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This Chapter describes orderly conduct which includes proper control of animals and public nuisances.

4.01 ORDERLY CONDUCT

- (1) Firearms and Ammunition; DISCHARGE, POSSESSION and SALE.
 - (A) No person except a sheriff, police officer or other law officer shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description within the Village of Rock Springs. No person shall have in his or her possession a concealed firearm in the Village of Rock Springs provided, however, this restriction shall not apply to an adult over the age of 18 who has a license to carry a weapon under Wis. Stat. §175.60.
 - (B) No minor person under the age of 18 years shall have in his or her possession any ammunition for any spring gun, air gun, or pneumatic pellet gun unless accompanied by parent, guardian, or any person 18 years or more.
 - (C) No person shall intentionally sell or give away any firearm, rifle, spring gun, air gun, or pneumatic pellet gun, or ammunition therefore, to any person under the age of 15 years unless accompanied by a parent or legal guardian.
 - (D) No person under the age of 18 years of age shall have in his or her possession any firearm, rifle, or ammunition therefore, unless accompanied by parent or legal guardian.
 - (E) (i) This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges authorized by the Village Board, but shall be deemed to prohibit hunting within the Village, except where owners or occupants of private premises shall have been issued written permits to hunt or shoot on such premises by the Village President after he/she shall have determined that such privileges are necessary for the protection of life or property and subject to such safeguards as he/she may impose for the safety of lives and property of other persons within the Village.

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- (ii) Notwithstanding (E)(i), hunting shall be permitted on property located within the Village and zoned Residence-Agricultural District, subject to the laws, administrative rules, and regulations of the State of Wisconsin and Department of Natural Resources.
 - (iii) Pursuant to the authority provided to the Village from Wis. Stat. 29.038(3)(b)3.a., no person shall hunt with a bow and arrow or crossbow within 100 yards from a building devoted to human occupancy while on lands the person does not own, including public lands and public waters, without the permission of the owner or occupant of the building.
 - (iv) Pursuant to the authority provided to the Village from Wis. Stat. 29.038(3)(b)3.b., a person who hunts with a bow and arrow or crossbow shall be required to discharge the arrow or bolt from the respective weapon toward the ground.
- (2) **DISORDERLY CONDUCT.** No person shall within the Village of Rock Springs:
- (A) 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 disturb or annoy any other person or persons.
 - (B) Intentionally cause, provoke or engage in any fight, riot or noisy altercation other than a bona fide contest.
 - (C) No person shall stand, sit, loaf, loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such a manner as to prevent or obstruct the free passage of pedestrians 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.
- (3) **LOUD AND UNNECESSARY NOISE PROHIBITED.**
- (A) **General.** 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 a person of ordinary sensibilities in or about any public street, alley, park or any private residence.
 - (B) **Public Address Systems and Amplifiers.** No person shall use or operate a P.A. system, amplifier or device which increases the volume of the voice, music or other sounds so loud as to disturb the public peace or the quiet and peacefulness of the neighborhood.
 - (C) **Construction and Machinery Noise.** Between the hours of 10:00 p.m. and 6:30 a.m., no person shall do construction work or operate any chain saw, lawn mower, stock car or any other loud machinery of a similar nature. This subsection shall not apply to equipment or machinery being used for snow removal purposes or for emergency removal of debris caused by accident, weather conditions or other acts of God.
 - (D) **Animal Noise.** No person shall keep possess an animal which makes loud or disturbing noises between the hours of 10:00 p.m. and 6:30 a.m. such as may disturb or annoy a person of ordinary sensibilities. An owner or person in possession shall control the animal by commands, apparatus, or housing so that the animal noises are not offensive during the hours prescribed.
- (4) **LOITERING AND CURFEW.**
- (A) **Loitering and Curfew.** It shall be unlawful for any boy or girl younger than eighteen (18) years of age to be abroad upon the streets, alleys or any public grounds in the Village of Rock Springs between the hours of eleven o'clock (11:00) p.m. and five o'clock (5:00) a.m. unless accompanied by some responsible person of lawful age, having him or her in charge, or upon some errand by permission or direction of his or her parent, guardian or

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employer. He or her shall not loiter on the way or make undo noises or otherwise disturb the peace and quiet of the Village.

- (B) Parental Conduct. It shall be unlawful for a parent, guardian or employer to permit any boy or girl under the age of eighteen (18) years of age under his control to be upon the streets, alleys or in other public places in the Village of Rock Springs between the hours of eleven o'clock (11:00) p.m. and five o'clock (5:00) a.m. in violation of Section 1 of this Ordinance.
- (C) Referral to Responsible Adult. Any boy or girl under the age of eighteen (18) who violates any of the provisions of Section 1 of this Ordinance shall be subject or arrest by any police officer or Village Board member without due process. Upon his or her arrest, he or she shall be taken and delivered into the hands of his or her parents, guardian or employer or at the discretion of the arresting officer, a registered letter containing the information of the complaint against the minor defendant may be mailed to his or her parents, guardian or employer.
- (D) Referral to Sauk County. Upon a second or subsequent arrest, such offender, together with the parent, guardian or employer, shall be taken, by the arresting officer to the Sauk County Department of Human Services and/or Juvenile Court.
- (E) That an accurate record be made and kept by the police authorities of the Village of Rock Springs of any and all violations of this Ordinance. Whether arrests were made or not.
- (F) Loitering in Public Places. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (G) Loitering in or on School Property. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander or stand in or on any school property within the Village between 7:00 a.m. and 5:00 p.m. on official school days.

(5) DAMAGE TO PROPERTY.

- (A) Willful Damage. No person shall willfully, maliciously or wantonly deface, injure or destroy any public property or any private property. Likewise, a parent or legally appointed guardian of any minor who shall fail to exercise reasonable care so as to prevent such minor from intentionally damaging public or private property or from conducting himself in such a manner as may reasonably be calculated to result in damage to any of such property shall be deemed to have violated this Ordinance, and such parent or guardian shall be personally liable to the owner for such damage, subject to the limitations imposed thereon by Wis. Stat. § 895.035.
- (B) Littering Prohibited. No person shall deposit any mud, glass, refuse, waste, garbage, urine, excrement, sewage, filth or other litter upon the streets, highways, alleys, parks or other property of the Village or upon any private property or into or upon any body of water or stream within the Village.

(6) USE OF FIREWORKS REGULATED.

- (A) Use Regulated. Except as provided in Wis. Stat. § 167.10(3), no person shall possess or use fireworks without a user's permit issued pursuant to sub (b) below.
- (B) User's Permit. As provided in Wis. Stat. § 167.10(3), fireworks user's permits may be issued by the Village Board. The Board issuing the permit shall require a certificate of liability insurance, or other similar proof of coverage, in an amount Fire Chief deems necessary. A copy of the permit and proof of insurance shall be filed with the Clerk/Treasurer, and copies of the permit shall be given to the Fire Chief at least two (2) days before the authorized use.
- (C) Use of Certain Devices Regulated. No person may use fireworks or devices listed in Wis. Stat. § 167.10(1)(e-g) and (i-n), including, but not limited to, caps, toy snakes, model

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rocket engines, sparklers or cone foundations at a fireworks display for which a permit has been issued if the display is open to the general public.

- (7) Smoking is prohibited by Wis. Stat. § 101.123 entitled "Clean Indoor Air Act" is hereby adopted by reference.
- (A) Smoking is prohibited in Village owned buildings.
 - (B) Smoking is prohibited in Village owned vehicles.

4.02 ANIMAL CONTROL

- (1) **FOOD AND SHELTER.** Any and all animals, pets or fowls kept in the Village limits shall be provided water, food and shelter as provided in by State Statute. All shelters shall be maintained in a clean and sanitary manner. All structures, pens or enclosures shall be more than one hundred (100) feet from a tenant house, hotel, restaurant, boarding house, school, church or business place.
- (2) **RUN AT LARGE.**
- (A) Run At Large Prohibited. It shall hereafter be unlawful for the owner of any domestic animal to permit such domestic animal to run at large within the Village limits.
 - (B) Owner. The term "owner" as used in Section (a) shall include every person who owns, harbors or keeps such domestic animals. The term "running at large" as used in Section (a) shall include any domestic animal found loose and unaccompanied by the owner or person of suitable age and discretion having the charge thereof, at any place in the Village limits except upon the premises of the owner.
 - (C) Humane Officer to Act. Any domestic animal found running at large within the said Village limits shall immediately be taken up by the Sauk County Humane Officer. Any person is authorized to take up any domestic animal found at large and turn the same over to the Sauk County Humane Center Officer.
 - (D) Exception to Running at Large. An animal shall not be deemed to be at large if the following provisions apply:
 - (i) It is attached to a leash of sufficient strength to restrain the animal and the leash is held by a person competent to govern the animal and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden.
 - (ii) It is properly restrained within a motor vehicle.
 - (iii) It is engaged in the act of training for show, field trial or obedience trial purposes, in control of its owner or his agent competent to govern such animal at such distance, and not annoying or worrying pedestrians or private property or trespassing on public property where such animals are forbidden.
 - (E) Animal Waste Regulated. No person having in or under his control any animal or fowl shall permit it to defecate, urinate or deposit any other animal waste off the premises of its owner and upon any public street or alley, school grounds, public park or other trespassing on property where his possession allow the same public grounds or upon any private property without the permission of the owner.
 - (F) Number of Dogs/Cats. Not more than two (2) dogs and/or two (2) cats shall be kept or harbored on any premises within the Village of Rock Springs, except on premises which are used for farming. It shall be the duty of the legal occupant of the premises, whether he be the owner or tenant, to comply with the provisions of this ordinance.
 - (G) Keeping of Livestock and Poultry.

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- (i) Regulated. No person keep or maintain any poultry, pigeons, fowl or any animal raised for fur bearing purposes, or any livestock such as horses, cattle, sheep or goats in the residential or commercial districts of the Village.

4.03 PUBLIC NUISANCES PROHIBITED

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

4.04 PUBLIC NUISANCE DEFINED

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

4.05 PUBLIC NUISANCES AFFECTING PUBLIC HEALTH

- (1) The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of Sec. 4.04 above.
 - (A) Adulterated Food. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
 - (B) Unburied Carcasses. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
 - (C) Breeding Places for Vermin, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or materials whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
 - (D) Stagnant Water. All stagnant water in which mosquitoes, flies or other insects can multiply.
 - (E) Privy Vaults and Garbage Cans. Privy vaults and garbage cans which are not air tight.
 - (F) Animals. All animals running at large.
 - (G) Air Pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
 - (H) Noxious Odors, etc. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous or disagreeable odors, gasses, effluvia or stenches repulsive to the physical senses of ordinary persons within the Village.
 - (I) Pesticide Application. The application, or causing of the application, if any pesticide, as defined in Wis. Stat. § 946.67(25), in such a manner as to endanger the health of persons in the Village.

4.06 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY

- (1) The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be

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construed to exclude other nuisances offending public morals and decency coming within the definition of Section 4.04 of this chapter:

- (A) Disorderly Houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (B) Gambling Devices. All gambling devices and slot machines.
- (C) Unlicensed Sale of Liquor and Beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this Code.
- (D) Continuous Violation of Village Ordinances. Any place or premises within the Village where Village ordinances or State law relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly and intentionally violated.
- (E) Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws of this Code.

4.07 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

(1) The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming with the definition of Section 4.04 of this Chapter:

- (A) Signs and Billboards. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety. No signs, billboards, awnings or similar structures shall be supported in whole or in part from the street, sidewalk or public grounds or places below.
- (B) Illegal Buildings. All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the Village.
- (C) Unauthorized Traffic Signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railroad crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any device, sign or signal.
- (D) Obstruction of Intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles or public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (E) Tree Limbs. All limbs of trees which project over and less than eight (8) feet above any public sidewalk or less than fifteen (15) feet above a street or other public place.
- (F) Dangerous Trees. All trees which are injurious to public health or safety because of a diseased or damaged condition; and the storage of cut elm wood, unless such wood is debarked or sprayed with an effective elm bark beetle destroying insecticide.
- (G) Fireworks. All use, possession or display of fireworks except as provided by the laws of the State and this Code.
- (H) Dilapidated Buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (I) Wires and Cables Over Streets. All wires and cables over streets, alleys or public grounds which are strung less than eighteen (18) feet above the surface thereof.
- (J) Noisy Animals or Fowl. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- (K) Obstructions of Streets: Excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations although made in accordance with this Code, are kept or

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maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.

- (L) Unlawful Assembly. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (M) Snow, Ice and Debris Removal. All debris not removed and all snow and ice not removed or sprinkled with salt, ashes, sawdust or sand, as provided in this Code.
- (N) Refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (O) Open Pits, Basements, etc. All open and unguarded pits, wells, excavations and basements.
- (P) Flammable Liquids Violations. Repeated or continuous violations of this Code or the laws of the State relating to the storage of flammable liquids.

4.08 STORAGE OF JUNK PROHIBITED

No person, except a junk dealer licensed under this Code, shall accumulate, store or allow any junk outside of any building on any public or private real estate located in the Village.

4.09 STORAGE OF RECREATIONAL EQUIPMENT REGULATED

No person will store any recreational equipment on any Street right of way or within the front setback, including the driveway, for a period of more than forty-eight (48) hours.

4.10 STORAGE OF FIREWOOD

No person shall store firewood on any residential premises except for use on the premises. No firewood pile may be located within the front setback.

4.11 ISSUANCE OF CITATION; ACTION TO ABATE

Whenever a Member of the Village Board shall find any such Vehicle, junk or recreational equipment, as defined above, accumulated, stored or remaining in the open upon any property within the Village contrary to the provisions of Subsecs. 4.08, 4.09 and 4.10 above, or firewood stored contrary to Subsec. 4.11 above, he shall notify the owner of said property on which such vehicle, junk, recreational equipment or firewood is located of the violation of this section. If such vehicle, junk, recreational equipment or firewood is not removed within ten (10) days, the Village Board Member shall issue a citation to the property owner or the occupant of the property upon which such vehicle, junk, recreational equipment or firewood is located. In addition, action to abate such nuisance may be commenced, as provided in subsection (c) of this section.

4.12 ABATEMENT OF PUBLIC NUISANCES

- (1) Enforcement. It shall be the duty of the Village Board, the Fire Chief and Health Officer to enforce those provisions of this chapter that come within the jurisdiction of their offices and they shall make periodic inspections and upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the official shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.
- (2) Summary Abatement.

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- (A) Notice of Owner. If the inspecting official shall determine that a public nuisance exists within the Village and that there is a great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the Sauk County Sheriff's Department to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within twenty-four (24) hours and shall state that unless such nuisance is so abated, the Village shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (B) Abatement by Village. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- (C) Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists in private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within ten (10) DAYS. If such nuisance is not removed within ten (10) days, he shall report such fact to the President, who may direct the Village Attorney to commence an action in the circuit court for abatement of the nuisance.
- (D) Other Methods Not Excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its official in accordance with the laws of the state, nor as prohibiting an action to be commenced in circuit court seeking a forfeiture as provided in Sec. 4.15 of this Chapter.
- (E) Cost of Abatement. In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be called as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.