

CHAPTER 2

Offenses Against Public Safety and Peace

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SEC. 10-2-1 REGULATION OF FIREARMS AND EXPLOSIVES.

- (a) **Discharge and Possession of Firearms Regulated.** No person shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description within the City. No person shall possess or have under his control any firearm, rifle, spring gun, air gun or pneumatic pellet gun unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to State law. This subsection shall not apply to a police officer or other law enforcement officer who is acting in the performance of an official duty.
- (b) **Shooting Into City Limits.** No person shall in the territory adjacent to the City discharge any firearm in such manner that the discharge shall enter or fall within the City.
- (c) **Shooting Ranges.** This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Common Council, after an advisory recommendation from the Chief of Police, where proper safety precautions are taken.

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- (d) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the City without first obtaining a permit to do so from the Chief of Police.
- (e) **Hunting Prohibited.** Hunting is prohibited within the corporate limits of the City of Thorp.
- (f) **Definitions.** For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

SEC. 10-2-2 CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED.

- (a) **Concealed Weapons Prohibited.**
 - (1) Prohibition. No person shall within the City wear or in any manner carry under his clothes or conceal upon or about his person any deadly or dangerous weapon, provided this Subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.
 - (2) Dangerous Weapon Defined. "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
- (b) **Concealed Weapons in Public Establishments.** No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This Subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This Subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to

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- hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.
- (c) **Specific Concealed Weapons Prohibited.** No person shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, cross knuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the City. This subsection shall not apply to a police officer or other law enforcement officer who is acting in the performance of an official duty.
- (d) **Possession, Sale and Manufacture of Certain Weapons Prohibited.**
- (1) No person shall sell, manufacture, purchase, possess or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Suchai" or similar weapon within the City of Thorp.
 - (2) For the purpose of this Subsection, the following definitions shall apply:
 - a. "Numchuk" or "Nunchaku." An instrument consisting of two (2) or more sticks, clubs or rods connected by a rope, cord, wire or chain.
 - b. "Churkin". A round throwing knife consisting of several sharp points protruding from a rounded disc.
 - c. "Suchai." A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
 - (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

SEC. 10-2-3 SAFE USE AND TRANSPORTATION OF FIREARMS AND BOWS.

- (a) **Definitions.** In meaning given under Section 30.50(6), Wis. Stats., this Section:
- (1) Encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped,

buckled, tied or otherwise fastened with no part of the firearm exposed.

- (2) Firearm means a weapon that acts by force of gunpowder.
- (3) Highway has the meaning given under Section 340.01(22), Wis. Stats.
- (4) Motorboat has the. Stats.
- (5) Roadway has the meaning given under Section 340.01(54), Wis. Stats.
- (6) Unloaded means any of the following:
 - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
 - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
 - c. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
- (7) Vehicle has the meaning given under Section 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Section 340.01(58a), Wis. Stats.

(b) **Prohibitions; Motorboats and Vehicles; Highways and Roadways.**

- (1) No person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
- (2) No person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
- (3) No person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
- (4) No person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway within fifty (50) feet from the center of a road.
- (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture of not more than One Hundred Dollars (\$100.00).

(c) **Exceptions.**

- (1) This Section does not apply to any of the following who, in the line of duty, place,

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possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:

- a. A peace officer, as defined under Section 939.22(22), Wis. Stats.
 - b. A member of the U.S. armed forces.
 - c. A member of the National Guard.
- (2) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Section 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
- (3) Subsections (b)(2) and (3) do not apply to the holder of a permit under Section 29.09, Wis. Stats., who is hunting from a standing automobile in accordance with this Subsection.

SEC. 10-2-4 THROWING OR SHOOTING OF STONES AND OTHER MISSILES PROHIBITED.

It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, stone, snowball or other missile within the City of Thorp.

SEC. 10-2-5 UNLAWFUL TELEPHONE USE

HARASSING OR OBSCENE TELEPHONE CALLS.

Whoever commits any of the following acts shall be subject to the general penalty as provided in this Municipal Code:

- (a) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent.
- (b) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers.
- (c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers.
- (d) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers.

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- (e) Knowingly permits any telephone under his control to be used for any purpose prohibited by this Section.
- (f) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

IMPROPER USE OF 911 EMERGENCY PHONE SYSTEM.

No person shall:

- (a) Intentionally dial the telephone number "911" to report an emergency, knowing that the situation which he/she is reporting does not exist.
- (b) Intentionally dial the number "911" for no legitimate purpose.
- (c) Intentionally dial the number "911" for a non-emergency reason. For the purposes of the section, "emergency" shall mean a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.
- (d) Intentionally dial the number "911" but fails to report an emergency or fails to hang up, causing an open line.
- (e) Allow their children to dial the number "911" in any of the above-described circumstances.

SEC. 10-2-6 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 City unless he shall be authorized by a fireworks permit as provided in Title 6, Chapter 6, of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Section 167.10(1), Wis. Stats., and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

SEC. 10-2-7 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

- (a) **Obstructing Streets.** No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the City 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 or meeting place.

- (b) **Blocking Sidewalk Prohibited.** No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (c) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.
- (d) **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) Block. To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
 - (2) Sidewalk. Any sidewalk owned or maintained by the City. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

SEC. 10-2-8 LOITERING PROHIBITED.

- (a) **In General.** 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 or manifestly endeavors to conceal himself or any object. Unless flight by the person or

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other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation give by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

- (b) **Prohibited Daytime Loitering by Minors.** It is unlawful for any minor under the age of 18 years who is subject to compulsory education to loiter, congregate, wander, stroll, stand, play or be in or upon the public streets, highways, roads, alleys, parks, playground, or other public grounds, public places, public buildings, places or amusement, eating places, vacant lots, or any unsupervised place during hours of required school attendance. Unless flight by the actor or other circumstances make it impractical, a peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting the actor to identify him or herself and explain their absence from school or other conduct. Additionally, this section does not apply:

- (1) When the minor is accompanied by his or her parent, guardian or other adult person having the care or custody of the minor; or
- (2) When the minor is on an emergency errand directed by his or her parent or guardian or other adult person having care or custody of the minor; or
- (3) When the minor is going or coming directly from or to his or her place of gainful employment, or to or from a medical appointment; or
- (4) To students who have permission to leave school campus for lunch or for school related activities.

SEC. 10-2-9 UNREASONABLY LOUD NOISE PROHIBITED.

- (a) **Unreasonably Loud Noise Prohibited.** It shall be unlawful for any person to use or cause any device, machine, equipment or instrument to emit an unreasonably loud noise. Noise may be "unreasonably loud" because of the location, time of day, purpose, necessity, or decibel level. The following are declared to be unreasonably loud noises in violation of this Section, but this enumeration shall not be deemed exclusive:
- (1) Horns and Signaling Devices. The sounds emitted by a horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the City for an unreasonable length of time.
 - (2) Musical Instruments, Radios, and Electronic Sound Amplification Devices. The sounds emitted by a musical instrument, radio or electronic sound amplification device that is audible under normal conditions from a distance of 75 feet or more, or that is audible between the hours of 10:00 p.m. and 7:00 a.m. at the property line of the building or structure in which it is located.
 - (3) Use of Construction Equipment. The sounds emitted by the non-emergency use of construction or demolition equipment such as a pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment between the hours of 10:00 p.m. and 7:00 a.m.
 - (4) Schools, Courts, Churches, Hospitals. The creation of any unreasonably loud noise on a public street where signs are erected indicating that a school, hospital or church is located in the vicinity.
- (b) **Exceptions.** The provisions of this Section shall not apply to:
- (1) The operator of an authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon return from a fire alarm.
 - (2) The operator of a vehicle of a public utility as defined in Section 11.40(1)(a) Wis. Stats.
 - (3) The operator of a vehicle that is being used for advertising purposes between the hours of 9:00 a.m. and 9:00 p.m.

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- (4) The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
- (5) The activation of a theft alarm device.

State Law Reference: Section 346.94(16) Wis. Stats.

SEC. 10-2-10 DISORDERLY CONDUCT.

- (a) **Disorderly Conduct Prohibited.** No person within the City of Thorp 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.
- (b) **Defecating or Urinating in Public View.** It shall be unlawful for any person to defecate or urinate in public view or outside of designed sanitary facilities.
- (c) **Indecent Exposure.** It shall be unlawful for any person to indecently expose his person in a public place.

SEC. 10-2-11 POSSESSION OF CONTROLLED SUBSTANCES.

- (a) **Controlled Substances.** It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161 of the Wisconsin Statutes.
- (b) **Possession of Marijuana.** No person shall possess any amount of marijuana, tetra-hydrocannabinoids or any derivative thereof, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a licensed physician or pharmacist for valid medical purpose.

State Law Reference: Chapter 161, Wis. Stats.

SEC. 10-2-12 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.

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- (a) **Unauthorized Presence on School Property.** It shall be unlawful for any person to be present in, loiter or enter into any public school building, school parking lot or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days.
- (b) **Exceptions.** This Section shall not apply to:
 - (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof to leave the school building or school grounds.
 - (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which facilities are located and during the hours such facilities are specifically open to the public or an invited portion thereof;
 - (3) Parents or legal guardians or a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.

SEC. 10-2-13 FAILURE TO OBEY LAWFUL ORDER.

It shall be unlawful for any person to fail to obey the direction or order of a police officer is acting in an official capacity in carrying out his or her duties.