

CHAPTER 2

Offenses Against Public Safety and Peace

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SEC. 9-2-1 REGULATION OF FIREARMS.

- (a) No person, except a sheriff, police officer or other law enforcement officer, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, except as provided in 9-2-3, within the Village or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun in his possession or under his control unless it is unloaded and enclosed or encased within a carrying case or other suitable container.
- (b) No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village.
- (c) This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Village Board where proper safety precautions are taken.
- (d) No person under the age of sixteen (16) years shall have in his possession any firearm, rifle, or ammunition therefor, unless accompanied by parent or legal guardian, unless the juvenile has complied with and been certified with the standards set down by the Department of Natural Resources in the Hunters Safety Course offered to fourteen (14) years old and older juveniles.

SEC. 9-2-2 CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED.

- (a) **CONCEALED WEAPONS.** No person, except a sheriff, constable, police officer or other law enforcement officer shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other metal, bowie knife, switchblade, dirk, or dagger or any other dangerous or deadly weapon within the Village. In all cases of conviction hereunder, any and all dangerous weapons found on the person of the convicted shall be confiscated and become the property of the Village and may be destroyed by order of the court.

- (b) POSSESSION, SALE AND MANUFACTURE OF CERTAIN WEAPONS PROHIBITED.
- (1) No person shall sell, manufacture, purchase, possess, or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Sucbai" or similar weapon, within the Village of St. Cloud.
 - (2) For the purpose of this Section the following definitions shall apply:
 - a. "Numchuk" or "Nunchaku." An instrument consisting of two or more sticks, clubs or rods connected by a rope, cord, wire or chain.
 - b. "Churkin." A round throwing knife consisting of several sharp points protruding from a rounded disc.
 - c. "Sucbai." A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
 - (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

SEC. 9-2-3 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.

It shall be unlawful for any person to discharge or throw any dangerous missile, object, arrow, stone, snowball or other missile in or at any dwelling or building or any public park, playground, street, enclosure or other public place within the Village, provided, however upon written application to the Village Board, a person may be granted permission by the Village Board to construct and maintain approved archery ranges if in the opinion of the Village Board the construction of such ranges will in no way endanger the public health and safety.

SEC. 9-2-4 HARASSING OR OBSCENE TELEPHONE CALLS.

Whoever of the following shall be subject to the penalty as provided in this Code of Ordinances:

- (a) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- (b) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
- (c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- (d) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- (e) Knowingly permits any telephone under his control to be used for any purpose prohibited by this section;
- (f) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number of numbers.

SEC. 9-2-5 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

PRIVATE USE AND SALE. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village unless he shall be authorized by a fireworks permit as

provided in Title 7, Chapter 8, of this Municipal Code. The term "fireworks" as used in this section shall be defined as provided in Section 167.10(1), Wisconsin Statutes, and shall be deemed to include all rockets or similar missiles containing explosive fuel.

SEC. 9-2-6 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

- (a) **OBSTRUCTING STREETS.** No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.
- (b) **BLOCKING SIDEWALK PROHIBITED.** No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (c) **FREE SPEECH.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.
- (d) **DEFINITIONS.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
 - (1) **Block:** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
 - (2) **Sidewalk:** Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

SEC. 9-2-7 REGULATION OF DISPLAY AND SALE OF INSTRUMENTS USED FOR INHALING OR INGESTING CONTROLLED SUBSTANCES.

- (a) **LICENSE REQUIRED.**
 - (1) It shall be unlawful for any person or persons as principal, clerk, agent or servant to sell any items, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs, as defined by the Wisconsin Statutes, without obtaining a license therefor. Such licenses shall be in addition to any or all other licenses held by applicant. The annual fee for such license shall be Fifty (\$50.00) Dollars.
 - (2) The following guidelines define, in part, the scope of the terminology in subsection (1) above of "items, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs":
 - a. "Paper" — White paper or tobacco-oriented paper not necessarily designed for use with illegal cannabis or drugs may be displayed under this Section. Other paper of colorful design, names oriented for use with illegal cannabis or drugs and displayed are covered by this Section and are unlawful to sell.
 - b. "Roach Clips" — Roach clips are designed for use with illegal cannabis or drugs and therefore covered by this Section and are unlawful to sell.

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- c. "Pipes" — Pipes if displayed away from the proximity of nonwhite paper or tobacco-oriented paper and not displayed within proximity of roach clips or literature encouraging illegal use of cannabis or illegal drugs are not covered by this Section; otherwise covered.
 - d. "Paraphernalia" — Paraphernalia if displayed with roach clips or literature encouraging illegal use of cannabis or illegal drugs is covered by this Section and is illegal to sell.
- (b) APPLICATION. Application to sell any item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs shall be accompanied by affidavits by the applicant, and each and every employee authorized to sell such items, that such person has never been convicted of a drug-related offense.
- (c) MINORS. It shall be unlawful to sell or give items as described in Subsection (a) in any form to any male or female minor under eighteen (18) years of age.
- (d) RECORDS. Every licensee shall keep a record of every item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs which is sold. This record shall be open to the inspection of any police officer at any time during the hours of business. Such record shall contain the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the licensee or agent of the licensee. Such records shall be retained for not less than two (2) years.

SEC. 9-2-8 LOITERING PROHIBITED.

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

SEC. 9-2-9 LOUD AND UNNECESSARY NOISE PROHIBITED.

- (a) LOUD AND UNNECESSARY NOISE PROHIBITED. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- (b) TYPES OF LOUD AND UNNECESSARY NOISES. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
- (1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three (3) seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible

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device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

- (2) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
 - (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
 - (4) Animals, birds. The keeping of any animal or bird which by causing frequent or long continued unnecessary noise.
 - (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
 - (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Clerk-Treasurer shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
 - (8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
 - (9) The provisions of this section shall not apply to:
 - a. Any vehicle of the Village while engaged in necessary public business.
 - b. Excavations or repairs of streets or other public construction by or on behalf of the Village, County, State at night when public welfare and convenience renders it impossible to perform such work during the day.
 - c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
- (c) STATIONARY NOISE LIMITS.
- (1) Maximum Permissible Sound Levels.

- a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.

<u>Zone</u>	<u>Noise Rating-Daytime</u>	<u>Noise Rating-Nighttime</u>
Residential	60 db	50 db
Commercial	70 db	70 db
All Other Zones	75 db	75 db

- b. Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor and the subject noise shall exceed the ambient noise by 5 db in any octave band to be designated excessive.
- c. Pure tones and impulsive noises are factors. five noise rating numbers shall be taken from the table in Subsection "a" above, if the subject noise consists primarily of a pure tone or if it is impulsive in character.
- (2) **Construction Noise.** Construction equipment in any zone may be operated between the hours of 7:00 a.m. to 7:00 p.m. provided that said equipment does not exceed a maximum sound pressure level of 80 dB(a) measured at the property line of the location at which said equipment is in use.
- (3) **Noise in Residential Districts.** In Residential Zones, the person in violation of this Section shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officer.
- (4) **Operation of Certain Equipment.** Lawnmowers, chainsaws, powered garden equipment, electric insect killing/repelling devices, and other non-construction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.
- (5) **Exemptions.** Operation of emergency equipment shall be exempt from this Chapter. Snowblowers not operated on a commercial basis shall be exempt from this Chapter when used to gain access to a Village street. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Village.
- (6) **Methods of Measuring Noise.**
- a. **Equipment.** Noise measurement shall be made with a sound level meter.
 - b. **Location of Noise Meter.** Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three (3) feet above the ground and at least three (3) feet away from walls, barriers, obstructions, and all other sound reflective surfaces.
- (7) **Control of Nighttime Noise Emitted From Residential Air Conditioners.**
- a. No person shall install, operate, or use any residential air-conditioner which creates a noise level in a sleeping room in any dwelling unit located on any adjacent premises in the excess of five decibels above the ambient noise level at the location being measured.
 - b. Upon receiving a complaint, law enforcement officers may conduct a noise survey through the use of a sound level meter. The sound pressure level should be measured in a sleeping room in the complainants premises with the sound level measuring microphone placed three (3) feet from an open window nearest to the source of the noise and not less than three (3) feet above the floor of the room in which the measurement is made.

- (8) Appeals. The Village Board may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this Chapter for existing industries.

SEC. 9-2-10 DISORDERLY CONDUCT.

- (a) DISORDERLY CONDUCT PROHIBITED. No person, within the Village of St. Cloud, shall:
- (1) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (b) DISORDERLY CONDUCT WITH MOTOR VEHICLE. No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noise.
- (c) DEFECATING OR URINATING IN PUBLIC PLACES. It shall be unlawful for any person to defecate or urinate, outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings.

SEC. 9-2-11 POSSESSION OF MARIJUANA PROHIBITED.

- (a) DEFINITIONS. For the purpose of this section, the following definitions shall apply:
- (1) "Marijuana" means all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.
 - (2) "Practitioner" means:
 - a. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.
 - b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.
- (b) It is unlawful for any person to possess and/or use marijuana, unless the marijuana was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by Chapter 161, Wisconsin Statutes.

SEC. 9-2-12 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.

- (a) It shall be unlawful for any person, except as provided in subsection (b) hereof, to be present in, loiter or enter into any public school building, school parking lot or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days.
- (b) This Section shall not apply to:
 - (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof, to leave the school building or school grounds;
 - (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this except shall apply only to the portion of the premises on which such facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;
 - (3) Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- (c) The exceptions set forth in subsection (b) shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
- (d) All entrances to the school buildings shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited." All school grounds shall be posted with a notice stating "Entry Upon School Grounds by Unauthorized Persons Prohibited."

SEC. 9-2-13 POSSESSION OF FIREARMS IN PUBLIC BUILDINGS AND BUSINESS ESTABLISHMENTS PROHIBITED.

- (a) DEFINITIONS.
 - (1) "Firearm" means any rifle, shotgun, handgun, spring gun, airgun or bow and arrow device.
 - (2) "Law enforcement officer" means any person employed by the state or any political subdivision of the state for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.
- (b) No person, except a law enforcement officer, within the scope of his duties, shall have in his or her possession, carry or bear any firearms within any publicly owned building or business establishment open to the public within the Village, including establishments with Class "A" or "B" alcoholic beverage licenses.
- (c) This section shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.

SEC. 9-2-14 CURFEW.

- (a) It shall be unlawful for any person under sixteen (16) years of age to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any

(g) GENERAL PENALTY.

- (1) Any parent, guardian or person having legal custody of a child described in Subsection (a) and (e) who has been warned in the manner provided in Subsection (f) and who thereafter violates any of the provisions of this section shall be subject to a penalty as provided in Sec. 1-1-6 of this Municipal Code. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this ordinance because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Chapter 48, Wis. Stats.
- (2) Any child who violates this section after being detained and released under Subsection (e) shall be dealt with under Chapter 48, Wis. Stats.

SEC. 9-2-15 FAILURE TO OBEY LAWFUL ORDER.

It shall be unlawful for any person to fail to obey the direction or order of a law enforcement officer while such police officer is acting in an official capacity in carrying out his or her duties.

SEC. 9-2-16 CHILD ENTICEMENT.

It shall be unlawful for any person eighteen (18) years of age or over, who does not have legal authority or the consent of the parent or legal guardian, to attempt or complete the act of enticing, luring or coercing a child below the age of fifteen (15), into a vehicle, building, room or secluded place by offering gifts, using unreasonable requests, language or gestures. An unreasonable request shall include, without limitation because of enumeration, offers to help move furniture, clean, babysit, or see or play with pets or toys. No arrest shall be made for a violation of this Section unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this Section if it appears at trial that the explanation given was reasonable and disclosed a lawful purpose.