

Title 11 ► Chapter 2

OK 1-22-09

Offenses Against Public Safety and Peace

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Sec. 11-2-1 Discharge of Firearms.

- (a) The discharge of firearms is permitted only upon property zoned in the Exclusive Agricultural or Agricultural Transition Districts.
- (b) No firearm may be discharged within one thousand (1,000) feet of a Residential or Commercial District.
- (c) This ordinance shall not apply to any police officer acting in the course of his duties.
- (d) Nor shall this ordinance restrict any rights granted to properly licensed hunters during lawful hunting hours and in the pursuit thereof.
- (e) This ordinance shall not affect the present operations of the existing and duly organized gun clubs within the township.

Any person, firm or corporation who shall be adjudicated of having violated any of the provisions of this ordinance shall, upon conviction thereof, be subject to forfeiture of not less than Fifty Dollars (\$50) nor more than One Hundred and Fifty Dollars (\$150) and the costs of the action, and on default of the payment of the forfeiture and the costs of the action shall be imprisoned in the County Jail of Fond du Lac County until such terms are paid, but not to exceed thirty (30) days, and each day of violation shall be subject to a separate action hereunder.

Sec. 11-2-2 Sale and Discharge of Fireworks Restricted.

No person shall use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Town of Friendship unless he shall be authorized by a fireworks permit as provided in Title 7 of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Sec. 167.10(1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.

Sec. 11-2-3 Loitering Prohibited.

- (c) **General Regulation of Loitering or Prowling.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement 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/her to identify himself and explain his/her presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.
- (d) **Public Property Loitering Prohibited.**
- (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any law enforcement officer.
 - (2) 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.
- (e) **Private Property Loitering Prohibited.**
- (1) 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.
 - (2) 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.
- (f) **Loitering or Prowling Prohibited.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify him-self/herself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement 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/her to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

- (g) **Loitering by Underage Persons Where Alcohol Beverage is Dispensed.**
- (1) **Underage Persons and Intoxicants.** No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
 - (2) **Permitting Loitering Permitted.** No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (h) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Town of Friendship.
 - (3) **Prowl.** To move or roam about furtively, particularly on the property of another person.

Sec. 11-2-4 **Disorderly Conduct.**

- (a) **Disorderly Conduct Prohibited.** No person within the Town of Friendship shall:
- (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (b) **Disorderly Conduct With Motor Vehicle.** No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine or by emitting unnecessary and loud muffler noise.
- (c) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Town, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings, or to indecently expose his/her person.

Sec. 11-2-5 Obscenity.

- (a) **Distribution of Obscene Material Prohibited.** It shall be unlawful for any person to send or cause to be sent, bring or cause to be brought into the Town of Friendship, for sale or distribution, or for any person in the Town of Friendship to prepare, publish, print, exhibit, distribute or offer to distribute, or have in his possession with intent to distribute or to exhibit or offer to distribute, any material that such person knows to be "obscene" as hereinafter defined.
- (b) **Prohibition on Public Nudity.** No person shall knowingly or intentionally, in a public place, appear in a state of nudity.
- (c) **Definitions.**
 - (1) **Obscene.** Shall apply to any work or material that depicts or describes acts of: sexual intercourse between humans, normal or perverted, actual or simulated; acts of masturbation; fellatio; cunnilingus; acts of a sexually stimulated condition; and sexual relations between humans and animals, any of which taken as a whole by the average person applying contemporary community standards would be found to:
 - A. Appeal to the prurient interest in sex; and
 - B. Portray sexual conduct in a patently offensive way; and which, taken as a whole by the average person applying contemporary national standards, would be found not to have serious literary, artistic, political or scientific value.
 - (2) **Material or Work.** Any book, magazine, newspaper, or other printed or written material, or any picture, drawing, photograph, motion picture, video tape, or other pictorial representation.
 - (3) **Person.** Any individual, partnership, firm, association, corporation or other legal entity.
 - (4) **Distribute.** Any transfer or possession with intent to transfer, whether with or without consideration.
 - (5) **Know.** Being aware, or having reason to be aware, of the nature of the materials alleged to be obscene.
 - (6) **Nudity.** The showing of the human male or female genitals, or pubic area with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

Sec. 11-2-6 Unnecessary Noise.

- (a) **Prohibition.** Whoever causes any unreasonably loud, disturbing or unnecessary noise or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or which is in the disturbance of public peace and welfare is hereby prohibited.

- (b) **Definitions.** The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this Section, but this enumeration shall not be deemed to be exclusive; namely:
- (1) **Horns and Signal Devices.** The sounding of any horn or signal device on any auto mobile, motorcycle, bus or other vehicle while in motion, except as a danger signal or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any signal device of any unreasonable loud or harsh sound and the sounding of such device for an unnecessary or unreasonable period of time.
 - (2) **Unreasonable Playing of Radio, Phonographs or Music Instruments.** The playing of any radio, phonograph or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, or in any hotel or other type of residence or of any persons in the vicinity.
 - (3) **Public Address Systems.** The use of a public address system to amplify sound of any nature in such manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any hotel or other type of residence or of any persons in the vicinity .
 - (4) **Unnecessary Noises by Animals, Birds, and Fowl.** The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
 - (5) **Mufflers on Engines Required.** To discharge in to the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (6) **Tire Squealing and Unnecessary Motor Noise.** The squealing of motor vehicle tires and unnecessary motor noise caused by the intentional sudden acceleration or deceleration of the engine or the motor vehicle itself, designed to accomplish that effect.