

Chapter 2

Offenses Against Public Safety and Peace

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Sec. 9-2-1 Discharge of Firearms.

- (a) **Purpose.** The Town Board of Westport has determined that the health, safety and general welfare of a person is threatened when a person discharges a firearm within those areas of the Town used for a residential or commercial purpose or within one hundred (100) yards therefrom. The Town Board therefore hereby establishes an ordinance regulating the discharge of firearms for certain areas within the Town.
- (b) **Definitions.**
- (1) **Residential Purpose.** Any area within the Town where there is located a dwelling and the appurtenances thereto, including any house, garage, trailer, mobile home, tent, bus, truck, vehicle or similar portable unit, used or usable for human occupancy.
 - (2) **Commercial Purpose.** Any area within the Town where there is located a structure and its appurtenances, used or usable for the purpose of carrying on any trade, industry or business, except for such areas which are twenty (20) acres or more in size, which are used for agricultural purposes, and which are more than one hundred (100) yards from a residential or commercial area.
 - (3) **Firearm.** Any weapon such as a cannon, shotgun, pneumatic rifle, BB guns, pistol or rifle.
- (c) **Restrictions.** No person shall fire or discharge a firearm as defined in this Section within those areas of the Town used for a residential or commercial purpose or within one hundred (100) yards therefrom unless otherwise permitted by law or without first obtaining a permit. No person shall fire or discharge a firearm as defined in this Section within one thousand (1,000) feet from any school property as defined in Section 29.301, Wis. Stats., within the Town.
- (d) **Permit.** The Town Chairperson shall be authorized to grant written permits where special circumstances exist which require the discharge of firearms within the areas prohibited hereby. Such permit shall be limited to time and place.

Sec. 9-2-2 Sale and Discharge of Fireworks Restricted.

No person shall use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Town of Westport unless he/she shall be authorized by a fireworks permit as provided in Title 7 of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Sec. 167.10(1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.

Sec. 9-2-3 Loitering Prohibited.

- (a) **General Regulation of Loitering or Prowling.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.
- (b) **Public Property Loitering Prohibited.**
- (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any law enforcement officer.
 - (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (c) **Private Property Loitering Prohibited.**
- (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places.
 - (2) Upon being requested to move by any such person in authority or by any law enforcement officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (d) **Loitering or Prowling Prohibited.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be

considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this Subsection if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

- (e) **Loitering by Underage Persons Where Alcohol Beverage is Dispensed.**
 - (1) ***Underage Persons and Intoxicants.*** No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
 - (2) ***Permitting Loitering Permitted.*** No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (f) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
 - (1) ***Loiter.*** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) ***Nuisance.*** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Town of Westport.
 - (3) ***Prowl.*** To move or roam about furtively, particularly on the property of another person.

Sec. 9-2-4 Loud and Unnecessary Noise Prohibited.

- (a) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- (b) **Types of Loud and Unnecessary Noises.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
 - (1) ***Horns, Signaling Devices.*** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Town of Westport for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by

means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

- (2) **Radios, Phonographs, Similar Devices.** The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (3) **Loudspeakers, Amplifiers for Advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (4) **Animals, Birds.** The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- (5) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) **Construction or Repair of Buildings.** The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 9:00 p.m.; provided, however, the Building Inspector shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 9:00 p.m. to 7:00 a.m.
- (7) **Exceptions.** The provisions of this Section shall not apply to:
 - a. Any vehicle of the Town while engaged in necessary public business.
 - b. Excavations or repairs of streets or other public construction by or on behalf of the Town, County, or State at night when public welfare and convenience renders it impossible to perform such work during the day.
 - c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(c) **Permits for Amplifying Devices.**

- (1) **Permit Required.** The use of loudspeakers or amplifying devices on the streets or in the parks of the Town of Westport is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Town Board.
- (2) **Grounds or Reasons for Denial or Allowance.** The Town Board shall have the authority to revoke such permit when it believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.
- (3) **Time Restrictions.** The Town Board shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 11:00 p.m. Nor shall a permit be granted to anyone who, in the opinion of the Town Board, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.
- (4) **Exceptions.** The regulation of the use and times for use of amplifying devices may be modified by the Town Board.

Sec. 9-2-5 Disorderly Conduct.

- (a) **Disorderly Conduct Prohibited.** No person within the Town of Westport shall:
 - (1) In any public or private place engage in violent, noisy, riotous, 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 annoy or disturb any other person.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (b) **Disorderly Conduct With Motor Vehicle.** No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine or by emitting unnecessary and loud muffler noise.
- (c) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Town, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings, or to indecently expose his/her person.