

CHAPTER 2

OFFENSES AGAINST PUBLIC PEACE, SAFETY, MORALS AND PUBLIC POLICY¹

- 2.01 Retention Of Poultry And Animals Within The Village Limits
- 2.02 Regulation of Animals
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2.01 RETENTION OF POULTRY AND ANIMALS WITHIN THE VILLAGE LIMITS

- (1) No person shall retain or keep any poultry and/or livestock of any nature whatsoever within the corporate limits of the Village of Oostburg, except the following:
 - (A) The keeping of the usual household pets and pets of children is permitted.
 - (B) This prohibition shall not apply to lots zoned agricultural.
- (2) Penalty -
Persons violating this ordinance shall pay a forfeiture not to exceed twenty-five (\$25.00) Dollars for each and every day such violation continues, and in default of the payment of such forfeiture shall be imprisoned in the County Jail for a period not to exceed ten (10) days for each day of such violation unless judgment is sooner paid.

2.02 REGULATION OF ANIMALS ²

- (1) Definitions -
 - (A) "Animal" means both the male and female sex of either wild or domesticated species.

¹Adopted as part of the "Partial General Ordinances of the Village of Oostburg". Adopted March 24, 1982, Published March 29, 1982. See Minutes of the Village Board Vol. 6, pg. 625.

² Modified by Ordinance 1-2003, Adopted September 8, 2003. See Minutes of the Village Board, Vol.15, pg. 1330.

- (B) "At large" means off the premises of the owner and not under the control of the owner or some other person. An animal shall not be deemed at large if it is attached to a leash of sufficient strength to restrain the animal or when properly restrained within a motor vehicle, or if accompanied by a person who exercises control over the animal at all times.
- (C) "Cat" means any feline animal, male or female, sexed or neutered.
- (D) "Dog" means any canine animal, male or female, sexed or neutered.
- (E) "Non-venomous reptiles" include, but are not limited to, boa constrictors, anacondas, African rock pythons and reticulated pythons.
- (F) "Owner" means any person owning, harboring, sheltering, or keeping an animal. The occupant of any premises on which an animal remains or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring, sheltering, or keeping an animal within this definition.
- (G) "Venomous reptiles" include, but are not limited to, rattlesnakes, copperhead snakes, cottonmouth moccasin snakes, waglers vipers, and palm vipers.
- (H) "Vicious dog" means a dog which constitutes a physical threat to human beings or other animals by virtue of one or more attacks, injury or places a person in reasonable apprehension of bodily harm.

(2) Number of Dogs and Cats -

No person or household may own, harbor, shelter or keep more than three (3) dogs, five (5) cats, or a combination not to exceed a total number of five (5) animals thereof, over the age of five (5) months. In determining the limitation on the number of dogs and cats provided for above, any specific dog or cat which is owned or licensed on or before the effective date of this Ordinance will be grand-fathered in. Such animal may not be replaced upon death to the extent that the number of animals kept by the owner exceeds the number provided in this paragraph.

(3) Sanitary Standards -

Animals kept within or on private premises shall be so maintained as not to cause a rubbish problem, a potential rodent problem or an offensive odor problem.

(4) Rabies Vaccination Required -

No person shall keep any dog within the Village limits without securing a rabies shot and tag. Proof of the vaccination shall be on the collar or harness securely attached to the body of the dog showing that it has been vaccinated against rabies and that such vaccination is current.

(5) Dogs and Cats Running At Large -

No owner of any dog or cat shall permit such dog or cat to run at large within the Village.

(6) Keeping of Vicious Dogs -

(A) Confinement -

All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed or muzzled as set forth in (B) below. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Village of Oostburg. All such structures shall be kept in a clean and sanitary condition.

(B) Leash and Muzzle -

No person owning, harboring, sheltering or keeping a vicious dog may permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash

no longer than four (4') feet in length. No person may permit a vicious dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person is in physical control of the leash. A vicious dog on a leash outside the dog's kennel may be muzzled with a device sufficient to prevent the dog from biting persons or other animals.

(C) Signage -

All owners, keepers or harborers of vicious dogs shall display in a prominent place on their premises a sign easily readable by the public, stating "Danger – Vicious Dog." A similar sign must be posted on the kennel or pen of the dog.

(D) Vicious Dog Determination -

All complaints relating to vicious dogs shall be referred to the Sheboygan County Sheriff's Department. Once notified of a formal complaint, the Village Board shall schedule a hearing, giving notice and opportunity to be heard to the owner. The Village Board, upon a majority vote, shall make a determination as to whether such a dog is vicious as defined in (1) (H) above. Upon a determination that a dog is vicious, the Village Board shall inform the owner, keeper or harborer of the dog and shall provide such person with a copy of this section.

(E) Within fifteen (15) days of a decision that a dog is vicious as determined in (6) (D) above, the owner of the vicious dog shall either comply with all provisions of this section or dispose of such dog.

(7) Dog License Required -

The owner of a dog that is kept in the Village, which is more than five (5) months of age on January 1 of any year or five (5) months of age within the license year, shall annually, on or before the date the dog becomes five (5) months of age, pay the dog license tax and obtain a license. The dog license tax is \$3.00 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$8.00 for an unneutered male dog or unspayed female dog. The license year commences on January 1 and ends on the following December 31. The Village Treasurer shall assess and collect a late fee of \$5.00 from any owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year or within thirty (30) days of acquiring ownership of a licensable dog. Before obtaining a dog license, an applicant for a license must have the dog vaccinated for rabies. The proof of vaccination shall be in the form showing the owner's name and address, a description of the dog, date of vaccination, rabies vaccination tag number and required vaccination date. The veterinarian shall issue a tag to the owner of the dog.

(8) Display of License and Rabies Tag -

All dogs kept within the Village are required to wear their license and rabies tag on a collar. The fact that a dog is without a license or rabies tag attached to a collar shall be presumptive evidence that the dog does not have the requisite license or tag.

(9) Impoundment -

Any individual or authorized act as a law enforcement officer in the Village of Oostburg shall attempt to capture and restrain any dog running at large and any untagged dog. If such dog is licensed, it shall be immediately returned to the owner, and the owner shall be cited for violation of this Ordinance. If the dog is not licensed, it shall be disposed of in a humane manner.

(10) Venomous and Non-venomous Reptiles -

No person may own, harbor, shelter or keep a venomous reptile of any kind or a non-venomous reptile more than six (6') feet in length within the Village, except that alligators, crocodiles, and other similar water species shall not exceed four (4') feet in length.

(11) Penalty -

Any person violating the terms of this Ordinance shall pay a forfeiture of \$25.00 for the first offense and not more than \$100.00 for each subsequent offense.

2.03 PROHIBITING MINORS FROM BEING ON THE PUBLIC STREETS OR OTHER PUBLIC PLACES AFTER CERTAIN HOURS AT NIGHT³

(1) No minor shall be on the public streets or public places of the Village of Oostburg between the hours of 11:00 o'clock P.M. and 5:00 o'clock A.M., except only in the following instances:

- (A) accompanied by a parent, legal guardian or spouse;
- (B) coming from or going to a function sponsored by a school, church or other recognized authority;
- (C) being on an emergency errand for a parent;
- (D) holds a written permit from a teacher, parent or adult in charge of a group of minors;
- (E) being lawfully employed at the time.

(2) Any person who violates the provisions of this Section 2.03 shall pay a forfeiture not to exceed One-hundred (\$100.00) Dollars.

2.04 PARKING AND ACCUMULATION OF UNLICENSED MOTOR VEHICLES

(1) It shall be unlawful to park, stand, accumulate more than one unlicensed vehicle by any owner of land or occupant of any land in the Village of Oostburg, except:

- (A) for those operating properly licensed and equipped junk yards, or motor vehicle dealerships;
- (B) for those unlicensed vehicles that are being used as farm equipment, and;
- (C) for any such vehicles that are located in garages or other like structures hidden from public view.

(2) Penalty -

Any person who shall violate or cause to be violated any provision of this section, shall upon conviction thereof, be fined not less than Ten (\$10.00) Dollars nor more than One-hundred (\$100.00) Dollars for each day said violation continues after the receipt of the written notice of removal thereof.

2.05 PROHIBITING THE CONSUMPTION OF MALT BEVERAGES AND INTOXICATING LIQUOR IN PUBLIC PLACES

(1) Beer or Liquor Not to Be Consumed in Public Places -

No person in charge of a public place shall allow any person to consume fermented malt beverages or intoxicating liquor in any form in any public place in the Village of Oostburg, not properly licensed for the sale of the same. No person shall consume fermented malt beverages or intoxicating liquor in any form in any public place in the Village of Oostburg, not properly licensed for the sale of the same. The term "public place" shall be construed to mean the streets, alleys, public parks, buildings open to the public, and any place of business open to the public.

(2) Penalty -

³ Changed by action of the Village Board 08/08/1994. See minutes of the Village Board pg. 1054.

Any person found in violation of this ordinance shall pay a forfeiture of not to exceed One-hundred (\$100.00) Dollars.

2.06 PUBLIC NUISANCE

(1) Public Nuisances Prohibited -

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

(2) Definitions -

(A) Public Nuisance

A public nuisance is a thing, act, occupation, condition, or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (2) In any way render the public insecure in life or in the use of property;
- (3) Greatly offend the public morals or decency;
- (4) Unlawful and substantially interfere with, obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(B) Public Nuisances Affecting Health -

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances coming within the definitions of subsection A of this section:

- (1) All decayed harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- (2) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 25 hours after death;
- (3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any materials whatsoever in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed.
- (4) All stagnant water in which mosquitoes, flies or other insects can multiply;
- (5) Privy vaults and garbage cans which are not fly-tight;
- (6) All noxious weeds and other rank growth of vegetation;
- (7) All animals running at large;
- (8) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;
- (9) The burning of trash, leaves, rubbish, garbage or any other combustible material in an outside fire before the hour of 3:00 o'clock P.M. or after the hour of 10:00 o'clock P.M.
- (10) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substance.
- (11) Any use of property, substances or things within the Village of Oostburg or within four (4) miles thereof, emitting or cause any foul, offensive, noisome,

noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of the ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.

(12) All abandoned wells not securely covered or secured from public use.

(C) Public Nuisances Offending Morals and Decency -

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection A of this section:

- (1) All gambling devices and slot machines;
- (2) All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village of Oostburg.
- (3) Any place or premises within the Village of Oostburg where Village ordinances or State Laws relating to public health, safety, morals or welfare are openly, continuously, repeatedly and intentionally violated;
- (4) Any place or premise resorted to for the purpose of drinking of intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or the ordinances of the Village.

(D) Public Nuisances Affecting Peace and Safety -

The following acts, omission, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting Public peace or safety coming within the provisions of subsection A of this section:

- (1) All ice not removed from public sidewalks and all snow not removed from public sidewalks within twenty-four (24) hours after it has ceased to fall thereon;
- (2) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds of places frequented by the public, so situated or constructed as to endanger the public safety;
- (3) All buildings, erected, repaired or altered within the fire limits of the Village of Oostburg, in violation of the provisions of the ordinances of the Village, relating to materials and manner of construction of buildings and structures within said district;
- (4) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing;
- (5) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
- (6) All limbs of trees which project over a public sidewalk, less than ten (10) feet above the surface thereof or less than fourteen (14) feet above the surface of a public street;
- (7) All use or display of fireworks except as provided by laws of the State of Wisconsin;
- (8) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;

- (9) All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the street or ground;
- (10) All loud, discordance and unnecessary noises or vibrations of any kind;
- (11) The keeping or harboring of any animal, other than dog or cat, or fowl which by frequent or habitual howling, yelping, barking, growling, or making of other noises which shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village;
- (12) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinance, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;
- (13) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
- (14) 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;
- (15) 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;
- (16) Repeated or continuous violations of the ordinances of the Village of Oostburg or laws of the State of Wisconsin relating to the storage of flammable liquids.

(3) Abatement of Public Nuisances -

(A) Inspection of Premises -

Whenever complaint is made to the Village Board that a public nuisance exists within the Village of Oostburg, they shall promptly notify the Village President, health officer or building inspector who shall forthwith make an inspection or cause it to be inspected, and shall make a written report of his findings to the Village Board. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Clerk.

(B) Summary Abatement -

(1) Notice to Owner -

If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President shall direct that notice be served on the owner or; if the owner cannot be found, on the occupant or person causing, permitting or maintaining such premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty-four (24) hours and shall state that unless such nuisance is abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same as the cause may be.

(2) Abatement by Village -

If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisances cannot be found, the health officer, in case of health nuisances, Sheriff's Department or Village President, in other cases, 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 on 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 file a written report of his findings with the Village President who shall cause an action to abate such nuisance to be commenced in the name of the Village in the Circuit Court of Sheboygan County in accordance with the provisions of Chapter 823 of the Wisconsin Statutes of 1979- 80.

(D) Other Methods Not Excluded -

Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisance by the Village of Oostburg or its officials in accordance with the laws of the State of Wisconsin.

(1) Cost of Abatement -

In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

(2) Penalty -

The penalty for violation of this section shall be a forfeiture not to exceed the sum of twenty-five (\$25.00) Dollars for each day of violation.

2.07 OBSCENE MATERIAL AND LITERATURE TO MINOR(S)⁴

(1) Definitions. As used in this section:

- A. "Minor" means any person under the age of eighteen (18) years.
- B. "Harmful to minors" means that quality of any description or representation in whatever form, or nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:
 - 1. predominately appeals to the prurient, shameful or morbid interest of minors, and
 - 2. is potentially offensive to prevailing standards in the adult community as a whole as to what is suitable material for minors, and
 - 3. is utterly without redeeming social importance for minors.
- C. "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state.
- D. "Sexual conduct" means act of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast.
- E. "Sexual excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

⁴Added by Ordinance 1-1987, Adopted January 12, 1987, Published March 5, 1987. See Minutes of the Village Board, Vol. 7, pg. 733, 733A(1) - (3).

- F. "Sadomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.
- G. "Knowingly" means having general knowledge of, or reason to know, or a belief or grounds for belief which warrants further inspection or inquiry of both:
 - 1. The character and content of any material described therein which is reasonably susceptible of examination by the person charged with violation of this ordinance, and
 - 2. The age of the minor, provided however, that an honest mistake shall constitute an excuse from liability hereunder if the person charged with a violation hereof made a reasonable bona fide attempt to ascertain the true age of such minor.
- H. "Material" means any book, magazine, newspaper, pamphlet, poster, picture, figure, image or description.
- I. "Person" means any individual, partnership, association, corporation, or other legal entity of any kind.
- J. "A reasonable bona fide attempt" means an attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor

(2) Restrictions.

- A. Involving Sale or Display. No person shall engage in the business of selling, lending, giving away, showing, advertising for sale or distributing to any minor nor shall have in his possession with intent to engage in said business or to otherwise offer for sale or commercial distribution to any minor, nor shall any person display at any news stand or any other business establishment or place frequented by minors or where said minors are or may be invited as a part of the general public:
 - 1. Any picture, photograph, drawing, sculpture or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors.
 - 2. Any book, pamphlet, magazine, printed matter however reproduced, which contains any matter enumerated in paragraph A. of Section (1) hereof, or explicit and detailed verbal description or narrative account of sexual excitement, sexual conduct or sado-masochistic abuse and which, taken as a whole, is harmful to minors.
 - 3. Any book, magazine, or other publication in which there is prominently featured an act of crime and which depicts by the use of drawings, cartoons, or photographs, the commission or attempted commission of the crimes of arson, assault with caustic chemicals, assault with a deadly weapon, burglary, kidnapping, mayhem, murder, rape, robbery, theft or voluntary manslaughter.
- B. Involving Acts of Minors. No minor shall:
 - 1. Have in his/her possession the materials listed in (2) A. 1., 2., 3. above.
 - 2. Misrepresent either orally or in writing, that he is not under the age of 18 years, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material, is guilty of a violation of this ordinance.
- C. Exceptions to restrictions.

1. This section shall not apply to those accounts of crime which are part of the general dissemination of news nor to such drawings or photographs used to illustrate such accounts.
2. For any sale or exhibition to a minor where such person had reasonable cause to believe that the minor involved was 18 years old or more, and such minor exhibited to such person a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more.
3. The material involved was displayed, presented or disseminated to a minor at a recognized and established school, church, museum, medical clinic, hospital, public library, governmental agency, quasi-governmental agency and persons acting in their capacity as employees or agents of such persons or organizations, and which institution displays, presents or disseminates such material or performance for a bona fide governmental, educational or scientific purpose.
4. For purpose of this section, it is not a display if such reading material behind or adjoining a checkout counter or cash register stand, although visible to customers, is displayed on a rack, stand or ledge which has opaque screen or border of sufficient reading material - exposing only the title - is visible.

(3) Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Village Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase had been declared invalid or unconstitutional.

(4) Penalties.

- A. Any violation of Section (2), A., a forfeiture of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), and in default of payment thereof, imprisonment for not exceeding thirty (30) days.
- B. Any violation of Section (2) B., 1., 2., a forfeiture of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00)."

2.08 Oostburg Parks And All Public Parking Area Regulations⁵

1. Purpose. The purpose of this regulation shall be to secure for the public the quiet, orderly and suitable use and enjoyment of the Oostburg parks and all public parking areas located in the Village of Oostburg.
2. USE OF PARKS. Oostburg Parks are open for use by the public without charge except that the parks shall be closed to users between 10 p.m. and 6 a.m. During the hours when Veterans Park is open, the food stand may be reserved by contacting the Wastewater Treatment Plant Operator. Such permission shall be granted at no cost on the condition that the holder of the reservation shall be responsible for clean-up and restoring the area to its condition prior to such use.
3. CONDUCT IN THE PARKS. No person shall engage in any disorderly conduct, nor in any lewd or lascivious talk, act or behavior in the parks; all refuse paper or waste materials shall be placed in receptacles provided therefore; apparatus, property or shrubbery shall not be destroyed or mutilated.

⁵ Added by Ordinance 6-1994, Adopted September 12, 1994, Published September 17, 1994. See Minutes of the Village Board, Vol 10, pg. 1056, 1058a-b.

4. REGULATIONS. The Property Committee may adopt such additional rules and regulations for the use of the parks as above stated, which shall take effect upon passage by the Oostburg Village Board and posting in the parks, and are made a part hereof by reference.
5. NOTICE TO THE PUBLIC. The hours of operation of the parks and notification that use is subject to regulation as posted, shall be erected on appropriate signs at the main entry ways to the parks.
6. PENALTY. A violation of any of the provisions of this Section or any of the rules and regulations incorporated in this Section by reference shall subject the violator to a penalty of not less than \$50.00 (Fifty Dollars), nor more than \$100.00 (One Hundred Dollars), plus the cost of prosecution.

2.09 Private Property Loitering Prohibited⁶

- (1) Restrictions-
 - (A) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps, or entrance of any business place or private residence without the express consent of the owner thereof, or at any time other than usual business hours. Under this subsection, business place shall include public buildings at such times that the same shall be closed for the usual and normal business conduct thereat.
 - (B) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the express consent of the owner thereof, whether such motor vehicle be parked upon a public street, alley, parking lot, driveway, or private premises.
- (2) Compliance Upon being requested to move by any such person in authority or by any law enforcement officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) Penalty Any person who shall violate or cause to be violated any provision of this section, shall upon conviction thereof, be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$ 100. 00), plus the cost of prosecution.

2.10⁷ Adoption of State Law by Reference Relating to Resisting or Obstructing an Officer.

- (1) The statutory provisions of Wis. Stat. § 946.41, exclusive of any statutory criminal and penalty classification, are hereby adopted and by reference made a part of this code as if fully set forth herein.
- (2) The penalty for the first violation of this section shall be \$50.00 (Fifty Dollars) plus all applicable court costs, and \$100.00 (One Hundred Dollars) plus all applicable court costs for all subsequent violations.

2.11⁸ Adoption of State Law by Reference Relating to Disorderly Conduct.

⁶ Added by Ordinance 5-1998, Adopted May 11, 1998. See Minutes of the Village Board, Vol 12, pg. 1154.

⁷ Added by Ordinance -2001, Adopted October 8, 2001, Published October 16,2001. See Minutes of the Village Board, Vol 13, pg 1248.

⁸ Added by Ordinance -2001, Adopted October 8, 2001, Published October 16,2001. See Minutes of the Village Board, Vol 13, pg 1248.

- (1) The statutory provisions of Wis. Stat. § 947.01, exclusive of any statutory criminal and penalty classification, are hereby adopted and by reference made a part of this code as if fully set forth herein.
- (2) The penalty for the first violation of this section shall be \$50.00 (Fifty Dollars) plus all applicable court costs, and \$100.00 (One Hundred Dollars) plus all applicable court costs for all subsequence violations.