

Chapter 14

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14.01 Open Burning.

(1) OPEN BURNING PROHIBITED. No person, firm or corporation shall build any outdoor fire within the corporate limits of the village except as set forth in subsection (2). The purpose of this section is to prohibit or strictly control the burning of materials in the village in order to prevent public nuisances, threats to public safety, and possible air and water pollution that may result from such

burning.

(a) It is felt that only by completely prohibiting the outside burning of rubbish, leaves, and other combustibles can such unnecessary public nuisances, dangers, and pollution be abated.

(b) The use of outdoor portable incinerators, drums, barrels or other containers, and outdoor or inside fireplaces for the burning of leaves, trash, garbage, building materials, or

refuse is hereby prohibited.

(c) No person shall install, use, or maintain an outdoor wood burning heating system in the Village of North Fond du Lac.

(2) EXCEPTIONS.

(a) Outdoor cooking fire. Open or closed cooking grills (charcoal and propane fuel only) are exempt from the prohibitions of section (1) above except as follows:

1. For all multiple family dwellings more than one story in height, the use of any propane or charcoal gas cooking device is prohibited above the first floor occupancy.

2. For all multiple family dwellings more than one story in height, the use of any open or closed outdoor cooking fire, charcoal or propane cooking device, or any open flame device is prohibited within 15 (fifteen) feet of the structure on the ground floor.

3. Smoke from outdoor cooking grills shall not disturb or annoy neighboring property owners.

(b) Recreational Fires. Recreational fires defined as any campfire or cooking fire located at a single or two family private residence for the purpose of recreation or personal enjoyment, are exempt from section (1) so long as the fire is started and tended in compliance with the following requirements:

1. An annual permit to burn and an inspection of the site where the recreational fire will be set must first be obtained from the fire department.

a. A permit application for a recreational fire is available from the Fire Chief or his/her designee..

b. The form must be filled out and returned to the Fire Chief or their designee prior to first use of the fire.

2. No recreational fire shall be closer than 25 feet from any other building, structure, shed, garage, trees shrubs, bushes, fences, or any other kind of material that poses a likely risk of combustion.

3. Recreational fires shall be in a below ground fire pit with a minimum depth of 10 inches and diameter of 2 feet. The fire may not, except as defined below, extend more than 2 feet above the pit. The fire pit shall be surrounded on the outside, above ground by a non-combustible material such as concrete block or rock.

4. Portable fire pits, defined as devices commercially designed and intended to contain and control outdoor wood fires, may be used in accordance with the manufacturer's recommendations and within the requirements of (b) above. It must be used on a non-combustible surface (dirt without vegetation, stone, gravel, concrete, brick, etc.) with an area twice the diameter of the portable fire pit.

5. Materials burned for recreational fires shall not include rubbish, garbage, recyclable items, trash, any material made of or coated with rubber, plastic, leather, pressure treated lumber, or petroleum based materials and shall not contain any flammable or combustible liquids.

6. All recreational fires shall be attended at all times by at least one responsible adult, from the ignition of the fire until the fire is completely extinguished.

7. The renter/lessee of any leased property must provide written documentation from the property owner, giving permission to have a recreational fire on that property.

8. Any person who has started or maintained a recreational fire as defined herein

shall pay any and all costs incurred by the fire department for any service call generated by a recreational fire not in conformance with the provisions of this section.

9. Smoke from any type of recreational fire shall not disturb or annoy neighboring property owners.

(c) *Controlled burning.* Controlled burning of grass or similar vegetation for environmental management purposes, or for training purposes by the fire department can only be performed with prior written permit issued by the fire chief.

(d) *Ceremonial Fires.* Ceremonial campfire or bonfire, can be performed with prior written permit issued by the fire chief. All guidelines for the burn will be specified in the permit.

(e) Other occasions of desirable outdoor burning not specified by this subsection may be allowed with prior written permit issued by the fire chief, but not as an alternative when other refuse removal or disposal of methods are available.

(3) PERMIT CONDITIONS.

(a) Any burning permitted under subsection (2) shall be conducted in a safe, nuisance-free manner.

(b) Whenever a special permit is issued by the fire chief, the permit may specify and be conditioned upon observance of certain safety restrictions and nuisance mitigation measures.

(c) If the permit requires that a fire truck and crew be present at the fire scene as a safety precaution, the permit holder, at the discretion of the fire chief will be required to reimburse the village for such costs incurred.

(d) The permit holder shall be responsible for any liability resulting from damage caused by

the open burning.

(4) FIRE CHIEF MAY PROHIBIT. The fire chief or his designee may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous or a nuisance to surrounding residents or passers by.

(5) BURNING ON PUBLIC PROPERTY. No materials may be burned upon any street, curb, gutter, sidewalk, drainage ditch, waterway, alley, or parking lot accessible to the general public.

14.02 Radio and Television Interference Prohibited.

(1) No person in the village shall maintain, use or operate any apparatus device, machine or equipment either electrical or mechanical, which causes interference with radio, television, telephone or electronic reception of others when it is possible by ordinary means, electrical devices or wiring or by ordinary repair, adjustment or installation or other practical means to correct the operation of such mechanism so to prevent such interference.

(2) INSPECTION. Upon complaint being made to the police department that any device in the village is causing interference as provided by subsection (1) hereof, the police department shall investigate the complaint and make recommendations to the person causing the interference so as to eliminate it. The Police Department may request technical assistance from the electrical inspector when needed. In the event that the owner or operator of the offending device causing interference fails to apply remedial measures to eliminate the interference within 10 days after the

recommendation is made, the owner or operator shall be deemed to be operating the device in violation of this section and shall be subject to forfeiture as hereinafter provided. Any person refusing to allow a Law Enforcement Officer and/or the electrical inspector to enter upon the premises in the village for the purpose of making recommendations to eliminate interference shall within 10 days after such refusal, be deemed to be operating and maintaining the offending device in violation of this section and shall be subject to forfeiture as hereinafter provided, unless said interference be remedied within the said 10 day period.

(3) EXCEPTIONS. Nothing contained in this section shall apply to the operation of violet-ray machines, diathermal machines, x-ray machines or other electro-medical devices causing radio interference, provided that the same are being used in medical treatment and the interference that results from the operation is reduced as much as possible by filters, condensers, shields, grounds or other appliances, tending to reduce the interference.

(4) COMPENSATION FOR INSPECTOR. The compensation for the services rendered by the electrical inspector shall be determined by resolution of the village board.

14.03 Public Health. The village elects to come under the jurisdiction of the Fond du Lac County Board of Health as provided in Wis. Stat. §251.08.

14.04 Public Nuisances. The village subscribes to the provisions of Chapter 823 of the Wisconsin State Statutes as they apply to public nuisances.

14.05 Animal Control. (1) RESTRAINT OF DOGS. Any person owning (owner) or having charge, custody, care or control of any dog, (responsible party) shall:

(a) keep the dog inside an enclosed structure;

(b) upon an appropriate chain or tie no less than six (6) feet in length;

(c) In an enclosed yard, either walled, electronic fenced or structural fence;

(d) or in any other appropriate restraining enclosure. Public access to one entrance of the owner's residence or business must be provided without interference from such dog. No tie, chain or enclosure shall allow the dog to be within six (6) feet of any street, sidewalk, public way, or neighbor's driveway or walkway. In addition, any dog not so tied or enclosed, whether on the owner's premises or upon the public streets and highways, shall be restrained by an appropriate leash or chain, not exceeding six (6) feet in the hands of a person directly controlling the movement of such dog, provided that such lease or chain is in the hands of a person of sufficient strength to physically control such dog. Electronic fences must adhere to the same rules and regulations as a structural fence. Signage must be displayed on all lot lines adjacent to public right of ways indicating electronic dog restraint. Signage must be properly displayed for full visibility and be no less than 2" by 4" or no more than 6" by 12" in size and be made of weather resistant material with clear lettering.

(e) *Exceptions.* The following shall be exempt from the above restrictions:

1. A duly authorized police dog, properly trained and directly subject to the voice control

of the dog's assigned officer.

2. A seeing-eye or other handicap-aid dog owned by and within the control and voice control of its owner.

3. A dog that remains within the owner's rear yard under the personal, immediate, and direct supervision of the owner or other person either of whom is physically present and able to control the dog by voice command. Rear yard is defined as the yard area behind a house or other structure, which is separated from all public streets and sidewalks by a residence or similar building.

(2) RESTRAINT OF CATS AND OTHER ANIMALS.

(a) Any person owning (owner) or having charge, custody, care or control of any cat or other animal (responsible party) shall keep such animal exclusively upon his/her own premises, which shall include his/her automobile. Any cat or other animal which is allowed or taken outside the respective custodians house or other dwelling, including an automobile, shall be kept upon an appropriate chain or tie no less than six (6) feet in length, or in any other appropriate restraining enclosure. Public access to one entrance of the owner's house or dwelling must be provided without interference from such animal. Any such animal that is taken off of the custodian's property must be restrained in an appropriate restraining enclosure, or restrained by an appropriate leash or chain not exceeding six (6) feet in length, in the hands of a person directly controlling the movement of such animal.

(3) SEIZURE, IMPOUNDMENT, AND DISPOSITION. Any dog, cat or other animal found or discovered running loose and untied, or not leashed as provided in this section may

be seized, restrained by physical or chemical means, and impounded by any police officer or humane officer. The fact that a dog, cat or other animal is licensed does not exempt the animal from the provisions of this subsection. If any such dog, cat or other animal is so seized, restrained and impounded, the police officer shall attempt to notify the owner or responsible party personally or by mail as soon as possible if the owner is known or can be ascertained with reasonable effort. The owner or responsible party shall be liable for all costs associated with the utilization of Humane Society services plus a Village-determined fee for animal control services. Said owner or responsible shall further be subject to the forfeitures and costs provided under Section 14.25, which forfeiture shall not exceed \$500 per occurrence. If no responsible party or owner claims the animal after seven (7) days, the animal may be disposed of by a Humane officer, police officer, or Humane Society, in a proper and humane manner.

(4) ANNOYANCES. No owner, caretaker or custodian shall:

(a) harbor or keep any dog or any other animal which barks, whines, howls or makes sounds common to its species in an excessive, continuous, or untimely fashion.

(b) fail to maintain in a clean and sanitary condition and free from objectionable odor, all structures, pens, yards, and areas adjacent thereto wherein any dog or animal is kept.

(c) keep or permit to be kept on his premises any wild or vicious animal for display or exhibition purposes, whether-gratuitously or for a fee. This section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.

(5) Every female dog or cat in heat shall be

confined in a building or secure enclosure in such manner that the animal cannot come into contact with another animal except for planned breeding.

(6) ANIMAL BITES. The village subscribes to the provisions of Wis. Stats. §95.21 as it pertains to rabies control.

(a) Vicious Dogs or Cats. It shall be unlawful for any person to own or have in his or her possession in the village any dog or cat of a vicious disposition or any dog or cat which shall have bitten any person unless such dog or cat be muzzled at all times or securely tied or securely penned on the premises of such person.

The village elects the provisions of Wis. Stat. §174.02(3)(a) relating to dog bites.

(7) CRUELTY TO ANIMALS. The village subscribes to the following Wisconsin State Statutes as they pertain to Crimes Against Animals: *(a)* §951.02 Mistreating Animals; *(b)* §951.08 Instigating Fights Between Animals;

(c) §951.13 Providing Proper Food and Drink to Confined Animals;

(d) §951.14 Providing Proper Shelter;

(e) §951.15 Animals; Neglected or Abandoned; Police Powers.

(8) PET LITTERING. No person owning, keeping, possessing or harboring an animal as a pet shall allow such animal to soil, defile, defecate on or commit any nuisance on any private or public property. The person responsible for such animal must immediately remove and dispose of all feces so deposited in a sanitary manner.

(9) DISTURBING BIRDS AND SQUIRRELS. It shall be unlawful for any person to injure, to destroy or attempt to injure or destroy, any

kind of wild birds or squirrels within the village limits, with the exception of controlled programs under the direction of the County Humane Officer or Police Department

(10) SPECIES PROHIBITED WITHIN THE VILLAGE. The species named in this section by their nature or actions are hereby declared to be a nuisance and may not be kept by any person within the village limits. Species prohibited by this section are:

1. livestock, including all cattle, horses, mules, donkeys, sheep, goats, poisonous snakes, and swine;

2. all mink, foxes, skunks, raccoons, chickens, ducks, geese and bees or other wild animals.

(11) ANIMALS RUNNING AT LARGE. It shall be unlawful for any person living outside the village limits, who is the owner of, or in possession of, or charged with having the care of any cattle, horses, mules, donkeys, sheep, goats, swine, or fowl, to allow or permit the same to enter the village or to run at large within the village limits.

(12) TRANSPORTATION OF ANIMALS. No person may keep or transport any animal in or upon any vehicle in a cruel manner. No person shall lead any animal upon any street or alley from a motor vehicle or from a trailer or semi trailer drawn by a motor vehicle.

(13) MOTORIST HITTING DOMESTIC ANIMAL TO STOP AND REPORT. Any person who, while operating a motor vehicle, strikes or causes injury to cats, dogs, horses, cattle or any other domestic animals, shall stop at once, ascertain the extent of the injury and as soon as possible notify the animal's owner or an appropriate law enforcement officer of such striking or injury and the location of the animal.

14.06 Disorderly Conduct Prohibited.

No person, within the village shall:

(1) In any public place 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.

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

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

14.08 False Fire Alarms Prohibited. State Statutes adopted. The provisions of Wis. Stats. §941.13 except the provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this section as if fully set forth herein.

14.09 Refusing to Aid an Officer. State Statutes adopted. The provisions of Wis. Stats. §946.40(1) and (2), except the provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this section as if fully set forth herein.

14.10 Resisting or Obstructing an Officer. State Statutes adopted. The provisions of Wis. Stats. §946.41, relating to resisting or obstructing an officer, with exception to the provisions therein relating to

the penalties to be imposed, are hereby adopted by reference and made part of this section as if fully set forth herein.

14.11 Obstructing Emergency or Rescue Personnel. State Statutes adopted. The provisions of Wis. Stats. §941.37 (1) and (2), except the provisions relating to the penalties to be imposed, are hereby adopted by reference and made part of this section as if fully set forth herein.

14.12 Assisting Escape of a Prisoner. No person shall intentionally aid any prisoner or person to escape from the lawful custody of a law enforcement officer of the village.

14.13 Impersonating a Law Enforcement Officer. No person shall impersonate a law enforcement officer with intent to mislead others into believing that the person is actually an officer within the Village of North Fond du Lac.

14.14 Harassment. State Statutes adopted. The provisions of Wis. Stats. §947.013 (1) and (1m), except the provisions relating to the penalties to be imposed, are hereby adopted by reference and made part of this section as if fully set forth herein.

14.15 Begging. No person shall, within the limits of the village, place themselves upon any sidewalk or public street or other public place for the purpose of begging or receiving alms or go about said village from place to place or house to house begging alms.

14.16 Trespass or Loitering. (1) TO

SCHOOL PROPERTY. It shall be unlawful for any person or persons to trespass or loiter on, or use school ground in the village under the following circumstances:

(a) Between the hours of 9:00 PM and 7:00 AM, provided that this section shall not prohibit the use of such school grounds when such use shall be in connection with school functions, or when expressed permission for such use has been given by school authorities.

(b) When access to school property has been officially denied or revoked by an employee of the school district.

(2) TRESPASS TO PROPERTY.

State Statute adopted. The provisions of Wis. Stat. §943.14 Criminal Trespass to a Dwelling; §943.11 Entry Into a Locked Vehicle; §943.13 Trespass to Land; and §192.32 Trespassing on Railroad, except the provision therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this section as if fully set forth herein.

14.17 Discharging and Carrying Firearms and Guns Prohibited.

(1) The village elects to adopt the provisions of Wis. Stat. §66.0409 as it relates to local regulation of firearms.

(2) No person shall fire or discharge any cannon, rifle, revolver, air rifle, pellet gun or other firearm within the village, except as provided in this section.

(a) This subsection shall not apply to:

1. Any law enforcement officer acting in the course of their duties.

2. Any licensed rifle range.

(3) AIR RIFLES, SLINGSHOTS, BOWS AND ARROWS.

(a) No person shall use any slingshot of any

kind or any air gun, spring gun or other device for the purpose of throwing stones, lead, wood or any other substance within the limits of the village.

(b) No person shall use any bow and arrow within the limits of the village except in an area and under circumstances approved and permitted by the Chief of Police or the chief's designee.

1. Permits for use shall be issued by the chief or the chief's designee.

2. The fee for the permits shall be set by resolution of the village board.

14.18 Sale and Discharge of Fireworks Prohibited.

(1) The definition of fireworks as listed in the provisions of Wis. Stats. §167.10(1) are hereby adopted by reference and made part of this section as if fully set forth here in.

(2) Use and Sale. No person shall sell, expose or offer for sale, use and possess, discharge or explode any firework within the limits of the Village.

(3) Firework displays are not allowed without first obtaining a permit from the fire chief or the chief's designee and paying fees for such permit as may be set from time to time by resolution of the village board.

14.19 Obstructing Streets and Sidewalks Prohibited.

(1) No person shall stand, sit, loaf or engage in any sport or exercise on any public street or 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 from any place of business or amusement, church, public hall or

meeting place.

(2) It should also be unlawful to use vulgar or threatening language toward any person, menace, annoy, insult, or put fear in any person passing or attempting to pass upon any sidewalk, street, or public place in the village.

(3) In no way shall this prevent any law enforcement officer from initiating contact with any person in performing their official duties.

14.20 Storage of Gun Powder. It shall be unlawful for any person to keep or have in any building or place occupied by him/her in the village any gunpowder in quantities greater than twenty-five (25) pounds. All gun powder of quantities less than twenty-five (25) pounds stored on any property in the village shall be kept in a canister designed for such use.

14.21 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.

14.22 Littering Prohibited.

(1) No person shall throw any glass, rubbish, waste or filth upon the street, alleys, highways, public parks or other property of the village or upon any private property not owned by him/her or upon the surface of any body of water within the village.

(2) The parent or parents of an un-emancipated minor child who violates Section 14.22 of this chapter may also be held liable for the cost of replacing or repairing such damages or destroyed property.

14.23 Laser Safety.

(1) DEFINITIONS.

(a) *Laser* means any device that projects a beam or point of light by means of amplification by stimulated emission of radiation, or a device that emits light that simulates the appearance of a laser.

(2) No person shall direct or cause to be directed, any beam of any laser device at any person under circumstances that tend to disturb, frighten, or annoy any other person or persons.

(3) EXCEPTIONS.

(a) This provision of municipal ordinance shall not prohibit any law enforcement officer using such a device in the lawful performance of their duties.

(b) The provisions of this section are not intended to prohibit the reasonable use of laser devices in legitimate business or educational settings so long as such use does not unreasonably provoke an immediate disturbance of public order.

14.24 Unlawful Use of Telephone or Computerized Communication System

State Statutes adopted. The provisions of Wis. Stats. 947.012 and 947.0125, except the provisions relating to the penalties to be imposed, are hereby adopted by reference and made part of this section as if fully set forth herein.

14.25 Penalty. Unless otherwise specified, the penalty for violation of any provision of this chapter shall be as provided in Sec. 24.05 of this code. Each day that any such provision is so violated by any such person shall be and constitute a separate violation

hereunder.