

CHAPTER 2

Offenses Against Public Safety and Peace

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SEC. 11-2-1 USE AND DISCHARGE OF ARMS REGULATED.

- (a) **Definition.** For purposes of this section, a "firearm" shall be defined as any gun, pistol, rifle, air gun, or other device used to propel a missile in the form of a ball, bullet, slug, shot, or BB pellet, whether the propelling force is gunpowder, explosives, compressed air, mechanical action, or any other force.
- (b) **Prohibition on Use and Discharge of Firearms.**
- (1) No person shall discharge a firearm in the following locations:
 - a. Those areas bounded on the south by the Town boundary, on the west by Wisconsin State Highway 31, on the north by Four Mile Road, on the east by North Green Bay Road.
 - b. The south 824 feet of the northeast quarter and all of the southeast quarter of Section 23, Range 22, east Town 4 north, being a part of the Town of Caledonia, Racine County, State of Wisconsin.
 - (2) No person shall discharge a firearm which fires a single ball, bullet, or slug within the following areas within the Town of Caledonia: All those areas within the Town of Caledonia lying east and south of a line described as follows: Commencing at the junction of the Town's south boundary line and a point lying due south of State Trunk Highway 38 and County Trunk Highway K, thence north to the intersection of State Trunk Highway 38 and County Trunk Highway K, thence northerly along

the centerline of State Trunk Highway 38 to the centerline of Four Mile Road, thence easterly on the center line of Four Mile Road to the centerline of State Trunk Highway 31, thence northerly on the centerline of State Trunk Highway 31 to the centerline of Six Mile Road, thence easterly along the centerline of Six Mile Road to the west line of the right--of-way of the Chicago & Northwestern Railroad Company, thence northerly on said west line of said right-of-way to the centerline of Seven Mile Road, thence easterly on the centerline of Seven Mile Road extended to Lake Michigan.

- (3) No person shall discharge a firearm, bow and arrow, crossbow and/or shaft, within five hundred (500) feet of any building or structure within the Town of Caledonia.
 - (4) No person shall enter or be upon lands which he neither owns nor is in lawful possession or control, with a firearm in his possession without first having obtained the written consent thereto from the owner or the person in lawful possession and control of such lands. Any person having such written consent shall keep and maintain such written consent on his person at all times while upon such lands for the purpose of hunting or discharging firearms or with a firearm in his possession.
- (c) **Exceptions.** The provisions of this Section shall not prohibit the discharge of firearms in the following cases:
- (1) By a public official in the lawful discharge of official duty.
 - (2) By a member of the Armed Forces of the United State or of the National Guard of the State of Wisconsin while in the lawful discharge of official duties.
 - (3) By a person in the lawful defense of his person or property.
 - (4) By a person at an approved target range or legal game preserve.

SEC. 11-2-2 CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED.

(a) Concealed Weapons Prohibited.

- (1) No person shall within the Town of Caledonia wear or in any manner carry under his clothes or conceal upon or about his person any deadly or dangerous weapon, provided this Subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons in the lawful discharge of his duties.
- (2) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. The following are dangerous per se: black jack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles of any metal, barbed or blade-type arrowhead, bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of

the knife and is commonly known as a switch blade knife, straight-edge razor or any other knife having a blade three (3) inches or longer. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

- (b) **Specific Concealed Weapons Prohibited.** No person, except a law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon, including those listed in Subsection (a)(2) above, within the Town.
- (c) **Possession, Sale and Manufacture of Certain Weapons Prohibited.**
- (1) No person shall sell, manufacture, purchase, possess or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Sucbai" or similar weapon within the Town of Caledonia.
 - (2) For the purpose of this Section, the following definitions shall apply:
 - a. "Numchuk" or "Nunchaku." An instrument consisting of two (2) or more sticks, clubs or rods connected by a rope, cord, wire or chain.
 - b. "Churkin." A round throwing knife consisting of several sharp points protruding from a rounded disc.
 - c. "Sucbai." A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
 - (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

SEC. 11-2-3 INJURY TO SIGNS, GUIDE BOARDS, AND MARKERS.

- (a) **Defacing and Possession of Signs Prohibited.**
- (1) No person may injure, deface, or remove any sign, guide board, mile post, signal, or marker erected by the state or the Town thereof for the warning, instruction, or information of the public. The following warning shall be affixed to the front of each sign, guide board, mile post, signal, or marker: "WARNING: \$25 to \$100 fine or imprisonment for removing or tampering with this sign."
 - (2) No person may possess any sign, guide board, mile post, signal, or marker of the type erected by the state or by any municipality for the warning, instruction, or information of the public, unless the person can demonstrate that he or she obtained it in a legal manner. Possession of such a sign, guide board, mile post, signal, or marker creates a rebuttable presumption of illegal possession.
 - (3) In this Section, "possession" means the presence of such a sign, guide board, mile post, signal, or marker on premises owned or controlled by the person, including, but not limited to, a rented apartment, rented room, or dormitory room. Persons who voluntarily notify a law enforcement agency of the presence on the premises of such a sign, guide board, mile post, signal, or marker shall be exempt from prosecution under this Subsection.
- (b) Any person violating the provisions of this Section shall be subject to the penalties specified in Section 1-1-6. The court may, in addition, order any such person either to

restore or replace any such damaged sign, mile post, signal, or marker, or to pay the cost thereof.

SEC. 11-2-4 HARASSING OR OBSCENE TELEPHONE CALLS.

Whoever commits any of the following acts shall be subject to the general penalty as provided in this Code of Ordinances:

- (a) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- (b) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
- (c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- (d) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- (e) Knowingly permits any telephone under his control to be used for any purpose prohibited by this Section;
- (f) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

SEC. 11-2-5 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

No person shall possess or sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Town unless he shall be authorized by a fireworks permit as provided in Title 7, Chapter 6, 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.

SEC. 11-2-6 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

- (a) **Obstructing Streets.** No person shall loiter, cause a nuisance or engage in any sport or exercise on any public street, road, sidewalk, bridge or public ground within the Town in such manner as to:
 - (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
 - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
 - (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- (b) **Construction, Demolition or Renovation Projects.**
 - (1) Any time that a construction, demolition or renovation project requires the use of the public right-of-way, the person in charge of the project shall provide and maintain adequate control measures to properly regulate the flow of traffic, including, but not limited to, appropriate barricades, signs, flags, flag people and/or

lights, as provided in the most current edition of the U.S. Department of Transportation's Manual on Uniform Traffic Control Devices for streets and highways.

- (2) In the event that such control measures are not provided, the Police Department shall have the authority to stop the project until the control measures have been provided.
 - (3) **Penalty.** Any person convicted of violating this Subsection shall forfeit not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) per violation, or upon default of payment be imprisoned for not more than twenty (20) days. Each day of violation shall constitute a separate offense.
- (c) **Obstructing Sidewalk Prohibited.** No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (d) **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 Caledonia.
 - (3) **Obstruct.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
 - (4) **Sidewalk.** Any sidewalk owned or maintained by the Town. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office buildings sites or any other private property.
- (e) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.
- (f) **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) **Block.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
 - (2) **Sidewalk.** Any sidewalk owned or maintained by the Town. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

SEC. 11-2-7 LOITERING PROHIBITED.

- (a) **General Regulation of Loitering.** 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 police or peace officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection if the police or peace 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 police or peace officer at the time, would have dispelled the alarm.
- (b) **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 police 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.
- (c) **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 Police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (d) **Loitering by Underage Person 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 Prohibited. No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, whose 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.
- (e) **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 police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other

circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection if the police 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 police or peace officer at the time, would have dispelled the alarm.

- (f) **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 Caledonia.

Cross Reference: Section 11-5-1.

SEC. 11-2-8 LOUD AND UNNECESSARY NOISE PROHIBITED.

- (a) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- (b) **Types of Loud and Unnecessary Noises.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
 - (1) **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Town for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
 - (2) **Radios, phonographs, similar devices.** The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
 - (3) **Loudspeakers, amplifiers for advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any

building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

- (4) Animals, birds. The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Town authorities.
- (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 9:00 p.m.; provided, however, the Building Inspector shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 9:00 p.m. to 7:00 a.m.
- (8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
- (9) The provisions of this Section shall not apply to:
 - a. Any vehicle of the Town while engaged in necessary public business.
 - b. Excavations or repairs of streets or other public construction by or on behalf of the Town, County, or State at night when public welfare and convenience renders it impossible to perform such work during the day.
 - c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(c) **Permits for Amplifying Devices.**

- (1) Permit Required. The use of loudspeakers or amplifying devices on the streets or in the parks of the Town of Caledonia is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.
- (2) Grounds or Reasons for Denial or Allowance. The Chief of Police shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is become a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.
- (3) Time Restrictions. The Chief of Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 9:00 p.m. Nor shall a permit be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to

constitute a nuisance.

- (4) Exceptions. The regulation of the use and times for use of amplifying devices may be modified by the Town Board.

SEC. 11-2-9 DISORDERLY CONDUCT.

- (a) **Disorderly Conduct Prohibited.** No person within the Town of Caledonia 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 designated 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 person.

SEC. 11-2-10 POSSESSION OF CONTROLLED SUBSTANCES.

- (a) **Controlled Substances.** It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161 of the Wisconsin Statutes.
- (b) **Possession of Marijuana.** No person shall possess, use, or keep one (1) ounce or less of any tetrahydrocannabinol, Cannabis Sativa L. or Marijuana, or derivative thereof. This Section will not apply if such substance was obtained pursuant to a lawful prescription of a licensed physician or as otherwise authorized by law.

State Law Reference: Chapter 161, Wis. Stats.

SEC. 11-2-11 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.

- (a) **Unauthorized Presence.**
- (1) It shall be unlawful for any person, except as provided in Subsection (b) hereof, to be present in, loiter or enter into any public school building, school parking lot or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days. This Section shall not apply to:
 - a. Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof to leave the school building or school grounds;

- b. Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;
 - c. Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- (2) The exceptions set forth in Subsection (b) shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
 - (3) All entrances to the school buildings shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited." All school grounds shall be posted with a notice stating "Entry Upon School Grounds by Unauthorized Persons Prohibited."
- (b) **Disorderly Conduct on Public School Property.**
- (1) No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic context.
 - (2) Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the school system's published rules and regulations shall be considered in violation of this Section.
 - (3) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a summons that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. The Police Department may also have any vehicle towed away which, because of its location, creates a hazard to life or property.
- (c) **Loitering Near School Prohibited.** No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the Town of Caledonia or in or about any playground area adjacent thereto between 7:00 a.m. and 5:00 p.m. on any day which such schools are in session.
- (d) **Possession of Intoxicating Liquor and Fermented Malt Beverages.** No person shall possess intoxicating liquor or fermented malt beverages while on any school property.
- (e) **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 Caledonia.

SEC. 11-2-12 FAILURE TO OBEY LAWFUL ORDER.

It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

SEC. 11-2-13 TRUANCY.

(a) **Definitions.**

- (1) "Dropout" means a child who has ceased to attend school, does not attend a public or private vocational, technical or adult education district school or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under §118.15(1)(b) to (d) or (3), Wis. Stats.
- (2) "Habitual truant" means a pupil who is absent from school without an acceptable excuse under §§118.15 and 118.16(4), Wis. Stats., for part or all of five or more days on which school is held during a school semester.
- (3) "Truant" means a pupil who is absent from school without an acceptable excuse under §§118.15 and 118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.
- (4) "Operative privilege" has the meaning given in §340.01(40), Wis. Stats.
- (5) All other words are defined in the Wisconsin Statutes as presently enacted or an amended from time to time.

(b) **Prohibition - Habitual Truancy.** Any person under the age of eighteen (18) years is prohibited from being habitually truant.

(c) **Prohibition- Truancy.** Any person under the age of eighteen (18) years is prohibited from being truant.

(d) **Available dispositions - Habitual Truancy.** If the Court finds that a person under the age of eighteen (18) years has violated section 11-2-13(b), one or more of the following dispositions are authorized.

- (1) Except as provided in sub. (3) below, suspend the person's operating privilege for not less than thirty (30) days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.
- (2) Order the Department of Workforce Development to revoke, under §103.72, Wis. Stats., a permit under §103.70, Wis. Stats., authorizing the employment of the person.
- (3) If the court finds that a person is a habitual truant, is at least sixteen (16) years of age, and is a dropout, the court may order suspension of the person's operating privilege until the person reaches the age of eighteen (18) years. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for the duration of the suspension.
- (4) Order the person to attend school.

- (5) Impose a forfeiture of not more than \$500.00 plus costs, subject to §938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person or both.
- (6) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- (7) Order the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.
- (8) Order the person to participate, in counseling or a supervised work program or other community service work under §938.34(5g), Wis. Stats., and the cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.
- (9) Order the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if a person is accompanied by a parent or guardian.
- (10) Order the person to attend an education program under §938.37(7d), Wis. Stats.
- (e) **Necessary Proof- Habitual Truancy.** Except as provided in §118.16(5m), Wis. Stats., before any proceeding may be brought against a child for violation of section 11-2-13(b), the school attendance officer must provide evidence that the appropriate school personnel in the school or school district in which the child is enrolled have, within the school year during which the truancy occurred, met the conditions found in § 118.16(5), Wis. Stats.
- (f) **Available Dispositions - Truancy.** If the court finds that a person under the age of eighteen (18) years has violated section 11-2-13(c), one or more of the following dispositions are authorized:
 - (1) Order the person to attend school.
 - (2) Impose a forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to §938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (g) **Issuance of Citations.** The provisions of section 11-2-13 shall be enforced through the issuance of citations by the police department or by school attendance officers who are appointed pursuant to §118.16, Wis. Stats.
- (h) **Reference to Statutes.** References to specific statutory sections wherever used in this ordinance shall mean the Wisconsin Statutes of 1997-98 as are from time to time amended, modified, repealed or otherwise altered by the state legislature.
- (i) **Severability.** If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance is not affected thereby.

SEC. 11-2-14 IMPROPER USE OF 911 EMERGENCY TELEPHONE SYSTEM.

- (a) **Definition.** "911 emergency telephone system" shall mean an emergency telecommunications system as defined in Sec. 146.70(1)(i), Wis. Stats.
- (b) **Regulated Use.** No person shall use the 911 emergency telephone system for regular business or non-emergency telephone calls.

SEC. 11-2-15 DRUG PARAPHERNALIA.

- (a) **Definitions.** In this Section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, as defined in Ch. 161, Wis. Stats., in violation of this Section. It includes, but is not limited to:
 - (1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing, controlled substances.
 - (3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
 - (4) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
 - (5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
 - (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
 - (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
 - (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
 - (9) Capsules, balloons, envelopes or other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
 - (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
 - (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
 - (12) Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.

- b. Water pipes.
- c. Carburetion tubes and devices.
- d. Smoking and carburetion masks.
- e. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
- f. Miniature cocaine spoons and cocaine vials.
- g. Chamber pipes.
- h. Carburetor pipes.
- i. Electric pipes.
- j. Air-driven pipes.
- k. Chillums.
- l. Bongs.
- m. Ice pipes or chillers.

(a) **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state, or federal law relating to any controlled substance.
- (3) The proximity of the object in time and space to a direct violation of this Section.
- (4) The proximity of the object to controlled substances.
- (5) The existence of any residue of controlled substances on the object.
- (6) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner or of anyone in control of the object as to a direct violation of this Section shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
- (7) Oral or written instructions provided with the object concerning its use.
- (8) Descriptive materials accompanying the object which explain or depict its use.
- (9) National and local advertising concerning its use.
- (10) The manner in which the object is displayed for sale.
- (11) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
- (12) The existence and scope of legitimate uses for the object in the community.
- (13) Expert testimony concerning its use.

(c) **Prohibited Activities.**

- (1) Possession of Drug Paraphernalia. No person may use or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.
- (2) Manufacture, Sale or Delivery of Drug Paraphernalia. No person may sell, deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow,

harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.

- (3) Delivery of Drug Paraphernalia to a Minor. Any person eighteen (18) years of age or over who violates Subsection (c)(2) by delivering drug paraphernalia to a person under eighteen (18) years of age is guilty of a violation.
- (4) Advertisement of Drug Paraphernalia. No person may place in any newspaper, magazine, handbill or other publication, or upon any outdoor billboard or sign, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote, the sale of objects designed or intended for use as drug paraphernalia.
- (5) Exemption. This Subsection does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 161, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 161, Wis. Stats.