

Chapter 420

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Town Board of the Town of Buchanan 11-4-1997 as Ch. 54, Arts. I to IV of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Intoxicating liquor and fermented malt beverages — See Ch. 339.

Parks and recreation — See Ch. 411, Arts. I and II.

Solid waste — See Ch. 450.

ARTICLE I

General Provisions

§ 420-1. Adoption of State Criminal Code by reference.

- A. Nonfelony offenses and violations of the State Criminal Code,¹ as subsequently amended, excluding the punishments for such violations, are adopted by reference as if fully set out in this section.
- B. Violations of the statutes of the State Criminal Code occurring in the Town shall constitute violations of this section and shall be punished by a forfeiture as provided in § 1-7.

§ 420-2. Violations and penalties.

For a violation of any provision of this chapter, the offender, upon conviction, shall be subject to a penalty as provided in § 1-7.

§ 420-3. Intoxicating liquor not to be sold or consumed on streets.

- A. No sale. No person shall sell or serve or offer to sell or serve any intoxicating liquor or fermented malt beverage upon any public street, alley, sidewalk or public property of the Town without a license or permit therefor.
- B. No consumption. No person shall consume any intoxicating liquor or fermented malt beverage upon any public street, alley or sidewalk except in parks as regulated under Chapter 411.

§ 420-4. Possession of marijuana prohibited. [Amended 8-17-2010 by Ord. No. 2010-03]

No person shall possess 25 grams or less of marijuana within the Town, unless the marijuana was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise

¹. Editor's Note: See Chs. 938 to 951, Wis. Stats.

authorized by Ch. 961, Wis. Stats. Any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, shall be subject to prosecution and penalties as provided by state statute. For the purpose of this section, the terms "marijuana" and "practitioner" shall be defined as provided in § 961.01, Wis. Stats. This section is adopted pursuant to § 66.0107(1)(bm), Wis. Stats.

ARTICLE II Offenses Against Public Peace

§ 420-5. 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 claim is warranted is the fact that the actor takes flight upon appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a law enforcement 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 him/her to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the actor was true and, if believed by the police officer at the time, would have dispelled the alarm.

§ 420-6. Loitering in school and playground area.

It shall be unlawful for any person not in official attendance or on official business to enter in, to congregate, loiter, wander, stroll, stand or play in any school building in the Town or in or about any playground area adjacent thereto between the hours of 7:00 a.m. and 4:00 p.m. on official school days.

ARTICLE III Offenses Against Public Health and Safety

§ 420-7. Discharging and carrying firearms and guns. [Amended by Ord. No. 02-1]

No person, except a sheriff, police officer or their deputies, shall fire or discharge any firearm, rifle, spring or air gun of any description within the Town west of Loderbauer Road, 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, however, that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Town Board. This section shall be deemed to prohibit hunting within the Town west of Loderbauer Road, provided that the Town Administrator/Clerk may issue written permits to owners or occupants of private premises to hunt or shoot on such premises, if he/she finds such privileges necessary for the protection of life or property, and subject to such safeguards as he/she may impose for the safety of the lives and property of other persons

within the Town. Notwithstanding any other provisions herein, the discharge of paintball guns may be permitted by the Town Board on private property with the consent of the property owner during daylight hours upon not less than 24 hours' notice to the Town Administrator/Clerk. The Town Administrator/Clerk may impose such other safeguards as deemed necessary for the safety of the lives and property of other persons within the Town.

§ 420-8. Throwing or shooting of arrows, stones and other missiles.

No person shall throw or shoot any object, arrow, stone, snowball 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 in the Town.

ARTICLE IV
Offenses Against Public and Private Property

§ 420-9. Destruction of property.

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 Town or its departments or to any private person without the consent of the owner or proper authority.

§ 420-10. Littering.

No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the Town; upon any private property not owned by him/her; or upon the surface of any body of water within the Town.²

². Editor's Note: Original Sec. 54-78, Receiving property from children, which immediately followed this section, was repealed 8-17-2010 by Ord. No. 2010-03.