

CHAPTER 6

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- 6.01 DISORDERLY CONDUCT**

No person shall within the Village, in either a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. Disorderly conduct includes causing, or provoking, or engaging in any fight, brawl, riot or noisy altercation.

- 6.02 DISTURBING THE PEACE**

(1) No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or that precludes the quiet enjoyment by another of his or her property or which negatively affects another's property values. This general prohibition is not limited by the specific restrictions set forth in subsections (2) through (4) of this section.

(2) No person shall disturb the peace by any of the following means:

(a) Fighting, screaming, shouting, swearing, singing or using insulting, derogatory or obscene language;

(b) Impeding, molesting or intimidating other persons in a public place;

(c) Loitering in a public place, or in any way obstructing persons who are in that public place; or

(d) Participating in a party or other gathering or being present at a party or other gathering in a public or private place that gives rise to unnecessary noise, or disturbs the peace, quiet or repose of any other person, or that interferes with another's quiet use and enjoyment of his or her dwelling place or other property. When any law enforcement officer determines that such a party or gathering is in violation of this subsection, the officer may order the participants to disperse. If any participants refuse to disperse, the officer may arrest such person and issue a citation for violation of this section. If any participants who have once dispersed reconvene a gathering anywhere in the Village within 24 hours, which gathering again violates this section, the officer may cite such participants for both violations.

(3) No person shall use, operate, or permit the use or operation of any radio receiving set, phonograph, cassette player, compact disc player, musical instrument, microphone, amplifier or other device for producing or reproducing sound in a distinctly and loudly audible manner, or make or cause to be made any other loud and unnecessary sounds or noises, so as to disturb the peace, quiet, comfort or repose of any other person nearby.

(4) No person shall make any unnecessary or annoying noises with a motor vehicle by squealing tires, excessively accelerating the engine, blowing the horn or emitting unnecessary and loud muffler noises.

(5) This section shall not be construed to prohibit public celebrations, or entertainment held by organizations who have the approval of the Village Board, and which are held to celebrate or observe Memorial Day, Flag Day, Labor Day, July Fourth, Veterans Day, Christmas, New Year's Day, or other events approved of by the Village Board.

6.03 RESISTING OR OBSTRUCTING AN OFFICER

(1) No person shall knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.

(2) In this section:

(a) “Obstructs” includes without limitation knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty including the service of any summons or civil process.

(b) “Officer” means a peace officer or other public officer or public employee having the authority by virtue of the officer's or employee's office or employment to take another into custody.

6.04 OPEN CONTAINERS OF ALCOHOL BEVERAGES PROHIBITED

(1) Public Property Restrictions. No person shall drink any alcohol or intoxicating beverages, and no person shall possess any open container containing any such beverage on any public street, sidewalk or alley within the Village or upon property belonging to the Village, except in the Montfort Village Parks, and then only between the hours of 6:00 a.m. to 11:00 p.m. This restriction shall not apply to special events for which special permits are granted by the Village Board, provided that the drinking or possession occurs in areas covered by such special permits.

(2) Removal of Open Container from Licensed Premises. No person holding any license for the sale of alcohol beverages shall permit any customer to leave the licensed premises while in the possession of an open container, containing any alcohol or intoxicating beverage. All such licensees shall post a notice which states that no patron may leave the premises while in the possession of such an open container.

6.05 WEAPONS IN PUBLIC BUILDINGS

(1) Definitions. The following definitions shall apply to the terms used in this ordinance:

(a) “Public building” shall mean any building owned, occupied or controlled by the Village of Montfort.

(b) “Special event” means an event that is open to the public, is organized by the Village of Montfort, is for a duration of not more than 3 weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.

(c) “Weapon” means any firearm, 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 Wis. Stat. sec. 941.295(1c)(a); 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 including any knife with a blade length of greater than three (3) inches.

(2) Prohibitions. Other than as provided in sub. (4), it shall be unlawful for any person:

(a) While carrying a weapon, to enter or remain at a special event organized by the Village if the Village has notified the actor not to enter or remain at the special event while carrying a weapon.

(b) To enter or remain in any part of a public building, if the Village has notified the actor not to enter or remain in the building while carrying a weapon.

(3) Notice and Signs.

(a) For the purposes of this section, the Village has notified an individual not to enter or remain in a part of the public building while carrying a weapon if the Village has posted a sign that is located in a prominent place near all of the entrances to the public building and any individual entering the building can be reasonably expected to see the sign.

(b) For the purposes of this section, the Village has notified an individual not to enter or remain at the special event organized by the Village while carrying a weapon if the Village has posted a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign.

(c) Signs shall be not less than five inches by seven inches in size and shall state that weapons are prohibited in the building or at the special event.

(4) Exceptions. The prohibitions in sub. (2) do not apply to the following:

(a) A law enforcement officer as defined under Wis. Stat. sec. 175.49(1)(g);
or

(b) A peace officer other than a commission warden who is not a state certified commission warden; or

(c) A person engaged in food preparation or other activity (e.g., Civil War reenactment, dramatic production) authorized by the Board if the weapon (such as a knife) is a reasonably necessary tool or prop for the person engaged in such food preparation or other activity authorized by the Board.

(d) To a person who leases residential or business premises in a public building or, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the building used as a parking facility.

(e) To a person attending a special event, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the special event grounds or building used as a parking facility.

(f) To a person who rents all or part of a public building for the purpose of holding an auction or estate sale and who is auctioning or selling the personal property of a household or decedent, provided that any weapon or firearm sold is removed from the premises promptly after sale and, in the case of any firearm, said firearm is at all times unloaded.

(5) Penalty Provision. Any person who violates this section shall be subject to a forfeiture of not less than \$50.00 nor more than \$200.00.

6.06 DISCHARGING FIREARMS AND GUNS PROHIBITED

(1) No person, except a sheriff, constable, police officer or their deputies, shall fire or discharge any firearms, rifle, spring or air gun of any description within the Village of Montfort, provided that this section shall not prevent the maintenance and use of duly supervised rifles or pistol ranges or shooting galleries authorized by the Village Board, or the firing or discharging of BB guns upon private premises by persons over 16 or under the direct personal supervision of a parent or guardian. This provision shall be deemed to prohibit hunting within the Village of Montfort.

6.07 USE OF FIREWORKS

(1) No person shall sell, possess or use fireworks, as that term is defined in s. 167.10, Stats., in the Village.

(2) The prohibition of sub. (1) shall not apply to the Village, or to any group or entity which has been issued a user's permit by the Village President pursuant to s. 167.10(3), Stats.”

6.08 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED

(1) No person shall throw or shoot any object, arrow, stone, BB, pellet, or other missile or projectile by hand or by means of an air gun, BB gun, pellet gun or sling shot, bow and arrow, crossbow or any similar device which projects a missile at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public or private place within the Village, including any target practice. Any air gun, BB gun or pellet gun shall be carried in a case or securely closed in a holster or wrapping, and shall be unloaded.

(a) The shooting of cross bows and bow and arrow for target shooting purposes will be allowed as long as it is done in a safe manner and consistent with state statute.

(2) Section (1) shall not apply to a person hunting with a bow and arrow or a crossbow except:

(a) No person may hunt with a crossbow or bow and arrow within 100 yards of a building located on another person's land unless the person who owns the land on which the building is located allows the hunter to hunt within 100 yards of the building. For purposes of this subsection, "building" means a permanent structure used for human occupancy and includes a manufactured home.

(b) No person may hunt with a crossbow or bow and arrow in any Village park or other property owned by the Village.

(c) No person hunting with a crossbow or bow and arrow may discharge the arrow or bolt from the respective weapon other than toward the ground.

6.09 DESTRUCTION OF PROPERTY PROHIBITED.

No person shall intentionally injure, deface or damage any property of another within the Village without the consent of the owner or proper authority.

6.10 CRUELTY TO ANIMALS PROHIBITED

No person except a peace officer or health or humane officer in pursuit of his or her duties, shall within the Village shoot or kill any animal other than vermin or commit an act of cruelty on any animal or disturb any nest of any animal other than vermin.

6.11 KEEPING OF FARM ANIMALS; ANIMALS RUNNING AT LARGE

(1) Animals and Poultry Not to Run At Large. No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the Village.

(2) Keeping of Livestock and Poultry Regulated. No person shall keep or maintain any poultry or fowl, or any livestock such as horses, cattle, sheep or goats on any property in the Village except as expressly permitted by village zoning or other ordinance.

6.12 LITTERING PROHIBITED

(1) No person shall throw, deposit or abandon any garbage, refuse, waste material or other property or substance upon the streets, alleys, highways, public parks or other property of the

Village; or upon the surface of any body or stream of water within the Village; or upon any private property within the Village without the consent of the owner of such property.

(2) No person shall place, deposit or abandon any garbage, refuse, waste material or other property or substance in any refuse container of another within the Village.

6.13 TRESPASSING PROHIBITED

(1) No person shall intentionally enter a dwelling of another, without the consent of someone lawfully on the premises, under circumstances tending to create or provoke a breach of the peace.

(2) No person shall enter on the land of another without the express or implied consent of the owner or occupant.

(3) No person shall enter or remain on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

(4) No person shall operate, stand or park any motor vehicle, all-terrain vehicle or snowmobile on any land of another without the consent of the owner or occupant. For purposes of this section, no person shall be deemed to have implied consent to operate, stand or park any motor vehicle, all-terrain vehicle or snowmobile on the land of another, except that a person does have implied consent to operate, stand or park a motor vehicle on an established, unposted driveway of a business or residence for purposes of conducting business or conferring with someone lawfully at or in the residence. "Land of Another" includes all land owned by the Village of Montfort, except highways, streets, alleys and designated parking areas.

(5) A person has received notice not to enter or remain on premises within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. Land is posted if it meets the requirements of Wis. Stat. § 943.13, or, in cases of parcels less than 10 acres in area, if there is any clearly visible and legible sign on the premises indicating that trespassing is prohibited.

6.14 PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY PERSONS UNDER 18 PROHIBITED

(1) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette, nicotine product, or tobacco product.

(2) No person under 18 years of age may purchase, attempt to purchase, or possess any cigarette, nicotine product, or tobacco product except as follows:

(a) A person under 18 years of age may purchase or possess cigarettes, nicotine products, or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.

(b) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes, nicotine products, or tobacco products in the course of his or her participation in an investigation under Wis. Stat. § 254.916 that is conducted in accordance with Wis. Stat. § 254.916(3).

(3) No person may purchase cigarettes, tobacco products, or nicotine products on behalf of, or to provide to, any person who is under 18 years of age. Any person who violates this subsection may be:

(a) Required to pay a forfeiture not more than \$500 if the person has not committed a previous violation within 30 months of the violation.

(b) Required to pay a forfeiture not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.

(c) Required to pay a forfeiture not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.

(d) Required to pay a forfeiture not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.

(4) A law enforcement officer shall seize any cigarette, nicotine product, or tobacco product that has been sold to and is in the possession of a person under 18 years of age.

(5) Any person under the age of 18 convicted of violating this section shall forfeit \$20.00.

6.15 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR NICOTINE OR TOBACCO PRODUCTS.

(1) Definitions. In this section:

(a) "Cigarette" has the meaning given in Wis. Stat. sec. 139.30(1m).

(am) "Direct marketer" has the meaning given in Wis. Stat. sec. 139.30(2n).

(b) "Distributor" means any of the following:

- (i) A person specified under Wis. Stat. sec. 139.30(3).
 - (ii) A person specified under Wis. Stat. sec. 139.75(4).
- (c) "Identification card" means any of the following:
- (i) A license containing a photograph issued under ch. 343, Wis. Stats.
 - (ii) An identification card issued under Wis. Stat. § 343.50.
 - (iii) An identification card issued under Wis. Stat. § 125.08, 1987 stats.
- (d) "Jobber" has the meaning given in Wis. Stat. § 139.30(6).
- (e) "Manufacturer" means any of the following:
- (i) A person specified under Wis. Stat. § 139.30(7).
 - (ii) A person specified under Wis. Stat. § 139.75(5).
- (f) "Nicotine product" means a product that contains nicotine and is not any of the following:
- (i) A tobacco product.
 - (ii) A cigarette.
 - (iii) A product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose.
- (g) "Retailer" means any person licensed under Wis. Stat. § 134.65(1).
- (h) "School" has the meaning given in Wis. Stat. § 118.257(1)(d).
- (hm) "Stamp" has the meaning given in Wis. Stat. § 139.30(13).
- (i) "Subjobber" has the meaning given in Wis. Stat. § 139.75(11).
- (j) "Tobacco products" has the meaning given in Wis. Stat. § 139.75(12).
- (k) "Vending machine" has the meaning given in Wis. Stat. § 139.30(14).
- (l) "Vending machine operator" has the meaning given in Wis. Stat. § 139.30(15).
- (2) Restrictions.

(a) No retailer, direct marketer, manufacturer, distributor, jobber or sub jobber, no agent, employee or independent contractor of a retailer, direct marketer, manufacturer, distributor, jobber or sub jobber and no agent or employee of an independent contractor may sell or provide for nominal or no consideration cigarettes, nicotine products, or tobacco products to any person under the age of 18, except as provided in Wis. Stat. § 254.92(2)(a). A vending machine operator is not liable under this paragraph for the purchase of cigarettes, nicotine products, or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

(am) No retailer, direct marketer, manufacturer, distributor, jobber, sub jobber, no agent, employee or independent contractor of a retailer, direct marketer, manufacturer, distributor, jobber or sub jobber and no agent or employee of an independent contractor may provide for nominal or no consideration cigarettes, nicotine products, or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.

(b) 1. A retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this section and Wis. Stat. § 254.92.

2. A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under Wis. Stat. § 254.92 and that the purchaser is subject to a forfeiture not to exceed \$50.

(cm) 1m. A retailer or vending machine operator may not sell cigarettes or tobacco products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than 18 years of age is present or permitted to enter unless he or she is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.

2. Notwithstanding sub d. 1m., no retailer may place a vending machine within 500 feet of a school.

(e) No retailer or direct marketer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under Wis. Stat. § 139.32(1).

(2m) Training.

(a) Except as provided in par. (b), at the time that a retailer hires or contracts with an agent, employee, or independent contractor whose duties will include the sale of cigarettes or tobacco products, the retailer shall provide the agent, employee, or independent contractor with training on compliance with sub. (2)(a) and (am), including training on the penalties under sub. (4)(a)2. for a violation of sub. (2)(a) or (am). The department of health services shall make available to any retailer on request a training program developed or approved by that department that provides the training required under this paragraph. A retailer may comply with this paragraph by providing the training program developed or approved by the department of health services or by providing a comparable training program approved by that department. At the completion of the training, the retailer and the agent, employee, or independent contractor shall sign a form provided by the department of health services verifying that the agent, employee, or independent contractor has received the training, which the retailer shall retain in the personnel file of the agent, employee, or independent contractor.

(b) Paragraph (a) does not apply to an agent, employee, or independent contractor who has received the training described in par. (a) as part of a responsible beverage server training course or a comparable training course, as described in Wis. Stat. § 125.04(5)(a)5., that was successfully completed by the agent, employee, or independent contractor. The department of health services shall make the training program developed or approved by that department under par. (a) available to the technical college system board, and that board shall include that training program or a comparable training program approved by that department in the curriculum guidelines specified by that board under Wis. Stat. § 125.04(5)(a)5. The department of health services shall also make the training program developed or approved by that department under par. (a) available to any provider of a comparable training course, as described in Wis. Stat. § 125.04(5)(a)5., on request, and the department of revenue or the educational approval board may approve a comparable training course under Wis. Stat. § 125.04(5)(a)5, only if that training course includes the training program developed or approved by the department of health services under par. (a) or a comparable training program approved by that department.

(c) If an agent, employee, or independent contractor who has not received the training described in par. (a) commits a violation of sub. (2)(a) or (am), a governmental regulatory authority, as defined in Wis. Stat. § 254.911(2), may issue a citation based on that violation only to the retailer that hired or contracted with the agent, employee, or independent contractor and not to the agent, employee, or independent contractor who has not received that training. If an agent, employee, or independent contractor who has received the training described in par. (a) commits a violation of sub. (2)(a) or (am) for which a governmental regulatory authority issues a citation to the retailer that hired or contracted with the agent, employee, or independent contractor, the governmental regulatory authority shall also issue a citation based on that violation to the agent, employee, or independent contractor who has received that training.

(3) Defense; Sale to a Minor. Proof of all of the following facts by a retailer, manufacturer, distributor, jobber, or sub jobber, an agent, employee, or independent contractor of a retailer, manufacturer, distributor, jobber, or sub jobber, or an agent or employee of an independent contractor who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of sub. (2)(a):

(a) That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.

(c) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

(4) Penalties.

(a) In this paragraph, "violation" means a violation of sub. (2) (a), (am), (cm), or (e).

(b) A person who commits a violation is subject to a forfeiture of:

(i) Not less than \$100 nor more than \$500 if the person has not committed a previous violation within 12 months of the violation; or

(ii) Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.

(c) A court shall suspend any license or permit issued under Wis. Stat. § 134.65, 139.34 or 139.79 to a person for:

(i) Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;

(ii) Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

(iii) Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.

(d.) The court shall promptly mail notice of a suspension under subd. 3. to the department of revenue and to the clerk of each municipality which has issued a license or permit to the person.

(e) Whoever violates sub. (2)(b) shall forfeit not more than \$25

6.16 PURCHASE OR POSSESSION OF ELECTRONIC DELIVERY DEVICES OR VAPOR PRODUCTS PROHIBITED.

(1) For purposes of this section:

(a) “Electronic delivery device” is defined as any product delivering a vapor product and shall include any component part of such a product whether or not sold separately.

(b) “Vapor product” means any product containing nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product.

(2) No person under the age of 18 may purchase, possess or use electronic delivery devices or vapor products within the Village of Benton.

6.17 PARK REGULATIONS

(1) No person shall camp overnight in the Village park without receiving permission to do so from the Village Board.

(2) No person shall ride, lead or permit to run at large any horse, mule, pony or other beast of burden on any public property within the Village without receiving permission to do so from the Village Board.

(3) No person shall operate any motorized vehicle within the Village park without receiving permission to do so from the Village Board.

(4) No person shall be in the park during the hours of 11:00 p.m. to 6:00 a.m. Restrictions shall not apply to special events approved by the village.

(5) The Public Property Chairperson or Public Works Director may expel from any park for a period up to 30 days any individual, having previously been issued a warning, found to be violating, or reasonably suspected based on credible reports to have violated any provision of this Code while in any park. An individual so expelled may request an administrative review of the decision of the Public Property Chairperson or Public Works Director in accordance with Chapter

68, Wis. Stats. The village board shall be the decision maker in any proceeding pursuant to section 68.11, Wis. Stats. The expulsion order shall remain in force during any administrative review proceedings. Evictees from Village of Montfort parks who have been served an eviction notice may be cited for the violation of trespassing in a Village Park.

6.18 LOITERING OF MINORS PROHIBITED

(1) It shall be unlawful for any minor under the age of eighteen years to loiter or idle in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, vacant lots or other unsupervised places between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m. of the following day. This ordinance, however, is not violated if the minor is:

- (a) Accompanied by the minor's parent or guardian or any other person 18 years or older authorized by a parent to be a caretaker for the minor;
- (b) On an errand at the direction of the minor's parent, guardian or caretaker, without any detour or stop;
- (c) In a vehicle involved in interstate travel;
- (d) Engaged in certain employment activity, or going to or from employment, without any detour or stop;
- (e) Involved in an emergency;
- (f) On the sidewalk that abuts the minor's or the next-door neighbor's residence, if the neighbor has not complained to the police;
- (g) In attendance at an official school, religious or other recreational activity sponsored by the Village of Montfort, a civic organization or another similar entity that takes responsibility for the minor, or going to or from; without any detour or stop, such an activity sponsored by adults; or
- (h) Exercising First Amendment rights, including free exercise of religion, freedom of speech and the right of assembly.

(2) Each violation of the provisions of this section shall constitute a separate offense.

6.19 OPERATION OF VEHICLES REGULATED IN PARK

No person shall operate, park, stop or leave standing any motor vehicle, all-terrain vehicle or snowmobile whether attended or unattended, at any time, in the Village Park unless permission has first been received by the Village Board to do so.

6.20 PENALTIES

Any person convicted of violating any provisions of this Chapter, except as expressly provided elsewhere in this Chapter, shall pay a forfeiture not less than \$50 nor more than \$200 plus the costs of the action.

6.21 MARIJUANA, POSSESSION, DELIVERY AND USE PROHIBITED.

(1) Definition. "Marijuana" means all parts of the plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. "Marijuana" does include the mature stalks if mixed with other parts of the plant, but does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

(2) Possession, Delivery and Use Prohibited. It shall be unlawful for any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.

(3) Exception. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.

(4) Penalty. Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$300.00.

6.22 DRUG PARAPHERNALIA

(1) Definitions. The definitions set forth in Wis. Stat. § 961.571 are hereby adopted by reference and made apart hereof.

(2) Determination. The factors set forth in Wis. Stat. § 961.572 are hereby adopted by reference and made a part hereof as factors a court or other authority shall consider in making the determinations referred to in Wis. Stat. § 961.572.

(3) Possession of Drug Paraphernalia. (a) No person may use, or possess with the primary 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 subsection. Any person who shall violate any provision of this subsection shall, upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$300.00.

(a) Any person who violates this subsection who is under 17 years of age is subject to a disposition under Wis. Stat. §938.344(2e).

(4) Manufacture or Delivery of Drug Paraphernalia.

(a) No person may deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, knowing that it will be primarily 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 subsection. Any person who shall violate any provision of this subsection shall, upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$300.00.

(b) Any person who violates this subsection who is under 17 years of age is subject to a disposition under Wis. Stat. § 48.344(2e).

(5) Delivery of Drug Paraphernalia to a Minor.

(a) Any person 17 years of age or over who violates sub. (4) above by delivering drug paraphernalia to a person under 17 years of age who is at least 3 years younger than the violator shall, upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$500.00.

(b) Any person who violates this subsection who is under 17 years of age is subject to a disposition under §938.344(2e), Wis. Stats.”

6.23 NUDE DANCING IN LICENSED ESTABLISHMENTS PROHIBITED

(1) It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

(a) Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering.

(b) Shows any portion of the female breast below a point immediately about the top of the areola or

(c) Showa the covered male genital in discernibly turgid state.

(2) Exemptions: The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customer and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of , employees engaging in nude erotic dancing.

(3) Penalties. Any person who violates this Section will be subject to a monetary forfeiture on not less than \$50 nor more than \$200 plus court costs for each violation. Each day that a violation exists shall constitute a separate violation and be punishable as such.

6.24 ISSUANCE OF WORTHLESS CHECKS

(1) Issuance of Worthless Check Prohibited. The Village Board hereby adopts Wis. Stat. § Section 943.24, including all changes and amendments.

(2) Penalty. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not more than \$500 plus the costs of prosecution. In the event of default of payment of such forfeiture and the cost of prosecution, the person shall be subject to driver's license suspension as provided by law.