

CHAPTER 7.00 ORDERLY CONDUCT

- 7.01 Offenses Endangering Public Safety
- 7.02 Offenses Endangering Public Peace and Good Order
- 7.03 Offenses Endangering Public Morals and Decency
- 7.04 Offenses against Public and Private Property
- 7.05 Curfew Provisions
- 7.06 Damage to Public Property
- 7.07 Controlled Substances Prohibited
- 7.08 Glass Beverage Containers Prohibited
- 7.09 Park Rules
- 7.10 Penalties
- 7.11 Drug Paraphernalia
- 7.12 Prohibiting Facsimile Firearms in the Village of Jackson
- 7.13 Offenses against State Laws Subject to Forfeiture
- 7.14 Hotel & Motel Registration for Transient Lodging
- 7.15 Parental Responsibility
- 7.16 Chronic Nuisance Properties

7.01 OFFENSES ENDANGERING PUBLIC SAFETY.

A. POSSESSION AND DISCHARGE OF DANGEROUS WEAPONS.

1. “Dangerous weapon” means any firearm, as defined in s.167.31(c), whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon, as defined in s.941.295 (4); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. The following are dangerous per se: blackjack; slingshot; pistol; revolver; shotgun; rifle; bow and arrow; crossbow; air gun; BB gun; knuckles; bowie knife; dirk knife; dirk dagger; switchblade knife; straightedge razor; and martial arts weapons, including but not limited to throwing stars, kung fu sticks, and chuka sticks. The previous list is illustrative only, and instruments not specifically enumerated are dangerous weapons if they fall within the terms of the above definition.
2. Unless otherwise provided by law, no person except law enforcement officers authorized to carry firearms may carry or have within reach a dangerous weapon, whether concealed or in plain view, at or upon any public place. Uniformed private security guards licensed by the State of Wisconsin and while on duty are exempt from the prohibition against carrying weapons in plain view.
3. No person except an authorized enforcement officer shall fire or discharge a firearm, BB gun, pellet gun, air gun, gas operated gun, or make use of a bow and arrow, slingshot, or other dangerous weapon. A person may use bows and arrows on private property with the consent of the property owner and if entirely within an enclosed structure, or on school and village

property as part of an organized activity, if arrows are equipped with blunt tips (also known as “field points” or “target arrows”).

4. The discharge of firearms, with other than projectile ammunition, may be permitted for special events with prior, written approval of the Chief of Police or designee. Supervision by a competent person is a required condition of approval. The Police Chief or designee may deny permission, or revoke written permission at any time they ascertain that conditions warrant. (#12-03)

B. THROWING OR SHOOTING MISSILES. No person shall throw, shoot or propel a missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. This section does not apply to supervised archery ranges or instruction nor when otherwise lawfully authorized. (#07-11)

C. SALE AND DISCHARGE OR FIREWORKS RESTRICTED.

1. Chapter 167, Wisconsin Stats. regulating the sale and use of fireworks, exclusive of any penalty imposed thereby is adopted by reference and made part of this Code as though set forth in full.
2. No permits shall be issued pursuant to Section 167.10 (3) (c) unless the permit has been approved for issuance by the Fire and Police Department.

D. OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED. 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 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.

E. MISUSE OF 9-1-1.

1. No person shall utilize the 9-1-1 emergency telephone number system for any purpose other than to report an emergency.
2. It shall be unlawful to report an alleged emergency knowing that the fact situation, which he or she reports, does not exist.
3. An “emergency” under this section exists when the person reasonably believes that immediate response by public safety personnel is essential due to the risk or actual occurrence of:
 - a. Death or great bodily harm.
 - b. Property damage.

- c. Any other situation, which mandates the immediate response of public safety personnel.
- 4. Any person violating this section shall, upon conviction, be subject of not more than \$200.00, together with the costs of prosecution.

F. UNIFORM CITATION ORDINANCE VIOLATIONS. Schedule of Deposits. The following schedule of cash deposits is established for use with citations issued under this section. The amount in parenthesis represents the amount of deposit prior to the addition of costs, the twenty percent (20%) penalty assessment, the jail assessment, and auto fee.

<u>Ordinance #</u>	<u>Offense</u>	<u>Deposit including \$20.00 costs, 20% assessment, \$10.00 Jail Assessment, and \$3.00 Auto Fee:</u>
92-07	Misuse of 9-1-1	\$153.00 (\$100.00)

G. HABITUAL TRUANCY PROHIBITED. No child shall be a habitual truant as that term is defined in SS 118.163, WI Stats. Any child who is a habitual truant shall be subject to all of the dispositions set forth in SS 118.163 (2) and (2)(m), WI Stats.

7.02 OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER.

- A. DISORDERLY CONDUCT PROHIBITED. No person within the Village 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 disturb or annoy any other person or persons.
 - 2. Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- B. 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 or any private place.
- C. OBEDIENCE TO OFFICER. 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.
- D. UNREASONABLE NOISE WITH VEHICLES PROHIBITED. No person shall make or cause to be made, any unreasonable noise, which disturbs the peace or quiet of any person in the vicinity through the use of any motor vehicle, motorcycle, or other motorized vehicle.

- E. HAZARDOUS OPERATION OF VEHICLES PROHIBITED. No person shall operate a motor vehicle, in such a manner as to cause dirt, stones, rubber or other debris to be thrown by the wheels.
- F. DRINKING ON PUBLIC STREETS PROHIBITED. It shall be unlawful for any person to drink, consume, transport, carry or possess any intoxicating liquor, wine or fermented malt beverage, except in the original package and with the seal unbroken, either in or out of a vehicle in any of the following places:
1. Any Village owned or controlled parking lot.
 2. Any public street, highway, alley, sidewalk or other similar place within the Village of Jackson.
 3. Any privately owned parking lot, driveway or lot used for vehicular traffic with the express or implied permission of the owner for public use thereof, unless expressly authorized in writing by the owner of said parking lot, driveway or lot.
 4. Any grounds under the control of the West Bend School District, and the grounds of any privately owned and operated school, church, hospital, or other institution frequented by the public, unless expressly authorized by the owner thereof.
 5. The holder of a Class “B” fermented malt beverages or intoxicating liquor license shall make every reasonable effort to discourage their patrons from taking fermented malt beverages or intoxicating liquors or wine from the licensed premise when such beverages are served for consumption on premises.
 6. All premises licensed for the sale of fermented malt beverages, wine, or intoxicating liquor shall post a notice at each exit stating the “No beer, liquor, or wine may be carried in an open container out of the building.”
 7. The Village Board of the Village of Jackson may permit the consumption or possession of fermented malt beverages, wine or intoxicating liquors in specifically authorized public places, or at any event, for which a temporary “picnic” license has been issued.

7.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY.

- A. GAMBLING, FRAUDULENT DEVICES AND PRACTICES PROHIBITED. All forms of gambling and fraudulent devices and practices are prohibited within the Village, except those forms of gambling specifically permitted by Wisconsin Statutes. Any police officer of the Village shall seize anything devised solely for gambling or found in actual use for gambling within the Village and dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling. **With regard to enforcement for the possession of five or fewer video gambling machines on a Class B**

licensed premise, the village shall defer to the Wisconsin Department of Revenue. (#10-02)

- B. Chapter 944, Wis. Stats. Regulating crimes against sexual morality exclusive of any penalty imposed thereby is adopted by reference and made a part of this Code as though set forth in full.
- C. **LOITERING OR PROWLING.** No person shall loiter or prowl in a place, at a time or in a manner that warrants 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.
- D. **INDECENT CONDUCT AND LANGUAGE PROHIBITED.** No person shall use any indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the Village.

7.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY.

No person shall willfully injure or intentionally deface, destroy or lawfully remove, take or meddle with any public or private property of any kind without the consent of the owner or proper authority.

7.05 CURFEW PROVISIONS.

- A. It shall be unlawful for any person under the age of 17 to congregate, loiter, wander, stroll, stand, or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, places of employment, vacant lots, or any public places in the Village either on foot or in or upon any vehicle being driven or parked thereon, between the hours of 11:00 p.m. and 5:00 a.m. of the following day.
- B. **EXCEPTIONS.** This section shall not apply to a minor accompanied by his or her parent, legal guardian, or other adult person having the care and custody of the minor; or where the minor is upon an emergency errand or legitimate business directed by same; while pursuing employment; or returning from night school or from a public function. This section shall not apply when the minor was exercising first amendment rights protected by the United States Constitution, or the Wisconsin Constitution, including freedom of speech, the free exercise of religion, and the right of assembly. Unless flight by the minor or other circumstances make it impractical, a police officer shall prior to issuing a citation for an offense under this section, afford the minor an opportunity to explain his or her reasons for being present in the public place.

- C. RESPONSIBILITY OF PARENT. It shall be unlawful for the parent, guardian, or other adult having the care and custody of a person under the age of 17, to permit or allow such person to violate the provisions of (A) unless that adult has made a missing person report to the law enforcement agency having jurisdiction.
- D. PENALTY. Violations of this section shall be punishable by forfeiture established by Resolution. Each violation of this section constitutes a separate offense. (#05-16)

7.06 DAMAGE TO PUBLIC PROPERTY.

- A. No person shall break or otherwise injure any tree, shrub or plant; break, soil or deface any fountain, street light, street sign, statue or other ornamental structure; or in any way injure, soil or deface any square, sidewalk or ground in the Village or any public property in any public park or any other public place, whether the same shall be owned, leased or held in trust by the Village without consent of the owner or property authority.
- B. PENALTY. Any person who violates this provision shall be subject to forfeiture as set forth by Resolution and in default of payment shall be confined in the County Jail for a period not to exceed 60 days or until such forfeiture and costs are paid.

7.07 CONTROLLED SUBSTANCES PROHIBITED.

Chapter 961, Wis. Stats. regulating controlled substances exclusive of any penalty is adopted by reference and made part of this Code.

7.08 GLASS BEVERAGE CONTAINERS PROHIBITED.

- A. No person shall enter upon or be upon park premises in the Village of Jackson, Wisconsin, with glass soda or beer beverage containers.
- B. The Village shall, at the entrances to each park, post notices reading as follows:

“GLASS BEVERAGE CONTAINERS PROHIBITED IN PARK. VIOLATORS SUBJECT TO BE FINED.”

7.09 PARK RULES.

- A. All parks shall be closed to the general public from 10:00pm to 6:00am (#09-11) except for the participants or spectators in an organized event, or as part of a park facility rental. (#09-11) All parks are closed to said participants or spectators ½ hour after the completion of the organized event or rental. (#09-11)
- B. No person shall operate any snowmobile, all terrain vehicle, go-cart, or similar motorized vehicle anywhere within any park without permission.

- C. No person shall be permitted to hunt, capture, seine, net or harm any living creature or possess any such devices designed for such purpose in any park.
- D. No fires shall be built except in fireplaces or grills designed for such purpose. All embers shall be disposed of in a proper manner.
- E. All animals brought to the park shall be properly restrained. The owner or handler shall be responsible for the proper disposal of the animal's waste.
- F. No person(s) shall engage in any activity that interferes with the activities of others already in progress or scheduled by obtaining prior authorization from the Village.
- G. No person shall bring glass containers into the park. All refuse and waste shall be disposed of in proper containers.
- H. No person shall remove or appropriate anything from any park without Village authorization.
- I. Amusement devices, tents, trailers, or any similar structures shall not be permitted without Village authorization.
- J. No person shall swim or bathe in any area not designated for such purpose.
- K. No person shall wash any object or animal in any stream or pond or adjacent to any park.
- L. No person shall bring, possess, consume, dispense, convey, or give away any alcoholic beverages during authorized events, except as permitted by the Parks & Recreation Department.
- M. All sales, raffles, or other fund raising activities (including sports tournaments) are prohibited unless approved by the Parks & Recreation Department.
- N. Skateboards, roller blades, scooters, roller skates and bicycles are only permitted on paved paths and in the Wheel Park. (Ordinance #06-04)
- O. The Chief of Police may ban from village parks any person who, in the opinion of the Chief, is disorderly or otherwise creates a disturbance. Violation of the ban shall subject the person to a penalty in accordance with the Village ordinances. The ban shall be for no more than 90 days. Each violation of the ban shall constitute a separate offense. (Ordinance #07-09)

7.10 PENALTIES.

- A. Any person who violates any provision of this Chapter shall be subject to a penalty as provided in Section 21.04 of this Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section

shall not preclude the Village from taking any appropriate action to prevent or remove a violation of this Chapter.

- B. In addition to any penalty imposed for violation of Section 7.04 of this Chapter, any person who causes physical damage to or destroys any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 7.04 of this Chapter shall also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with SS895.035, Wis. Stats.

7.11 DRUG PARAPHERNALIA.

- A. DEFINITION. In this Section “drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed 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 961, WI 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. Dilutents 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. 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 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. Bongs.
 - m. Ice pipes or chillers.

B. DETERMINATION OF DRUG PARAPHERNALIA. In determining whether an object is drug paraphernalia, the following shall be considered.

1. Statements by an owner or by anyone in control of the object concerning its use.

2. Prior convictions, if any, of an owner or of anyone in control of the object, under any county, state or federal law relating to any controlled substance.
3. The proximity of the object in time and space to a direct violation of this section.
4. The proximity of the 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, or should reasonably know, intend to use the object to facilitate a 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, or designed 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 to the total sales of the business enterprises.
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 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 seventeen (17) years of age or over who violates subsection (2) by delivering drug paraphernalia to a person less than seventeen (17) years of age or under who is at least three years his or her junior is guilty of a special offense. (#98-07)
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, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
5. Exemption. This subsection does not apply to manufacturers, practitioners, pharmacists, owner of pharmacies and other persons whose conduct is in accordance with Chapter 961, WI Stats. This Subsection does not prohibit the possession, manufacture or use of hypodermics in accordance with Chapter 961, WI Stats.

D. PENALTIES.

1. Any drug paraphernalia used in violation of this section shall be seized and forfeited to the Village.
2. Any person who violates Subsection (C)(1)(2) or (4) shall, upon conviction, be subject to a forfeiture of not more than \$500.00, together with the costs of prosecution, and upon default of payment be imprisoned in the County Jail until the costs are paid, but not to exceed twenty (20) days.
3. Any person who violates subsection (C)(3) shall, upon conviction, be subject to a forfeiture of not more than \$1,000.00, together with the costs of prosecution, and upon default of payment be imprisoned in the County Jail until the costs are paid, but not to exceed forty (40) days.

E. UNIFORM CITATION ORDINANCE VIOLATIONS.

1. Schedule of Deposits. The following schedule of cash deposits is established for use with citations issued under this section. The amount in parenthesis represents the amount of deposit prior to the addition of costs, the twenty percent (20%) penalty assessment, the jail assessment and the auto fee.

Ordinance No.	Offense	Deposit including \$20.00 costs, 20% assessment, \$10.00 Jail Assessment and \$1.00 Auto Fee
7.10 (C)(1)(2) or (4)	Drug Paraphernalia	\$163.00 (\$110.00)

7.12 PROHIBITING FACSIMILE FIREARMS IN THE VILLAGE OF JACKSON.

- A. FACSIMILE FIREARM. Any replica, toy antique, starter pistol or other objects which bears a reasonable resemblance to or which reasonably can be perceived as an actual, operable firearm. (#93-05)
- B. CARRYING AND DISPLAYING FACSIMILE FIREARMS PROHIBITED. No person, except when on his land or in his own abode or fixed place of business, shall carry and display any facsimile firearm in such a manner as could reasonably be expected to alarm, intimidate, threaten, or terrify another person. (#93-05)
- C. PENALTIES APPLICABLE TO 70.01 (F) SHALL APPLY. Amendments to the Municipal Code shall be effective immediately following adoption and publication of this Ordinance. (#93-05)

7.13 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

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|------|-----------------|---|----------|
| (1) | 939.05 | Parties To Crime | |
| (2) | 939.22 | Words and Phrases Defined | |
| (3) | 939.32(1)(b) | Attempt | |
| (4) | 940.19(1) | Battery | |
| (5) | 941.01 | Reckless Driving Off Highways | |
| (6) | 941.10 | Negligent Handling of Burning Materials | |
| (7) | 941.12(2) & (3) | Interfering with Firefighting | |
| (8) | 941.20(1) | Reckless use of Weapon | |
| (9) | 941.23 | Carrying Concealed Weapons | |
| (10) | 941.24 | Possession of Switchblade Knife | |
| (11) | 943.07(1)(2)(3) | Criminal Damage to Railroad | |
| (12) | 943.07(4) | Intentionally Depositing Debris on Railroad | |
| (13) | 943.11 | Entry Into Locked Vehicle | |
| (14) | 943.125 | Entry Into Locked Coin Box | |
| (15) | 943.13 | Criminal Trespass to Land | |
| (16) | 943.14 | Criminal Trespass to Dwellings | |
| (17) | 943.20 | Theft (valued under \$500) | |
| (18) | 943.21 | Fraud on Hotel or Restaurant Keeper (value under \$500) | |
| (19) | 943.24 | Issue of Worthless Checks | |
| (20) | 943.34(1) | Receiving Stolen Property (value under \$500) | |
| (21) | 943.37 | Alteration of Property Identification Marks | |
| (22) | 943.41 | Financial Transaction Card Crimes | |
| (23) | 943.50 | Retail Theft (value under \$500) | |
| (24) | 945.01 | Definitions Relating to Gambling | |
| (25) | 945.02 | Gambling | (#03-05) |
| (26) | 945.03 | Commercial Gambling | |
| (27) | 946.06 | Improper Use of Flag | |
| (28) | 946.40 | Refusing to Aid Officer | |

(29)	946.42(1)	Escape	
(30)	946.69	Falsely Assuming to Act as a Public Officer	
(31)	946.70	Impersonating a Peace Officer	
(32)	946.72(2)	Tampering With Public Records and Notices	
(33)	947.012	Unlawful Use of Telephone	
(34)	947.013(1m)	Harassment	
(35)	947.06	Unlawful Assemblies	
(36)	951.02	Crimes Against Animals	(#02-09)
(37)	951.095	Harassment of Police & Fire Animals	(#03-07)
(38)	943.46	Theft of Cable Television Service	(#03-18)
(39)	134.65	Cigarette & Retail License Violations	(#09-04)
(40)	134.66	Tobacco Sales to Underage Persons	(#09-04)
(41)	254.92	Purchase, Possession, Furnishing of Tobacco to Underage Person (#09-04)	
(42)	968.075(5) 2.	Violation of 72-Hour Contact Prohibition (#10-10)	
(43)	450.11(7)	Prescription Drugs: Prohibited Acts (#10-10)	
(44)	946.66	False Complaint of Police Misconduct (#10-10)	
(45)	175.60(2g)(b)(c)	Failure to Display/Carry Firearms Permit (#12-05)	
(46)	175.60(16)	Firearms Violations by Licensee (#12-05)	

7.14 HOTEL AND MOTEL REGISTRATION FOR TRANSIENT LODGING.

A. Definitions:

1. "Hotel" and "Motel" means all places wherein sleeping accommodations are offered for pay to transients, in five (5) or more rooms, and all places used in connection therewith. "Motel" is synonymous with "Hotel".
2. "Operator" means the owner and its agents, including the manager or any person in charge of the hotel including desk clerks.
3. "Registrant" is the person registering for a room and claiming responsibility for any bills associated with such lodging.

B. Conduct of Hotel and Motel Guests

1. It is unlawful for any person to register at any hotel, or cause any other person or persons to be registered in any hotel, under any false name or address, or assumed name or address or under any other than their true name or address.
2. It is unlawful for a registrant, if asked by the operator, to misrepresent the number and/or names of other persons in the party who will also be occupying the room for which registration is being sought; nor shall a registrant permit or allow any other persons who have not been designated in the registration as persons intended to occupy such room, to occupy same.
3. Every person, upon arriving at any hotel and applying for guest accommodations, shall furnish to the operator the registration information

necessary to complete the registration in accordance with the requirements of this chapter. The registrant shall be responsible for room charges and any damages incurred by the hotel because of the registrant's or the registrant's guest(s) behavior during the period listed for the occupancy.

C. Duties of Hotel and Motel Operators

1. Every hotel shall provide and keep there a suitable guest register, or equivalent, for the registration of all guests provided with sleeping accommodations or other overnight stopping accommodations therein, and every such guest shall be registered.
2. The hotel operator shall record the name and address of the registrant, and if traveling by motor vehicle shall record its make, registration number, and state of registration.
3. The hotel operator shall verify the identity of the registrant by requiring that person to display a valid driver's license, government-issued identification card, or other identification sufficient to verify the guest's name and home address. The operator shall either enter the identification number and issuing authority of this identification number and issuing authority of this identification into its register, or retain a photocopy of the document.
4. The registration record provided in this section shall be open for inspection of all law enforcement officers.

D. Penalty

1. Citations issued under this Chapter shall follow the forfeiture schedule established annually by the Village Board by Resolution.
2. Violations by hotels are subject to citation against the owners and/or its agents. (#05-11)

7.15 PARENTAL RESPONSIBILITY (#09-06)

A. DEFINITIONS:

1. Child means a person under the age of 18 years.
2. Custodial parent means a parent or legal guardian or a minor child who has custody of said child.
3. Custody means any of the following:
 - a. Physical custody of a minor child as ordered by a court under s. 767.23 Wisconsin Statutes, or
 - b. Custody of a child by stipulation under s. 767.24 Wisconsin Statutes, or
 - c. Actual physical custody of the child.

Custody does not include legal custody, as defined under s. 48.02(12) Wisconsin Statutes, by an agency or a person other than a child's birth or adoptive parent. In determining which parent has custody of a child for purposes of this section, the court shall consider which parent had responsibility for caring for and supervising the child at the time that the child's ordinance violation(s) occurred.

B. PROHIBITED CONDUCT

Every custodial parent has a duty to properly supervise his or her child. Any custodial parent whose child is convicted of violations of the Village of Jackson Municipal Code or state law, other than traffic offenses, which violations occur twice in a six-month period or three or more times within a 12-month period, is guilty of failing to properly supervise said child.

C. DEFENSES

1. The following shall be a defense to a violation of subsection B:
 - a. The custodial parent is not legally responsible for the supervision of the minor child at the time the misconduct occurred;
 - b. The custodial parent has a physical or mental disability or incompetency rendering him or her incapable of supervising the juvenile at the time the misconduct occurred;
2. It is not a defense where the parent assigns their parental responsibility to another, except pursuant to legal proceedings that result in a court order effectuating the same.
3. The custodial parent has the burden of proving any defense by clear and convincing evidence.

D. PENALTY

The penalty for violations will be in the Village of Jackson Municipal Bond/Stipulation Schedule, as established by Resolution of the Village Board.

7.16 CHRONIC NUISANCE PROPERTIES

A. The Village Board finds that any premises that generates 3 or more calls for police service for nuisance activities has received more than the level of general and adequate police services and has placed an undue and inappropriate burden on the other taxpayers of the Village. The Board also finds that owners who chronically fail to control the use of their property substantially interfere with the comfortable enjoyment of life, health and safety of the public. The Village believes it is necessary to recoup these costs as a special charge to the property for services provided.

B. For the purposes of this section:

- (1) "Chronic nuisance property" means any parcel of land or structure which

has generated three (3) or more calls for police service for nuisance activities on separate days during one month, or six (6) or more calls during a period of twelve months.

(2) “Nuisance activity” means any of the following activities:

- a. Harassment as defined in Wis. Stats. Section 947.013.
- b. Disorderly conduct as defined in Wis. Stats. Section 947.01.
- c. Crimes against life and bodily security as defined in Wis. Stats. Sections 940.01 to 940.32.
- d. Theft as defined in Wis. Stats. Section 943.20.
- e. Possession, manufacture or delivery of controlled substances, drug paraphernalia and related offenses in Chapter 961, Wis. Stats.
- f. Commercial Gambling as defined in Wis. Stats. Section 945.03.
- g. Discharge of a dangerous weapon as regulated in Municipal Code Section 7.01 A.
- h. Loitering as regulated in Municipal Code Section 7.03 C.
- i. Indecent Conduct as regulated in Municipal Code Section 7.03 D.
- j. Underage alcohol violations as defined in Wis. Stats. Section 125.07
- k. Animal control violations as regulated by Municipal Code Section 8.06.
- l. Illegal sale, discharge and use of fireworks as regulated in Municipal Code Section 7.01 C.
- m. Removal of snow and ice as regulated in Municipal Code Section 5.04
- n. Offenses against good order and conduct as regulated in Municipal Code Section 7.02.

Exception. “Nuisance activity” does not include activities, behaviors or conduct that results in a call for assistance made by the owner or occupant requesting law enforcement services related to any of the following:

- a. “Domestic abuse” as defined in s. 813.12(1)(am), Wis. Stats.
- b. “Sexual assault” as described in ss. 940.225, 948.02, and 948.025, Wis. Stats.
- c. “Stalking” as described in s. 940.32, Wis. Stats.

(3) “Person associated with a premises” means any person who enters, patronizes, visits or attempts to enter, patronize or visit, a property including any officer, director, customer, agent, employee or independent contractor of a property owner, tenant, or occupant.

(4) “Property” means any parcel of land or structure, regardless of zoning, residential or business classification.

(5) “Verifiable event” means an event that is initially observed by a police officer, or a call for service that is reported to the police department by a known person who is identifiable to support the event, or a call for service that is reported to the police department by an unknown person if the event is substantiated by a police officer or a witness.

C. Chronic nuisance property prohibited. It shall be unlawful for any property owner, operator, tenant, occupant, or person associated with a property to allow the establishment of, keep, maintain, or fail to abate a chronic nuisance property.

D. Procedure.

(1) Whenever the Chief of Police determines that two (2) nuisance activities have occurred at a Property on separate days during any twelve month period, the Chief of Police may notify the property owner that the property is in danger of becoming a chronic nuisance property.

(2) Whenever the Chief of Police determines that three (3) nuisance activities have occurred at a Property on separate days during any month, or six (6) nuisance activities have occurred at a Property during a period of twelve months, and said nuisance activities are verifiable events, the Chief of Police shall notify the property owner in writing that the Property is a chronic nuisance property and any further violations within said month or twelve-month period will be cause for levying a special charge against the property pursuant to this Section in addition to any forfeitures that may apply.

(3) The notice described in sub.(D)(2) shall be deemed to be properly delivered if sent either by first class mail to the property owner’s last known address or if delivered in person to the property owner. If the property owner cannot be located, the notice shall be deemed to be properly delivered if a copy is left at the property owner’s usual place of abode in the presence of a competent member of the family at least 14 years of age or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner as identified by the records of the tax roll.

The notice shall contain:

- a. The street address or legal description sufficient for identification of the property.
- b. A description of the nuisance activities that have occurred at the Property and a statement indicating that the cost of future enforcement or abatement will be assessed as a special charge against the property.
- c. A statement that the property owner shall within ten (10) days respond to the Chief of Police to propose a written

course of action to abate the nuisance activities which is acceptable to the Chief.

- d. Notification that in addition to the special charges, the property owner may be cited for failure to comply with the ordinance.
- e. A notice of the owner's right to appeal.
- f. A statement that each subsequent incident of a nuisance activity may be deemed a separate violation.

E. Violation and enforcement. Each nuisance activity which is a verifiable event following issuance of the notice provided pursuant to sub. (D)(2) and occurring within the month or twelve-month period in which said notice is provided shall constitute a separate violation of this Section. Whenever a property owner has been billed pursuant to sub.(F) on three (3) or more occasions within a twelve-month time period for the costs of enforcement, that person shall also be subject to a forfeiture as established by Resolution occurring after the third bill is sent to the property owner for failure to abate the nuisance activity.

F. Cost Recovery. Upon notification from the Chief of Police that a chronic nuisance property has been identified, the Village Clerk shall charge any property owner found to be in violation of this Section the costs of enforcement and abatement, including administrative costs, in full or in part. All costs so charged are a lien upon such Property and may be assessed and collected as a special charge. The Village shall establish a reasonable charge for the costs of administration and enforcement imposed hereunder.

G. Appeal. The determination of the Chief of Police issued pursuant to sub. (D)(2) or the levying of any special charges pursuant to this Section may be appealed to the Village Board.