.
- (2) **Prohibited Conduct.** No person may write, paint, or draw any inscription, figure, or mark of any type on any public or private building or other real or personal property owned, operated, or maintained by any public or private person, entity, agency, firm, or corporation, unless the express permission of the owner or operator of the property has been obtained.
- (3) **Graffiti Removal.** The Village Police Department may serve any property owner whose property has been injured by the application of graffiti, with a written order to remove, cover, clean up, or repair such property within 15 days of the date of such order. Such order may be served personally or by registered, certified, or regular mail and service upon any single joint owner shall constitute valid service upon all property owners. Should such property owner fail to comply with the terms of such order, in addition to the penalties set forth under subsection (4) below, the Village may obtain the removal, covering, cleanup, or repair of such graffiti upon its own instance as a special charge against the property, pursuant to §66.60(16), Wis. Stats.

- (4) **Penalty.** Any person convicted of violating subsection (2) above shall forfeit not less than \$500.00 nor more than \$5,000.00 per violation, together with the costs of prosecution, or upon default of the full payment of such forfeiture and costs, be imprisoned in the County Jail or County House of Corrections for not more than 90 days. Any person convicted of violating subsection (3) above, shall be subject to the penalty provisions of §19.04 of this Code.

#### **14.25 DISTRIBUTION OF VIEWER DISCRETION LABELED MATERIALS TO MINORS PROHIBITED.**

- (1) **Definitions.**
- (a) Viewer Discretion Labeled Material means any book, magazine, newspaper, or other printed or written material, or any picture, drawing, video, photograph, motion picture, or other pictorial representation of any recording, that is labeled viewer discretion, viewer discretion advised, or any derivation thereof.
  - (b) Person means any individual, partnership, firm, association, corporation, or other legal entity.
  - (c) Disseminate means to transfer possession of, with or without consideration.
  - (d) Minor is any person under the age of 18 years.
  - (e) Knowingly means being aware of the character and the content of the material.
- (2) It shall be unlawful for any person to knowingly disseminate viewer discretion labeled material by placing or leaving said materials on or about any private residence in the Village, unless said viewer discretion labeled material is personally delivered in hand to a person, of at least 18 years of age, from said private residence without objection. If no one 18 years of age or older is on said premises to accept material, it shall not be unlawful to leave written notification of where the viewer discretion labeled material may be obtained by someone 18 years of age or older.
- (3) **Exception.** This section shall not apply to viewer discretion labeled material that is specifically addressed to a member of the residence.
- (4) **Penalty.** Forfeiture. Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in §19.04 of this Municipal Code.

#### **14.26 THROWING OF OBJECTS DURING PARADES PROHIBITED.**

- (1) No person shall throw, shoot, or discharge any object, missile, spray, or other solid, fluid, or semi-fluid thing, projectile, or substance by hand or any other means at a person, object, or otherwise, along the route of any parade upon public right-of-way within the Village, including the Village Fourth of July parade, during the parade.
- (2) **Penalty.** Any person convicted of violating this section shall forfeit not less than \$100.00 nor more than \$400.00 per violation, together with the costs of prosecution, or upon default of the full payment of such forfeiture and costs, be imprisoned in the County Jail or County House of Correction for not more than 90 days. In addition thereto, the Court upon conviction may order restitution under §800.093, Wis. Stats., or in lieu of either restriction or forfeiture, the court may order community service work pursuant to §800.09(1)(b), Wis. Stats.