

so in custody or to fail to obey the order or direction of such officer while such officer is acting in his official capacity in carrying out his duties.

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

- (a) **Possession of Controlled Substances.** It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in schedule I and II which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this Code of Ordinances.
- (b) **Possession of Marijuana.**
- (1) No person shall possess twenty-five (25) grams or less of marijuana, as defined in Section 161.01(14), Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 161, Wis. Stats.
- (2) For purposes of this Section, "practitioner" means:
- a. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
 - b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
- (3) This Section does not apply to any person who is charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

State Law Reference: Section 66.051(4), Wis. Stats.

SEC. 11-2-11 CROSSING A POLICE LINE.

No individual shall cross a police or fire line that has been so designated by banner, signs or other similar identification.

SEC. 11-2-12 HARASSMENT.

- (a) **Harassment.** No person, with intent to harass or intimidate another person, shall do any of the following; each instance shall be considered a separate violation:
- (1) Strike, shove, kick or otherwise subject the person to physical contact or attempts or threatens to do the same.
 - (2) Engage in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.
- (b) **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:

Offences Against Public Safety and Peace

- (1) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- (2) 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;
- (3) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- (4) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- (5) Knowingly permits any telephone under his control to be used for any purpose prohibited by this Section;
- (6) 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. 11-2-13 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

SEC. 11-2-14 GAMBLING, LOTTERIES, FRAUDULENT DEVICES AND PRACTICES PROHIBITED.

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the Village, except as provided by state law. Any police officer of the Village may seize anything devised solely for gambling or found in actual use for gambling within the Village and dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling.

SEC. 11-2-15 SEXUAL OFFENDER RESIDENCY RESTRICTIONS.

(a) Definitions. The following words, terms and phrases, when used for the purposes of the Ordinance, shall have the meanings ascribed to them in this Section except when the context clearly indicates a different meaning;

- (1) CHILD. A person under the age of sixteen (16).
- (2) DESIGNATED OFFENDER. Any person who is required to register under Wis. Stat. 301.45 for any sexual offense against a child or any person who is required to register under Wis. Stat. 301.45 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stat. 301.46 (2) and (2m).
- (3) MINOR. A person under the age of seventeen (17).
- (4) PERMANENT RESIDENCE. A place where a person abides, lodges or resides for fourteen (14) or more consecutive days.
- (5) TEMPORARY RESIDENCE. A place where a person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during

any calendar year and which is not the person's permanent address or place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

(b) **Sexual Offender and Sexual Predator Residence, Penalties and Exceptions.**

- (1) **Prohibited Location of Residence.** It is unlawful for any designated offender or predator to establish a permanent residence or a temporary residence within 2,000 feet of any school, park, trail, playground, licensed day care center, place of worship or any other place so designated by the Village as a place where children are known to congregate or gather.
- (2) **Measurement of Distance.**
 - (a) For the purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or the temporary residence to the nearest property line of a school, park, trail, playground, licensed day care center, place of worship or any other place so designated by the Village where children are known to congregate or gather.
 - (b) The Village Board of Nichols shall maintain an official map showing all prohibited locations as defined by this Ordinance. The Village Board shall update the map at least annually to reflect any and all changes in the location of any prohibited area/zone. These shall be designed on said map as "child safety zones".
- (3) **Penalties.** A person who violates this section shall be punished by a forfeiture not to exceed \$500.00. Each day a person maintains a residence in violation of this Ordinance constitutes a separate violation. The Village, further, maintains the right to seek equitable relief
- (4) **Exceptions.** A designated offender residing within a prohibited area as defined above does not commit a violation of this section if any of the following apply;
 - (a) The person established the permanent residence or temporary residence and both reported and registered said residence pursuant to Wis. Stat. 301.45 before the effective date of this Ordinance.
 - (b) The person is a minor and is not required to register under Wis. Stat. 301.45 or 301.46.
 - (c) The school, park, trail, playground, licensed day care center, place of worship or any other place so designated by the Village where children are known to congregate or gather within 2,000 feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and duly reported and registered the residence pursuant to Wis. Stat. 301.45.
 - (d) The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or children provided that such parent, grandparent, sibling, spouse, or child established the residence at least two (2) years before the designated offender established residence at the location.

- (c) **Property Owners Prohibited From Renting Real Property and Penalties.**
- (1) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or as a temporary residence or temporary residence pursuant to this Ordinance, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone/"Child Safety Zone" as described earlier in this Ordinance.
 - (2) A property owner's failure to comply with the provisions of this Section shall constitute a violation of said Section and shall subject the property owner to the code enforcement provisions as provided and described in this Ordinance.
- (d) **Appeal.** The above requirements may be waived or modified upon approval of the Village Board. The Village Board, with input and reports provided by the Local Law Enforcement Agency, shall convene at their next regularly scheduled meeting in closed session to consider the public interest as well as the interests of the affected party.

CHAPTER 3

Offenses Against Property

11-3-1	Destruction or Theft of Property Prohibited
11-3-2	Littering Prohibited
11-3-3	Abandoned Refrigerators Prohibited
11-3-4	Cemetery Regulations
11-3-5	Damage to Public Property
11-3-6	Trespass to A Dwelling or Land
11-3-7	Regulation of Smoking
11-3-8	Theft

SEC. 11-3-1 DESTRUCTION OR THEFT OF PROPERTY PROHIBITED.

- (a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy, or unlawfully remove or interfere with any property belonging to the Village of Nichols, the School District, or to any private person without the consent of the owner or proper authority, nor shall any person or organization place or permit to be placed any sign, poster, advertisement, notice, or other writing upon any utility ornamental light pole belonging to the Village without the consent of proper authority. Any signs, posters, advertisements, notices, or other writings so placed shall be removed by law enforcement authorities and the placing person or organization cited for violation of this Section.
- (b) **Parental liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
- (c) **Theft of Property.** No person shall intentionally take and carry away, use, transfer, conceal or retain possession of movable property of another without that other person's consent and with intent to deprive the owner permanently of possession of such property.

SEC. 11-3-2 LITTERING PROHIBITED.

- (a) **Littering Prohibited.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village of Nichols, or upon property within the Village owned by the School District or any private person, or upon the surface of any body of water within the Village.
- (b) **litter From Conduct of Commercial Enterprise.**
 - (1) Scope. The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.