

Town of Sumner
ORDINANCE # 2017-1014-B
Public Peace and Order

STATE OF WISCONSIN

Town of Sumner
Jefferson County

Section 1 - Title and Purpose: This ordinance is titled *Town of Sumner Ordinance 2017-1014-B Public Peace and Order* and replaces Town of Sumner Ordinance 98-4 in its entirety. The purpose of this ordinance is to ensure the personal safety of persons and prevent damage to property within the Town of Sumner by way of reporting violations of Jefferson County Ordinance 97-08 to Jefferson County officers or officials having jurisdiction for action and enforcement. Conduct or actions prohibited under Jefferson County Ordinance 97-08 and as amended and/or its statutory counterparts, is conduct that; may harm other persons or property, harass other persons in some manner, or be some manner of trespass, theft, disorderly conduct, battery, fighting, or other conduct or actions that are the same or similar to these.

Section 2 - Authority: The Town Board of the Town of Sumner, Jefferson County, Wisconsin has the specific authority under s. 60.22, and s. 60.10(2) (c) Wis. Stats, and general authority of village powers under Ch. 61, Wis. Stats. to adopt this ordinance and to provide for forfeitures and penalties for its breach.

Section 3 - Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

Section 4 - Adoption of Ordinance: The Town Board of the Town of Sumner, Jefferson County, Wisconsin, on a roll-call vote with a quorum present and voting and proper notice having been given, do ordain as follows:

Section 5 - Definitions: Unless otherwise provided, and in addition to the definitions found in s. 939.22, Wis. Stats., definitions of the terms contained within this ordinance shall be the same as in Chapters 939-948 and 951, Wis. Stats. as amended, and **Jefferson County Ordinance 97-08** as amended.

Section 6 - PROHIBITED CONDUCT AND ACTIVITIES REPORTABLE TO JEFFERSON COUNTY: The following acts, omissions, places, conditions and things contained in sub-sections A-H, are hereby declared to be public nuisances affecting peace, safety, and order, without limitation because of enumeration, and will be considered reportable to the appropriate Jefferson County authorities. Whoever does any of the following will be reported as in violation of Jefferson County Ordinance 97-08.

A. Battery: Causes bodily harm to another person by an act done with intent to cause bodily harm to that person so harmed.

B. Disorderly Conduct: In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which said conduct tends to cause or provoke a disturbance. This sub-section also includes areas and establishments that will be considered “disorderly conduct areas” and are defined as: Any place in the town where unpermitted abusive, indecent, profane, or boisterous sounds; unpermitted fighting, brawling, or rioting; or other unpermitted disorderly conduct conditions are located or occur on private or public lands and these disorderly conditions occur on a regular or irregular basis.

C. Damage to Property: Intentionally causes damage, defaces, or destroys any physical property of the Town of Sumner or any other person without the consent of the owner of such property.

D. Harassment: With intent to harass or intimidate another person, engages in a course of conduct or repeatedly commits acts which harasses or intimidates a person and which serves no legitimate purpose, or, attempts to strike, shove, kick, or otherwise subject another person to physical contact, or attempt or threaten to do same. As used herein *course of conduct* means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing continuity of purpose. This includes intent to

harass or intimidate another person by using a telephone, electronic device, or other unnamed equipment or device to conduct this same behavior.

E. Loud and Unnecessary Noise: Makes or causes to be made any loud, disturbing or unnecessary sound or noises that may tend to annoy or disturb another in any public, street, alley, park, or private residence. This includes unnecessary and annoying noises made with any motor driven vehicle, or motor-driven cycle including, but not limited to squealing of tires and excessive acceleration of the engine; and unnecessary and annoying noise caused to be made by a radio, electronic device, or other device; This sub-section also includes areas and establishments that will be considered “loud noise areas” and are defined as: Any place in the town where any unreasonably loud, discordant, and unnecessary sound conditions, including sounds from vehicles, equipment, machinery, guns, fireworks, or enclosed domestic or other animals; or from any human-created or aided sounds including alleged music; or other noise condition occurs on a regular or irregular basis and is located on private or public land without written approval of the town board.

F. Theft: Intentionally takes or carries away, uses, transfers, conceals or retains possession of movable property of another, including things growing upon the land, without consent of the property owner, and with intent to deprive the owner permanently of such property, including retail theft.

G. Trespass to Dwellings: Intentionally enters the dwelling of another, without the consent of some person lawfully on the premises, under circumstances tending to create or provoke a breach of the peace.

H. Trespass to Land:

1. Enters any land of another without the express or implied consent of the owner or occupant.
2. Enters or remains on land of another after having been notified by the owner or occupant not to enter or remain on the premise

(a) Notice will be considered given if conveyed as required by s.943.13 (2) (am) 1.2. Wis. Stats., that is; notice is given personally by the owner or occupant either orally or in writing, or, the land is posted in conformance with County Ordinance 97-08, 9.03(2)

Section 7 - Penalty Provisions: Any person who violates any provision of this ordinance shall be subject to a forfeiture to the Town of Sumner of no less than \$50.00 nor more than \$500.00, or as may be found in the current Town of Sumner fee schedule. Each day the violation exists shall be considered a separate violation, subject to a separate penalty, as set forth herein. Those violations reported to Jefferson County will also be subject to the forfeitures, fees, assessments, and costs under County Ordinance No. 97.08, 9.19, *Penalties*.

Section 8 - Collection of Penalties and Costs: The Town of Sumner will employ Town of Sumner Ordinance # 2017-1014-D *Forfeitures and Citations for Violations of Town Ordinances* to assess and recover forfeitures, penalties, costs, and damages to the Town of Sumner from persons who cause the Town of Sumner to report Section 6 violations of Jefferson County Ordinance 97-08, and may pursue any other appropriate legal or collection actions.

Section 9 - Nonexclusivity: Adoption of this ordinance in no way precludes the adoption of any other ordinance providing for enforcement of any law or ordinance relating to the same or other subject matter.

Section 10 - Severability: If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Effective Date: This ordinance shall take effect after passage and adoption by the Town Board and publication and posting as required under s. 60.80, Wis. Stats.

Adopted this 14th day of October, 2017.

_____ John Dohner, Jr., Chairman

_____ Randall Burdick, Supervisor I

_____ Rosemary Olson, Supervisor II

Attest: _____ Glendan Rewoldt, Clerk

Ayes: _____ Noes: _____ Absent: _____

Published: _____

Posted: _____