

Chapter 30

OFFENSES AND MISCELLANEOUS PROVISIONS*

* **Cross References:** Traffic and motor vehicles, ch. 50.

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ARTICLE I.

IN GENERAL

Sec. 30-1. Discharging and Carrying Firearms, Guns, and Concealed Weapons Prohibited.

(1) No person, except the sheriff, a sheriff's deputy, constable or police officer, shall fire or discharge any firearms, rifle, shotgun or gun of any description including, but not limited to, BB gun, spring or air gun of any type or description, bow and arrow or sling shot within the Village or have any firearm, rifle, BB gun, spring or air gun in his possession or under his control, unless in compliance or in accordance with Wisconsin Act 35, Act 51 and/or Wisconsin Act 71. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board except as herein provided:

- (a) The firing or discharging of bows and arrows upon private premises with the owner's consent by persons over 16 years of age or under the direct supervision of a parent or guardian in a safe and careful manner, in accordance with Wisconsin Act 51 and Act 71.
- (b) Gun salutes, using blank cartridges, as a special function at a parade, program or funeral.
- (c) Any person 18 years of age or older on property that they own, rent or lease after first applying for and successfully receiving a permit and waiver of liability from the Police Department may shoot in a safe and careful manner vermin, rodents or other small pests with ammunition commonly known as CB caps or point 22 birdshot. (A background check and fee will be required upon issuance of Permit, if granted.)

(2) No person, except the sheriff, a sheriff's deputy, constable, or police officer, shall carry any concealed weapons or firearms. An exception is if the person carrying a concealed weapon has been issued and is in possession of a valid Wisconsin concealed carry permit or a valid concealed carry permit from a reciprocal state, in accordance with Wisconsin Act 35, Act 51 and Wisconsin Act 149.

(3) This section shall prohibit all gun hunting within the Village of North Prairie in accordance with Wisconsin Act 35 and Wisconsin Act 51. Wisconsin Act 71 provides exceptions for bow hunting which are listed below:

(Ord. No. 04-2017, §1, 05-11-2017)

- (a) No person shall hunt with a bow and arrow or crossbow within the Village on any municipally owned lands or within 100 yards of any building located on public property or another person's land (private property). An exception to this rule is if the Village Board or a person who owns the land upon which the building is located allows the hunter to hunt within 100 yards of that building.
- (b) Any person who hunts with a bow and arrow or crossbow is required to discharge the arrow or bolt from the respective weapon toward the ground if located in a tree stand or elevated platform no less than 4 feet from the ground.

(4) *Penalties.* Any person over the age of 17 years violating the provisions of this Ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 plus costs per each offense. See approved Village Fee Schedule for subsequent violations by the same individual. Failure to pay any forfeiture hereunder shall subject any violator over the age of 17 years to be sentenced to the Waukesha County facility until said forfeiture is paid but not to exceed ninety (90) days.

Any person between the ages of 14 and 17 shall be subject to a forfeiture of not less than \$10.00 or more than \$200.00 plus costs per each offense or referred to the proper authorities as provided in Chapter 48 of the Wisconsin Statutes. Failure to pay any forfeiture hereunder shall subject the violator to the provisions of Chapter 48.28 of the Wisconsin Statutes.

Any person under the age of 14 shall be referred to the proper authorities as provided in Chapter 48 of the Wisconsin Statutes.

(Ord. No.04-2017, §1, 05-11-2017)

Sec. 30-2. State Offenses.

(1) Except as otherwise specifically provided in this code, the current and future statutory provisions in Chapters 939 through 948, Sections 48.983, 86.192, 134.66 and 161.571 through 161.577 Wisconsin Statutes, describing and defining regulations against the peace and good order of the state. Exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a term of imprisonment, are adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this code. Any future amendment, revisions or modifications of the current or future statute incorporated herein are intended to be part of this code in order to secure uniform statewide regulations of peace and good order of the state.

(2) In addition to the rules established by the Wisconsin Statutes and incorporated by reference in Ordinance 7-98 the following rules shall apply and in case of any conflict between the statute and these provisions, the stricter rule shall apply.

(Ord. No. 05-2011, § 1, 10-13-2011)

Secs. 30-3--30-30. Reserved.

ARTICLE II.

DELINQUENCY PREVENTION

Sec. 30-31. Loitering of minors.

No person under the age of 17 years shall congregate, loiter, wander, stroll, stand or play in or upon the public streets, sidewalks, highways, roads, alleys, parks or vacant lots within the village, either on foot or in or upon any conveyance being driven or parked thereon, between 11:00 p.m. and 6:00 a.m. of the following day, unless accompanied by his parent, spouse, guardian or other adult person having his care, custody or control. The prohibition of this section shall not apply to any person under 17 years of age who is going to or returning from any legitimate business or activity of any kind which has been specifically approved in advance by his parent, guardian or other adult person having legal care or custody.
(Ord. No. 02-03, § 1, 1-9-2003)

Sec. 30-32. Responsibility of parents.

No parent, spouse, guardian or other adult person having the care and custody of a person under the age of 17 years shall suffer or permit or by inefficient control allow such person to congregate, loiter, wander, stroll, stand or play in or upon the public streets, sidewalks, highways, roads, alleys, parks or vacant lots within the village, either on foot or in or upon any conveyance being driven or parked thereon, between 11:00 p.m. and 6:00 a.m. of the following day, unless accompanied by his parent, spouse, guardian or other adult person having his care, custody or control; provided that any parent, spouse, guardian or other adult person specified in this section who shall have made a missing person notification to the law enforcement authorities shall not be considered to have suffered or permitted any person to be in violation of this section.
(Ord. No. 02-03, § 2, 1-9-2003)

Sec. 30-33. Responsibility of operators of places of amusement.

No person operating a place of amusement or entertainment within the village, or any agent, servant or employee of any such person, shall permit any person under the age of 17 years to enter or loiter in such places of amusement or entertainment between 11:00 p.m. and 6:00 a.m. of the following day, unless such person is accompanied by his parent, spouse, guardian or other adult person having his care, custody or control.
(Ord. No. 02-03, § 3, 1-9-2003)

Sec. 30-34. Responsibility of hotels, motels and roominghouses.

No person operating a hotel, motel, lodginghouse or roominghouse within the village, or any agent, servant or employee of any such person, shall permit any person under the age of 17 years to enter or loiter in any portion of such hotel, motel, lodginghouse or roominghouse between 11:00 p.m. and 6:00 a.m. of the following day unless such person is accompanied by his parent, spouse, guardian or other adult person having his care, custody or control.
(Ord. No. 02-03, § 4, 1-9-2003)

Sec. 30-35. Penalties.

(a) Any person over the age of 16 years violating the provisions of this article shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 plus costs per each offense. Failure to pay any forfeiture under this section shall subject any violator over the age of 16 years to be sentenced to the county jail until the forfeiture is paid but not to exceed 90 days.

(b) Any person between the ages of 14 and 16 shall be subject to a forfeiture of not less than \$10.00 nor more than \$25.00 plus costs per each offense or referred to the proper authorities as provided in ch. 48, Wis. Stats. Failure to pay any forfeiture under this section shall subject the violator to the provisions of s. 48.17(2), Wis. Stats.

(c) Any person under the age of 14 years shall be referred to the proper authorities as approved in ch. 48, Wis. Stats.
(Ord. No. 02-03, § 5, 1-9-2003)