

CHAPTER XII

ORDERLY CONDUCT

12.01 OFFENSES ENDANGERING PUBLIC SAFETY.

(1) Discharging and Carrying Firearms and Guns Prohibited. No person, except a sheriff, constable, police officer or their deputies, shall fire or discharge any firearm, rifle, spring or air gun of any description within the Village of Elmwood Park or have any firearm, rifle, spring or air gun in his possession or under his control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container, provided that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board, or the firing or discharging of BB guns upon private premises by persons over sixteen (16) or under the direct personal supervision of a parent or guardian.

This subsection shall be deemed to prohibit hunting within the Village.

(2) Throwing or Shooting of Arrows, Stones and Other Missiles Prohibited. No person shall throw or shoot any object, arrow, stone, or other missile or projectile by hand or by any other means at any other person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village of Elmwood Park.

(3) Burning Restrictions.

(a) Definition. For the purposes of this article, the phrase "open burning" shall mean any fire from which the products of combustion are emitted directly into the open air without passing through a chimney or stack.

(b) Fires Regulated. No person shall kindle, start or maintain an open fire for the burning of:

1. yard waste
2. garbage or other organic refuse
3. building demolition or excess building material from construction activities
4. automobiles or parts thereof
5. highly flammable, toxic or explosive materials
6. electrical wiring
7. rubber products
8. plastic products or other such material.

(c) Fires Permitted. Fires are permitted in commercially purchased temporary outdoor grills and permanent outdoor fire appliances used for cooking or outdoor fireplaces. Containers shall be constructed of metal, concrete or brick or similar noncombustible material containing vents, screens or openings and adequate covers to prevent the escape of sparks or burning embers.

(d) All containers used for either cooking or outdoor fireplaces must meet all Federal, State or local design and safety standards and may be subject to inspection by the local fire department or Village Building Inspector to ensure compliance with all regulations if in the opinion of the Village Board the container is deemed unsafe.

(e) Water Availability. No burning shall be done unless an adequate water supply is available at the burning site to control the fire.

(f) Burning Location. All burning shall be conducted on a noncombustible surface – such as, grass, dirt or concrete etc. and shall not be located closer than ten (10) feet of any structure or property line. No burning shall take place on public property including roads and road rights-of-way.

(g) Wind Conditions. No burning shall be done at any time or place when wind conditions may create a nuisance to anyone or the property of anyone in the vicinity.

(h) Burning Size Restrictions. No burning shall be done where its maximum size is not controllable by one person of maturity and discretion, and where the circumference of the fire area exceeds 4 feet. All burning shall be done in a manner that does not impose a risk of personal injury or property damage. For events of community interest involving burning or cooking, written permission shall be obtained from the Village Board of Trustees and the Building Inspector that serves the Village.

(i) Material Disposal. Ashes and other such products of burning shall be disposed of in noncombustible containers approved by the local fire department or buried after the fire is completely extinguished.

(j) Supervision. To ensure safety and to prevent fires from endangering surrounding property, all open fires shall be under constant supervision until they are completely extinguished and the remaining embers are cold or have been thoroughly wet down.

(k) Violation. No person shall kindle, start or maintain an open fire, bonfire or rubbish fire in violation of this Section.

(l) Penalty. Any person convicted of a violation of this Section shall forfeit an amount as provided in Section 15.04.

(4) Sale and Discharge of Fireworks Restricted. No person shall 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 Village. The term “fireworks” as used in this Section shall be defined as provided in Section 167.10(1) of the Wisconsin Statutes, and shall be deemed to include all rockets or similar missiles containing explosive fuel.

(5) 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, meeting place, or residence.

(6) Obstructing Firemen or Policemen. It shall be unlawful for any person to willfully hinder, obstruct or otherwise interfere with the Fire and Police Department, or any member thereof, while engaged in fighting a fire or in traveling thereto or therefrom or while otherwise engaged in the performance of his duty or any official function, or to willfully damage or destroy any property belonging to the Fire or Police Department, or any member thereof, while so engaged, or to commit an assault, battery or throw any object upon a member of the Fire or Police Department while so engaged.

(7) Possession or Use of Fire Bombs and Other Similar Devices.

(a) It shall be unlawful for any person to make, carry, possess, sell, give or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick or any other type of ignition or detonating device.

(b) It shall be unlawful for any person to make, carry, possess, sell, give or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

(c) The prohibition against the possession or use of fire bombs shall not apply to authorized personnel such as policemen, firemen, plant guards and the like, who may possess such bombs solely for demonstration or training purposes.

(8) Penalties. Any person violating any of the provisions of Section 12.01(6) or 12.01(7) of this Code shall forfeit an amount as provided in Section 15.04.

12.02 OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER.

(1) Disorderly Conduct Prohibited. No person shall within the Village of Elmwood Park:

(a) In any public or private place engage in violent, 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 disturb or annoy any other person or persons.

(b) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

(2) Drunkenness. No person shall within the Village be habitually drunk or intoxicated so as to disturb the good order and quiet of the Village or be found in any place within the Village in such a state of intoxication that he is unable to care for his own safety or for the safety of others.

(3) Loud and Unnecessary Noise Prohibited. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

(4) Obedience to Officers. No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the Village while such officer is doing any act in his official capacity and with lawful authority.

(5) Assisting Escape of Prisoner. No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the Village.

(6) Personating Police Officers. No person shall personate a policeman or peace officer within the Village of Elmwood Park.

12.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY.

(1) Gambling, Lotteries, Fraudulent Devices and Practices Prohibited. All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the limits of the Village.

Any peace officer or policeman of the Village is hereby authorized to seize anything devised solely for gambling or found in actual use for gambling within the Village and to dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling.

(2) Vagrancy and Loitering Prohibited. No person shall within the Village loiter or loaf about any public building, place or premises or wander about the streets, alleys, parks or other public places either by day or night, whose actions give rise to a suspicion of wrong doing and who is unable to give a satisfactory account of himself, or who, having the physical ability to work, is without any visible means of support and does not seek employment, or who derives part of his support from begging, prostitution, pandering, fortune telling or as a similar imposter.

(3) Indecent Conduct and Language Prohibited. No person shall use any indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the Village.

(4) Curfew. Persons under the age of eighteen years of age are prohibited from being on the streets, alleys, and public places of the Village of Elmwood Park during stated hours and under certain conditions as follows:

(a) No minor person under the age of eighteen (18) years shall loiter, idle, wander, play or otherwise be upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds or vacant lots either on foot or in or on a vehicle of any nature in the Village of Elmwood Park between the hours of ten-thirty o'clock p.m. (10:30 p.m.) and five o'clock a.m. (5:00 a.m.), Sunday through Thursday, and between the hours of twelve midnight (12:00 a.m.) and five o'clock a.m. (5:00 a.m.) on Friday and Saturday, unless such minor is accompanied by either of his or her parents or his or her guardian, or other person having the legal custody of such minor.

1. This prohibition does not apply to minors who are returning home from functions authorized by schools or churches or other civic organizations,

provided they take the shortest and most direct route, and as fast as reasonably possible under the circumstances.

2. This Ordinance does not apply to minors whose employment makes it necessary to be upon such public streets, alleys, highways, roads, sidewalks, parks, playgrounds or other public places in the time restricted, but in such event such minors must carry a pass issued by the Chief of Police and they must use the shortest and most direct route going to the place of employment from the minor's home and returning home from said place of employment.

(b) No parent, guardian or other person having legal custody of any minor person under the age of eighteen (18) years shall knowingly permit such minor to loiter, idle, wander, play or otherwise be either on foot or on or in a vehicle of any nature upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds or vacant lots between the hours and dates specified in Section 12.03(4)(a) of this Ordinance, unless accompanied by a parent, guardian or other adult person having the legal custody of such minor, unless such minor is returning home from functions authorized by schools, churches or otherwise recognized civic organizations, or going to or returning home from work as specified in Section 12.03(4)(a)2 of this Ordinance.

1. Any parent, guardian or other person having legal custody of any such minor child who shall violate the provisions of this section of this Ordinance shall, upon conviction thereof, forfeit not less than \$1.00 nor more than \$50.00 together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding thirty (30) days.

(c) Any minor under the age of eighteen (18) years who shall violate any of the provisions of this Ordinance shall be dealt with in accordance with Chapter 48 of the Revised Statutes of the State of Wisconsin.

(d) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decisions of any court of competent jurisdiction, such decisions shall not affect the validity of any other section, subsection, phrase or portion thereof.

12.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY.

(1) Destruction of Property Prohibited. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Village or its departments or to any private person without the consent of the owner or proper authority.

(2) Littering Prohibited. No person shall throw any glass, rubbish, waste, or filth upon the streets, alleys, highways, 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 within the Village of Elmwood Park.

12.05 PENALTIES.

Any person who shall violate any provision of this Ordinance shall upon conviction thereof be punished as follows:

(1) For violation of any of the provisions of this Chapter, he shall be subject to a penalty as provided in Section 15.04 of this Code.

(2) In addition to any penalty imposed for violation of Section 12.04(1) of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any un-emancipated minor child who violates Section 12.04(1) of this Chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Section 331.035 of the Wisconsin Statutes.

Review and Approved by Board of Trustees on 8-15-2019