

**CHAPTER 4**  
**OFFENSES ENDANGERING PUBLIC SAFETY,**  
**PEACE, MORALS AND PROPERTY**

**4.01 OFFENSES ENDANGERING PUBLIC SAFETY**

- (A) **DISCHARGING FIREARMS AND PROHIBITED:** No person shall fire or discharge any cannon, gun, pistol, air or spring gun or any firearms of any description without having first obtained written permission from the Vernon County Sheriff's Department, which permission shall limit the time and fix the place of such shooting and shall be subject to be revoked at any time after the same may have been granted, except that this section shall not be construed to prohibit the discharge of firearms by the Sheriff's Department or any of the department deputies, or any subordinates or any public officer when required and made necessary in the performance of any duty imposed by law.
- (B) **OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED:** No person shall stand, sit, loaf, or 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.
- (C) **MAINTENANCE OF PROPERTY**
- (1) **Definitions.** For the purposes of this ordinance, the following words and phrases shall have the meaning assigned to them in this section. Words and phrases not herein otherwise defined shall have the meaning accepted by common use.
- (a) **Blighting Influence.** A condition having an adverse effect on surrounding properties.
  - (b) **Debris.** Broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery, boxes; unusable wood; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances, junk lawn mowers, tar paper, residues from burning or any similar materials which constitute health, fire or safety hazards or a serious blighting influence upon their neighborhood or the Village of Stoddard in general.
  - (c) **Junk.** Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled or wrecked motor vehicle or machinery, or any part thereof, whether salvageable or not. An unlicensed motor vehicle shall be construed to be a junked motor vehicle.
  - (d) **Non-Combustible Material.** Material that cannot be burned.
  - (e) **Rubbish.** Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass crockery and dust, and other similar materials.
  - (f) **Refuse.** Debris as heretofore defined.
- (2) **Exterior Area Requirements.**
- (a) All exterior areas of any premises shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non combustible material, debris, junk and refuse or any similar material which could or may cause fire, safety or health hazards or a serious blighting influence upon surrounding properties.
  - (b) No person, firm or corporation shall allow or permit the exterior areas of their property to remain in a condition that is not in accord with the provisions of this Ordinance.
- (3) **Powers and Duties of the Vernon County Sheriff's Department.** The Vernon County Sheriff's Department shall enforce the provisions of this ordinance and is hereby authorized and directed to make inspections in response to a complaint that an alleged violation of this ordinance exists; or when he/she has good reason to believe that a violation is being committed.

(D) ACCUMULATION OR STORAGE OF JUNK PROHIBITED:

- (1) Nuisance. Storage of old, unused, stripped, junked, unlicensed and/or other automobiles not in condition for normal use or in good and safe operating condition, and/or of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer usable for the purpose for which it was manufactured, which hereinafter are collectively described as “said personalty”, for a period of TEN days or more (except in licensed junk yards) is hereby declared to be a nuisance and dangerous to the public safety.
- (2) Abatement by owner. The owner, owners, tenants, lessees, and/or occupants of any lot within the Village upon which such storage is made, and storage (all of whom will hereinafter be referred to collectively as owners) shall jointly and severally abate said nuisance by the prompt removal of said personalty to a completely enclosed building authorized to be used for such storage purposed, or otherwise to remove it to a location without the corporate limits of the Village and it shall be unlawful if said owners allow said nuisance to exist or fail to abate said nuisance.
- (3) No person shall keep, conduct or maintain any building, structure, yard or place for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second-hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, metals, or other articles which are commonly classed as junk, whether with a fixed place of business or as an itinerant buyer. Any such activity is hereby declared to be an offensive industry under Section 66.052 of the Wisconsin Statutes.
- (4) Whenever junk, as defined above is accumulated, collected, or received from any outside source, it shall be deemed to be in commercial quantities.

(E) UNLAWFUL DUMPING: It shall be unlawful for any person, firm or corporation to permit or allow the throwing, dumping, depositing or discharging of any glass, rubbish, refuse, trash, junk, garbage, ashes, manure, building rubble, dead animals or debris upon the highways, streets, alleys, sidewalks, public parks, lots or any other property of the Village of Stoddard, or upon or within any private property not owned by such person, firm or corporation, or upon any property even though owned by such person, firm or corporation, if such property is within the Village limits of the Village, without the express written permission of the Village of Stoddard Village Board. Violation of this provision shall constitute an offense and such violator or owner may be punished.

(F) CAUSING FIRES BY TOBACCO SMOKING: The provisions of Section 50.58 (1) and (2) of the Wisconsin Statutes relating to Causing Fires by Tobacco Smoking are hereby adopted by reference.

(G) FIREWORKS REGULATED: The provisions of Section 167.10 of the Wisconsin Statutes relating to the regulation of fireworks are hereby adopted by reference.

(H) FALSE ALARMS PROHIBITED: No person shall intentionally give a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise.

(I) SPEED OF TRAINS REGULATED: It shall be unlawful for any officer, employee or conductor of any railroad company to operate any train or engine in excess of forty (40) miles per hour while said train or engine is passing over public streets of the Village of Stoddard.

(J) SKATEBOARDS: It shall be unlawful for any person to operate any skateboard in or on any public street or sidewalk. It shall be unlawful to construct, place or maintain any ramp or other device on any parking lot, either private or public, for the purpose of operating any skateboard.

(K) STORAGE OF TOXIC MATERIALS, GASOLINE AND CHEMICALS: It shall be unlawful for any person to store either above or below ground any toxic material of any kind or gasoline or chemical components of any kind within 1,000 feet of any well owned and/or operated by the Village.

#### (L) DISPOSAL OR PILING OF SNOW IN STREETS AND BOULEVARDS

- (1) No persons shall use the public streets, boulevards, sidewalks or other public grounds as a place for disposal of snow from a private property. Pushing, dumping, or throwing from private property to a public street, boulevard, or other public ground is prohibited.
- (2) The storage or piling of snow at points where sidewalks or driveways intersect the public streets of the Village is prohibited.

#### (M) POSSESSION OF MARIJUANA, NARCOTIC DRUGS, OPIATES AND DRUG PARAPHERNALIA

- (1) Possession of drug paraphernalia, marijuana, narcotic drugs, and opiates is prohibited. It is unlawful for any person to possess drug paraphernalia and the controlled substances of marijuana, narcotic drugs and opiates as the same are defined in Section 161.571, Section 161.01 (14), Section 161.10 (15) and Section 161.01 (16), Wisconsin State Statutes except where such possession is lawful pursuant to chapter 161, Wisconsin State Statutes.
- (2) Any person who violates Section 1 of this ordinance shall upon conviction, be required to forfeit not less than \$125.00 nor more than \$500.00 together with costs of prosecution, and in default of payment thereof shall be committed to the County jail until said forfeiture and costs are paid, but in no event for a period to exceed thirty (30) days.

#### (N) USE AND POSSESSION OF CIGARETTES AND TOBACCO PRODUCTS BY CHILDREN

- (1) The provisions of Section 48.983 of the Wisconsin State Statutes relating to the use and possession of cigarettes and tobacco products, including any amendments thereto, are hereby adopted by reference.
- (2) Any person who violates Section 1 of the ordinance, including those provisions of the Wisconsin State Statutes, Wisconsin Administrative Code or other materials which are incorporated herein by reference, shall upon conviction thereof forfeit not less than \$20.00 nor more than \$1,000.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provisions of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

### 4.02 OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER

#### (A) DISORDERLY CONDUCT PROHIBITED: No person shall:

- (1) In a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.
- (2) With intent to annoy another, make a telephone call, whether or not conversation ensues.

#### (B) CONSUMPTION OF INTOXICANTS ON STREETS:

- (1) No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any public street, alley, sidewalk or other public way.
- (2) All purchases of alcoholic or fermented malt beverages by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed to thoroughfares, streets, or sidewalks in the Village.
- (3) No person shall be in possession of any glass or open container containing alcoholic or fermented malt beverages on any thoroughfare, street, sidewalk or other public way.

#### (C) LOUD NOISES PROHIBITED:

- (1) It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonable loud, disturbing or unnecessary noise in the Village such as produces annoyance, inconvenience, discomfort, or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety health or morals of the public.

- (2) It shall be unlawful for any person to operate any mechanical device operated by gasoline, steam or otherwise, without having the same equipped and using thereon a muffler, in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device.
  - (3) The operation or use of any automobile, motorcycle, or other vehicle, engine, or motor of whatever size, stationary or moving, when used on tracks or courses, not being highway, between the hours 10:30 p.m. and 8:00 a.m. on weekdays and 10:30 P.M. and 12:00 noon on weekends shall be unlawful.
  - (4) As used in this Section, the word "person" shall extend and be applied to the lessor or landlord of any land, building or premises, his agent, the lessee, the occupant or person in charge of such building or premises, as well as to individuals.
  - (5) The landlord or lessor shall be given notice on at least three occasions of violations of this Section by the tenant(s) or occupant(s) and upon the fourth violation of the tenant(s) or occupant(s), the landlord or lessor may be cited for permitting or allowing a nuisance.
  - (6) For the purpose of this Section, a nuisance is described as allowing continuous loud noises, music or parties, which tend to disrupt the common welfare of a neighborhood or community.
  - (7) The operation, between 11:00 p.m. and 7:00 a.m. of any device for killing, trapping or repelling insects or other pests is prohibited if such device clearly produces audible sound beyond the property line of the property on which the device is located and such sound is emitted onto property zoned or uses for residential or dwelling purposes, including trailer courts.
- (D) **KEEPING OF ANIMALS:** No owner of any animal shall maintain same within the corporate limits of the Village in such manner as shall affect or disturb the public health, public peace, safety or decency, nor shall anyone herd together animals within the Village in such manner as to be conducive to noise, foul odors, insect life, or the source of annoyance or discomfort to persons residing in the vicinity thereof.
- (E) **PROHIBITION OF ANIMALS AT LARGE:** No horse, cattle, sheep, goat, swine, mule, colt or poultry of any kind shall be permitted to run at large in the Village at any time, and any owner or persons in charge of said animals who shall permit the same to run at large shall be guilty of a violation of this ordinance.
- (F) **RESISTING OR OBSTRUCTING A POLICE OFFICER**
- (1) The provisions of Section 946.41 of the Wisconsin Statutes relating to resisting or obstructing officers, including any amendments thereto, are hereby adopted by reference.
  - (2) Any person who violates Section 1 of this ordinance, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated herein by reference, shall upon conviction thereof forfeit not less than \$20.00 nor more than \$1,000.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for violation, provided, however that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

#### 4.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY

- (A) **PROSTITUTION PROHIBITED:** Section 944.30 through 944.36 of the Wisconsin State Statutes relating to prostitution, exclusive of the penalties provided therein, are hereby adopted by reference.
- (B) **GAMBLING AND LOTTERIES PROHIBITED:** All forms of gambling or lotteries are hereby prohibited except as otherwise authorized by Wisconsin Statutes.
- (C) **INDECENT BEHAVIOR PROHIBITED:** It shall be unlawful for any person to appear in a public place in a state of nudity, or in an indecent or lewd dress, or to make any indecent exposure of his or her person, or be guilty of lewd or indecent behavior, or to perform any indecent or lewd act or representation.

(D) CURFEW: No child 17 years of age or under shall loiter, idle or remain, and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the Village between the hours of 11:00 p.m. and 5:00 a.m., Sunday through Thursday and between the hours of 12:00 midnight and 5:00 a.m. Friday and Saturday, (meaning Saturday morning and Sunday morning) unless such child is accompanied by a parent, guardian, or some person of lawful age having legal custody of such child. This ordinance shall not be construed to prohibit such child from performing an errand or duty if directed by his parent or guardian or of pursuing the duties of his employment in an expeditious and orderly manner or from going to or from places of business or authorized activities such as school, religious functions or private homes.

#### 4.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY

(A) LITTERING PROHIBITED: No person shall throw, deposit, dump or discharge any glass, rubbish, filth or debris upon the streets, alleys, public parks or other property of the Village or upon any private property not owned by him or upon the surface of any body of water in the Village. No person shall operate on any street a vehicle with mud or dirt on its wheels or other parts if such operation results in depositing or tracking mud, dirt or debris on the street.

(B) DISTRIBUTION OF PRINTED MATTER LIMITED: No person shall upon the public streets distribute any hand bill, circular, notice or printed matter of any kind if the distribution of such material results in the littering of streets or other public ways.

(C) POSTING BILLS PROHIBITED: No bill poster or other person shall post or in any other manner put up any written or printed bill, notice or advertisement upon any building or fence without the consent of the owner or lessee thereof.

#### (D) TRESPASS TO PROPERTY:

- (1) No person shall intentionally enter or remain upon the property, premises or within the enclosure of another, without the consent or permission of the owner, agent or possessor.
- (2) No person shall intentionally enter or remain upon the property or premises of another after having been notified by the owner, agent or possessor of the property or premises not to enter or remain on the property or under circumstances tending to create or provoke a breach of the peace.
- (3) A person has received notice from the owner or occupant within the meaning of this subsection if he has been notified personally either orally or in writing or if the property is posted. For property to be posted, a sign at least 11 inches square must be placed in at least 2 conspicuous places. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the property and by the word "occupant" if the person giving the notice is not the holder of legal title, but is a lawful occupant of the property or in lawful possession of the property.
- (4) "Property" includes real and personal property and includes but is not limited to boathouses, houseboats, motor vehicle dealership lots, ships or vessels, any building or dwelling, enclosed railroad cars, motor home or other motorized type of home or a trailer home, whether or not a person is living in such home.
- (5) For the purpose of this Section, entry to a place during the time when it is open to the general public is with consent.

(E) FRAUD ON HOTEL OR RESTRAURANT KEEPER: The provisions of Section 943.21(1) and (2) of the Wisconsin Statutes relating to fraud on hotel or restaurant keeper are hereby adopted by reference.

- (F) RETAIL THEFT: The provisions of Wisconsin Statutes Section 943.5 and any amendments, revisions and modifications of said statute, exclusive of any provisions therein relating to penalties to be imposed, are hereby adopted by reference.
- (G) REMOVAL OF SHOPPING CART: the provisions of Section 943.55 of the Wisconsin Statutes relating to removal of shopping cart without authorization is hereby adopted by reference.
- (H) DESTRUCTION OF NOXIOUS GRASS/WEEDS *(amended 7/11/17)*
- (1) This ordinance requires property owners occupying and/or owning any property whether occupied or vacant, improved or unimproved, shall permit or maintain on any such property, or on the untraveled portion of streets lying between the road and sidewalk which abuts on any such property, and any growth of noxious grass, weeds, or other rank vegetation to a height greater than six (6) inches on the average, or any accumulation of dead grass, weeds, or brush.
- (2) It shall be the duty of the occupant and/or owner of every property whether occupied or vacant, within the village to cut or cause to be cut all such grass, weeds, or rank, poisonous or noxious vegetation as often as may be necessary to comply with this ordinance.
- (3) It shall be the duty of the occupant and/or owner of every property whether occupied or vacant, improved, or unimproved, within the village to remove by lawful means all dead and/or hazardous tree or tree limb that threatens surrounding property or the public right of way as may be necessary to comply with the ordinance.
- (4) If action by the property owner or occupant is not taken to cut or cause to be cut the noxious grass/weeds, the village is hereby authorized to do so. If noxious grass/weeds reoccur, the village will take additional action as many times as is necessary to cut or cause to be cut the noxious grass/weeds. Repeat offenses under this ordinance shall be subject to increased fines as provided by this Section. As used in this Section, "repeat offense" means a second (or any subsequent) violation of the same requirement or provision of this Ordinance within any three year period for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
1. The fine for any offense which is a first repeat offense shall be not less than \$300.00 plus costs.
  2. The fine for any offense which is a second repeat offense shall be not less than \$600.00 plus costs.
  3. The fine for any offense which is a third repeat or any subsequent repeat offense, shall be not less than \$1,000.00 each plus costs.
  4. Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense subject to separate sanctions. The owner of the property shall be charged with the cost imposed by the village. The village shall have a lien on the property and added to the taxes assessed against the property as a special assessment against the property in the same manner as other assessments and taxes. The amounts due shall be filed with the Village clerk, who shall enter the amount chargeable to each tract of land in the next tax roll as tax on the lands upon which such grass/weeds were destroyed, and shall be collected as all other taxes. For purposes of determining the ownership of property, the property owner identified on the most recent tax roll of the Village of Stoddard is considered to be the owner of the property.
  5. The Village Administrator may, in addition to this notice, provide a written notice to the property owner, or give personal notice, to cut or cause to be cut the noxious grass/weeds within no more than five (5) calendar days.
  6. Only one (1) notice by First Class Mail per calendar year need be sent by the village for any one (1) property address.
- (5) The following list, although not exclusive, are enumerated as noxious weeds: Canada Thistle, Leafy Spurge, Field Bind-Weed, Wild Mustard, Goatsbeard, Field Dodder, Indian Mustard, Oxeye Daisy, Sow Thistle, Yellow Dock, Burdock, American Cocklebur, Common Cocklebur, Wild Parsnip, Orchard Grass, Milkweed, Ragweed, Foxtail, Yarrow, Sandbur, Goldenrod, Lesbane, Wild Lettuce, Cattail, Smartweed, Wild Grasses, Spurges, Yellow Rocket, Lambsquarter, Pigweed, White Cockle, Docks, Poison Oak, Poison Sumac and Poison Ivy.

It shall be the duty of every owner, possessor or occupier of land within the Village, or of every person having charge of any such lands, to cut or cause to be cut or otherwise destroy all noxious weeds or other growth detrimental to the health and safety of the citizens of the community growing thereon, as often as may be necessary to prevent them from blooming or before they grow to a height of more than 10 inches.

- (1) In case the owner, possessor or occupier of land, or the person in charge thereof, shall refuse or neglect to comply with the provisions of this section within the time limited herein, the Weed Commissioner shall serve personally or by mail a copy of this ordinance together with a notice to said owner, possessor or occupier of land to cut or cause to be cut or destroyed all said noxious weeds or other growths herein enumerated, within a period of five (5) days from and after service of such notice.
- (2) In case such owner, possessor or occupier shall fail to conform with the provisions of this section within the time limited therefore in said notice, served as aforesaid, it shall be the duty of the Weed Commissioner to cause all of the said noxious weeds or growths to be cut down, charging the cost thereof to each piece of land, describing the same, and upon nonpayment of such charges, the amounts due shall be filed with the Village clerk, who shall enter the amount chargeable to each tract of land in the next tax roll as tax on the lands upon which such weeds were destroyed, and shall be collected as all other taxes.
- (3) The following list, although not exclusive, are enumerated as noxious weeds: Canada Thistle, Leafy Spurge, Field Bind-Weed, Wild Mustard, Goatsbeard, Field Dodder, Indian Mustard, Oxeye Daisy, Sow Thistle, Yellow Dock, Burdock, American Cocklebur, Common Cocklebur, Wild Parsnip, Orchard Grass, Milkweed, Ragweed, Foxtail, Yarrow, Sandbur, Goldenrod, Lesbane, Wild Lettuce, Cattail, Smartweed, Wild Grasses, Spurges, Yellow Rocket, Lambsquarter, Pigweed, White Cockle, Docks, Poison Oak and Poison Ivy.

#### (I) REFUSE DISPOSAL AND COLLECTION *(adopted 3/10/09)*

No person shall permit any garbage or rubbish or any offensive material to accumulate on their premises so as to be offensive to the neighbors or a menace to public health. Property owners or tenants shall provide approved containers to store all solid wastes. Containers shall be sufficient to prevent the scattering of contents by weather conditions or animals and maintained in a nuisance and odor free condition.

Containers are to be placed on the property line with the street or alley, as the case may be, no more than 12 hours prior to the scheduled pickup by the Garbage Collector.

- (1) Approved Containers. All garbage created, accumulated or produced shall be deposited in containers of a type approved by the Village Board, or a committee thereof. Each container for a residential unit shall be equipped with suitable handles and tight-fitting covers, shall be watertight and shall have a capacity of not more than one-hundred (100) gallons. All garbage bags for residential units shall be provided for purchase by the vendor and shall not exceed thirty-three (33) gallon capacity.
- (2) Illegal Containers. Containers not approved consist of dumpsters, metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Ordinance. These containers will not be emptied regardless of contents or weight. The collector shall not be obligated to pick up any garbage, rubbish or trash in open boxes or bags. All other refuse containers, including 11/2 and 2 yard dumpsters, exceeding one-hundred (100) gallons in residential areas are prohibited.
- (3) Commercial and Multi-Family. It shall be the duty of every occupant, tenant and proprietor of any commercial or multi-family residential unit to provide, and at all times keep in a suitable place readily accessible to the garbage collector, garbage containers capable of holding all garbage which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple dwelling shall furnish or require the tenant thereof to furnish proper bag containers. Containers for commercial and multi-family residential units (such as dumpsters) may be used on-site with the express approval of the Village Board, or a committee thereof. Garbage containers located at multiple dwellings shall be marked so as to indicate the residential unit to which they belong.
- (4) All persons who presently have inappropriately sized containers/dumpsters shall have sixty (60) days from the effective date of this ordinance to comply with its provisions.
- (5) Village residents are urged to recycle when possible according to Vernon County Recycling Guidelines.

(6) Dumpsters

a. Permit required.

No person or business engaged in the business of leasing dumpsters or refuse containers for the storage of materials discarded or used in the process of construction or alterations of buildings are to place or allow for placement such dumpsters or refuse containers in any street, alley, highway, sidewalk or other public way within the Village without first obtaining a permit from the Village Clerk.

b. Application

Application for the dumpster or refuse container business permit shall be on forms provided by the Village Clerk's office. Each person engaged in the business of leasing to others dumpsters or refuse containers which are placed in any street, alley, highway, sidewalk or other public way within the Village for the storage of materials discarded or used in the process of construction or alterations of structures of buildings shall make a separate application and said permit shall be valid for the period of time specified thereon, not to exceed 28 days.

c. Fees.

The permit fee for each person engaged in the business of renting or leasing to others the use of dumpsters or refuse containers which are placed in the street or other public ways within the Village shall be \$10 per permit.

d. Insurance.

Prior to the issuance of a permit provided for in this section, the permittee must furnish the Village Clerk satisfactory written evidence that it has in force and will maintain during the term of the permit public liability insurance of not less than \$200,000 for one person, \$500,000 for one accident and property damage insurance of not less than \$100,000. Each permittee shall also furnish to the Village a certificate of insurance naming the Village of Stoddard as additional insured, and evidence of the same shall be on file with Village Clerk at all times during the term of the permit.

e. Regulations.

- (i) Each dumpster or refuse container shall have posted thereon the name, address and phone number of the lessor or owner of said dumpster or refuse container.
- (ii) Each dumpster or refuse container shall be equipped with reflectorized tape or other reflector devices adequate to warn others of its presence during night hours.
- (iii) No dumpster or refuse container shall be placed in a moving lane of traffic.
- (iv) Each permittee shall notify the Village Clerk of the location of all dumpsters or refuse containers placed in any streets, alleys, highways, sidewalks or other public ways within the Village of Stoddard.
- (v) Each permittee shall comply with any order of the Village Clerk to remove any dumpster or refuse container should the placement or location of the dumpster or refuse container constitute a safety hazard.
- (vi) No dumpster or refuse container shall be placed so as to interfere with public works construction being performed by the Village.
- (vii) Each permittee shall place flashing lights on at least two sides of each dumpster or refuse container during hours of darkness.
- (viii) No dumpster or refuse container shall be placed within 25 feet of any intersection.

f. Enforcement; violations and penalties.

Any person who violates a provision of this article may be issued a citation by the Vernon County Sheriff's Department or an authorized agent of the Village Board. The issuance of a citation shall not preclude proceedings under any other ordinance or law relating to the same or any other matter. Proceedings under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section. Any person who violates a provision of this article may be required to forfeit \$50 for the first violation, \$200 for a second violation, and not more than \$2,000 for third or subsequent violations.



## (J) WORTHLESS CHECKS

- (1) Whoever issues any check or other order for the payment of money which, at the time of issuance, he or she intends shall not be paid, and fails to pay the same within ten (10) days after receipt of written demand therefore sent certified mail by the holder thereof, shall be required to forfeit not less than \$150.00 nor more than \$300.00 together with the costs of prosecution, and in default of payment of the same shall be incarcerated in the County jail until such forfeiture and costs are paid but not exceeding thirty (30) days. In addition to the other penalties provided for violation of this section, the court may order a violator to pay restitution to a victim. In determining the method of payment, the Court shall consider the financial resources and future ability of the violator to pay. The Court shall provide for payment of an amount equal to the pecuniary loss (as defined in S. 973.09) caused by the offense. Upon the application of any interested party the Court shall schedule and hold an evidentiary hearing to determine the value of the victim's pecuniary loss resulting from the offense. A victim may not be compensated under this section and s. 943.245. the victim may file a restitution order with the Clerk of Circuit Court. Upon payment of the fee under s. 814.61 (5)(a), the Clerk shall enter the Order on the Judgement docket under s. 806.10 in the same manner as for a judgment in a civil action. Any of the following is prima facie evidence that the person at the time he or she issued the check of other order for the payment of money, intended it should not be paid:
- (a) Proof that, at the time of issuance, the person did not have an account with the drawee; or
  - (b) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed with five (5) days after receiving notice of nonpayment or dishonor to pay the check of other order; or
  - (c) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of nonpayment of dishonor to pay the check or other order. This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

### 4.05 All – Terrain and Off – Road Utility Terrain Vehicle Route Ordinance Village of Stoddard *(adopted 5/9/23)*

#### 1) Intent

- a) The Village of Stoddard adopts the following all-terrain and utility terrain vehicle routes and golf cart routes for the operation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) and golf carts upon roadways listed in Section 4. Anywhere ATVs are mentioned in this ordinance, it shall be construed to also include UTVs.
- b) Following due consideration of the recreational and economic value to connect trail opportunities and weighed against possible dangers, public health, liability, terrain involved, traffic density and history of automobile traffic, these routes have been created.

#### 2) Definitions

For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future, the singular number includes the plural number and the plural number includes the singular number. The word "shall" is mandatory and not optional.

- a) Golf Cart: Shall mean a vehicle whose speed attainable in one mile does not exceed 20 mph on a paved, level surface, and that is designed to and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.
- b) Golf Cart Crossing Area: Shall mean a designated area within the territorial boundaries of the Village of Stoddard crossing a State Trunk Highway marked by golf cart crossing signs.
- c) Motor Vehicle: Shall mean, for the purpose of this ordinance, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, off-road utility vehicles, mopeds, snowmobiles, dune buggies, and tractors. Motor vehicles shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this ordinance shall not be so defined while:

1. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such land or sites;
  2. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties;
  3. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
- d) Off-Road: Shall mean any location which:
1. Is not paved or maintained as a public street or alley; or
  2. Is not used or maintained by the owner or lessee of the land as a driveway, parking lot or other way for motor vehicles; or
  3. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creek bed, river bed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, river bed or lake.
- e) Operation: Shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
- f) Property: Includes real and personal property.
- g) Unauthorized: Shall mean without express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of the land. Authorization shall not be implied from a failure to post private or public land.
- 3) Statutory Authority
- a) This route is created pursuant to village authority under Wisconsin Statute 61.34(1), as authorized by Wisconsin Statute 23.33.
  - b) The applicable provisions of Wisconsin Statute 23.33 regulating ATV operations pursuant to routes are adopted by reference.

#### 4) Routes

The Village of Stoddard establishes the following ATV routes:

- (a) Under Wis. Stat. 23.33(8)(b)2., the Village of Stoddard designates all Village-maintained public streets as ATV routes, except as otherwise posted.
- (b) Under Wis. Stat. 23.33(11)(am)4., the Village of Stoddard authorizes the operation of ATVs on STH 162 (Division Street) where the posted speed limit is 35 mph or less within the Village's territorial boundary.
- (c) ATVs shall not be operated on any other State Trunk Highway within the Village territorial boundary unless directly crossing from one village maintained public street to another.
- (d) Access to the Stoddard Park on STH 162 (Division Street) is prohibited to ATV traffic.

The following streets are golf cart routes:

- a) All Village of Stoddard maintained public streets with a speed limit of 25 mph or less within the territorial boundaries of the Village of Stoddard are designated as a golf cart route, rendering all such roadways accessible to golf cart traffic.
- b) Golf carts shall not be operated on State Trunk Highways unless crossing in a designated golf cart crossing area.
- c) Designated golf cart crossing areas:
  1. Center Street and Main Street (STH 35);
  2. Broadway Street and Main Street (STH 35).
- d) Access to the Stoddard Park on STH 162 (Division Street) is prohibited to golf cart traffic.

#### 5) Conditions

As a condition for the use of these routes, the following conditions shall apply to all operators (and passengers where applicable);

- a) All ATV operators shall be 16 years of age or older and possess a valid driver's license.
- b) All ATV operators who are born after January 1, 1988 are required to have an ATV Safety Certificate provided by the Wisconsin Department of Natural Resources while operating on a public roadway. Operators must be in possession of this certificate while operating in areas open to the public and

display it to a law enforcement officer upon request. Certified operators may transport other passengers. ATV Safety Institute (ASI) and Recreational Off-Highway Vehicle Association (ROVHA) certificates are not valid in Wisconsin.

- c) All ATV operators must carry liability insurance coverage.
  - d) All ATVs must be properly registered with the Wisconsin Department of Natural Resources prior to operating on any routes.
  - e) All ATV operators shall observe a speed limit of not more than the posted roadway speed limit.
  - f) All ATV operators shall slow the vehicle to 10-mph or less when operating within 150 feet of a dwelling.
  - g) All ATV operators shall operate on paved portions of the roadway only. Operation on gravel shoulders, grass in-slopes, ditches, or other highway right-of-way is prohibited.
  - h) All ATV operators shall ride in single file on the right-hand side of the paved portion of the roadway.
  - i) All ATV operators shall have their headlight illuminated, and taillight, if the vehicle was originally manufactured with a taillight, while operating on a public roadway.
  - j) All ATV operators without taillights shall be equipped with reflectors or a SMV sign.
  - k) ATV operators under 18 years of age shall wear protective headgear of the type required by Wisconsin Statute 347.485(1)(a). Bicycle helmets do not meet this requirement.
  - l) No person may drink alcohol beverages or inhale nitrous oxide while he or she is in any motor vehicle when the vehicle is upon an ATV route in the Village of Stoddard, as authorized by Wisconsin Statute 346.935
  - m) No person may possess on his or her person, in a privately owned motor vehicle upon an ATV route in the Village of Stoddard, any bottle or receptacle containing alcohol beverages or nitrous oxide if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released, as authorized by Wisconsin Statute 346.935
  - n) The owner of a privately owned motor vehicle, or the driver of the vehicle if the owner is not present in the vehicle, shall not keep, or allow to be kept in the motor vehicle when it is upon an ATV route in the Village of Stoddard, any bottle or receptacle containing alcohol beverages or nitrous oxide if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released. This subsection does not apply if the bottle or receptacle is kept in the trunk of the vehicle or, if the vehicle has no trunk, in some other area of the vehicle not normally occupied by the driver or passengers. A utility compartment or glove compartment is considered to be within the area normally occupied by the driver and passengers, as authorized by Wisconsin Statute 346.935
  - o) ATV allowed hours of operation on ATV routes shall be as follows:
    - 1. ATVs equipped with working headlights, tail lights, brake lights, and turn signals may operate between 4:00 a.m. and 10:00 p.m. only.
  - p) ATV operators shall drive at speeds that are reasonable and prudent for all prevailing roadway conditions present.
  - q) ATV operators and occupants shall obey all regulatory signs, including stop signs, yield signs, speed limit signs, etc.
  - r) ATV operators and occupants shall use occupant restraint devices, including seat belts.
  - s) ATV exhaust muffling systems with spark arrestor must be fully functioning at all times.
  - t) No person may operate, park, stop, or leave standing an ATV vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible under normal conditions from 50 feet or more unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.
  - u) The Village of Stoddard may close routes at any time through removal of all route signage and providing notice to the public.
- 6) Unauthorized Operation of Motor Vehicles on Public or Private Property
- a) The unauthorized off-road operation of a motor vehicle is prohibited.
  - b) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Village Board, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on Village

streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public.

- c) The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

#### 7) ATV Route Signs

- a) ATV routes shall be signed in accordance with Wisconsin Administrative Code NR 64.12.
- b) The Village of Stoddard has sole responsibility and authority to install and maintain ATV route signs on all ATV routes within the Village.
- c) The Wisconsin Department of Transportation must approve all ATV route signs prior to their installation on any state trunk highway.

#### 8) Enforcement

This ordinance shall be enforced by any law enforcement officer of the Vernon County Sheriff's Department, or any other law enforcement official as set forth in Wisconsin Statute 23.33(12).

#### 9) Penalties

The Wisconsin ATV penalties as found in Wisconsin Statute 23.13(13) are adopted by reference.

#### 10) Maintenance

Designation of the Village of Stoddard public roadways as ATV routes does not impose upon the Village a greater duty of care or responsibility for maintenance of those roadways more than any other segment of Village roadways. Operators of ATVs on public roadways assume the usual and normal risks of ATV operation.

### 4.06 RECREATIONAL FIRE / FIRE PITS *(adopted 2/9/10)*

- A. BURNING OF "TRASH": No person, firm or corporation shall burn any trash in outdoor incinerators, barrels, drums, ground pit, or other containers within the Village limits of the Village of Stoddard. The use of indoor incinerators, fireplaces and stoves to burn trash to circumvent the spirit of this ordinance is also prohibited.

#### (1) Definitions.

- a. The word "trash" used in this ordinance shall include all materials such as paper, wood, plastic, grass, leaves, cartons, cans, bottles, garbage, refuse in general and/or any items that are being discarded.
- b. The word "burning" shall mean setting to fire of materials within the boundaries of the Village of Stoddard.

#### (2) Portable Fire Pits- Commercially designed and intended to contain and control outdoor wood fires.

- a. No recreational fire shall be closer than 15 feet from any building, structure, shed, garage, or any other combustible material.
- b. All recreational fires shall not have a diameter larger than 3 feet and the fire may not extend more than 3 feet above the pit. The fire pit shall be surrounded on the outside by a non-combustible material such as concrete block or rocks.
- c. Portable fire pits (defined as devices commercially designed and intended to contain and control outdoor wood fires) may be used in accordance with the manufacturer's recommendations and within the above requirements and must be used upon a non-combustible surface.
- d. No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause smoke, embers, or other burning materials to be carried by the wind toward any building or other combustible materials. Smoke from any recreational fire shall not create a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of the neighboring property owner of any smoke nuisance.

- e. Material for recreational fires shall not include rubbish, garbage, recyclable items, trash, any material made of or coated with rubber, plastic, leather, or petroleum based materials, and shall not contain any flammable or combustible liquids.
- f. Adequate fire suppression equipment shall be immediately available to extinguish or control the recreational fire.
- g. All recreational fires shall be attended at all times by at least one responsible person of age 18 or older from the ignition of the fire until the fire is completely extinguished.
- h. The renter/lessee of any rented/leased property must provide signed documentation from the legal property owner giving permission to have a recreational fire on that property.
- i. The property owner and/or person who have started any recreational fire shall hold the Village harmless from any and all such liability for any damage caused by a recreational fire.
- j. Any party who has started or maintains a recreational fire as defined herein shall pay any and all costs incurred by the fire department for any service related call as a result of a recreational fire not in compliance with these safety requirements.
- k. Recreational fires are allowed any time except when high fire hazard conditions exist.
- l. Fines may be issued to any person failing to comply with all the requirements for recreational fires.

### (3) Bonfires.

An outdoor fire utilized for ceremonial purposes with a pile size exceeding the recreational fire limits. Approval and a permit shall be obtained from the Village Administrator prior to kindling a bonfire. No more than two (2) bonfire permits will be issued per year per address.

### (4) Exceptions.

- a) The ban on burning prohibition provided for herein does not apply to the burning or charcoal or similar substances outdoors for non-commercial cooking or campfire enjoyment as long as it is done without danger of spread of fire and in a grill or confining device.
- b) This prohibition does not apply to fires set for practice and instruction of firefighters or for testing of fire fighting equipment.
- c) In all circumstances above where burning is expressly allowed, such burning must be attended at all times. Further, such burning is specifically prohibited when the Fire Chief, by notice in the local newspaper, prohibits such due to extreme fire danger.

## 4.07 UNUSED

## 4.08 PENALTIES

Any person violating any provision of this Chapter, except as otherwise provided in this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated herein by reference, shall upon conviction thereof forfeit not less than \$50.00 nor more than \$500.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days for violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provisions of this Section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.