

CHAPTER 7

ORDERLY CONDUCT

7.01 **OFFENSES AGAINST PUBLIC HEALTH AND SAFETY.**

(1) REGULATION AND USE OF FIREARMS AND OTHER WEAPONS.

(a) **Carrying Weapons.** No person shall carry any concealed pistol, revolver or other similar firearm about the City of New Holstein, or have any firearm, rifle, spring or air gun in his possession unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container, except that this provision shall not apply to any policeman or other officer of the law entitled to carry firearms or to hunters hunting in areas designated by the Common Council.

(b) **Discharging Firearms and Other Weapons.** No person except a peace officer shall discharge any pistol, revolver, rifle, shotgun, compressed air gun or other firearm within the City, except where the use of such firearm or arms are required for the protection of person or property, or where used in hunting areas designated by the Common Council, or where fired for test purposes in bona fide repair shops.

(c) **Sale to Minors.** No person shall sell, loan or give any firearm to any person under 18 years of age.

(2) SALE AND USE OF FIREWORKS. Section 167.10, Wisconsin Statutes, exclusive of penalty provisions, is adopted by reference and made a part of this Code.

(3) ABANDONED OR UNATTENDED REFRIGERATORS, ETC. No person shall leave outside any building, dwelling or at a place accessible to children, any unattended or discarded ice box, refrigerator or other container which has an airtight door which may not be opened from the inside.

(4) OBSTRUCTION OF AISLES, FIRE ESCAPES, ETC. No person shall obstruct an aisle, fire escape, entrance or exit or a public building or building used for the assemblage of more than 10 persons.

(5) CONCEALED WEAPONS UNDER CHAPTER 941.23 OF THE WISCONSIN STATUTES. The provisions of Chapter 941.23 of the Wisconsin Statutes relating to the carrying of a concealed weapon is hereby adopted as reference as part of this Chapter as if fully set forth herein and the penalties adopted under Section 7.05, New Holstein Municipal Code, are specifically adopted as if incorporated herein and shall be considered a municipal ordinance violation.(Cr. #324)

7.02 **OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER.**

(1) **DISORDERLY CONDUCT PROHIBITED.** No person shall within the City of New Holstein:

(a) In any public 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.

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

~~(2) Drunkenness as disorderly conduct (Repealed Ordinance 144)~~

(3) **DISTURBANCE OF PUBLIC MEETING.** No person shall disturb a public meeting or loiter about a place of public assemblage.

(4) **ASSAULT AND BATTERY.** No person shall commit an assault and battery upon another.

(5) **KEEPING LIVESTOCK.** No person shall keep livestock within the City except on premises actually used for farming.

(6) **CRUELTY TO ANIMALS.** No person shall treat cruelly any animal within the City.

(7) **ANIMAL NOT TO RUN AT LARGE.** No person owning, possessing or harboring any animal shall allow it to run at large within the City.

(8) **HUNTING PROHIBITED.** No person shall hunt, trap, shoot, or kill any wild animal or bird within the City, except as authorized by the Common Council.

(9) **LOUD AND UNNECESSARY NOISE PROHIBITED.** No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

(10) **OBEDIENCE TO OFFICERS.** No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the City while such officer is doing any act in his official capacity and with lawful authority.

(11) **ASSISTING ESCAPE OF PRISONER.** No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the City.

(12) IMPERSONATING POLICE OFFICERS. No person shall impersonate a policeman or peace officer within the City.

(13) CONSUMPTION OF ALCOHOL IN PUBLIC RIGHT-OF-WAYS. No person shall drink liquor or fermented malt beverages or have in his possession open containers of liquor or fermented malt beverages on any public sidewalks, street, or alley within the City except as authorized by the City Council.(Recr. #150) 7-9-75

(14) (1) LITERING OF MINORS (CURFEW HOURS). It shall be unlawful for any person under the age of seventeen (17) to congregate, loiter, wander, stroll, stand, or play in or upon the public street, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or any public places in the City of New Holstein, either on foot or in or upon any conveyance being driven or parked thereon, between the hours of 11:00 P.M. and 5:00 A.M. of the following day, official city time, unless accompanied by his or her parent, guardian, or other adult person having his or her care, custody, or control.

(2) RESPONSIBILITY OF PARENTS. It shall be unlawful for the parent, guardian, or other adult person having legal custody or control of any minor to suffer or permit or by inefficient control to allow such minor to violate this Section unless the minor is accompanied by his or her parent, guardian, or other adult person having legal custody or control. Parents violating this Section more than one(1) time in a calendar year shall be subject to the penalty provisions of Section 3.

(3) PENALTY. Any person who violates this Section shall be penalized pursuant to Section 20.04 of the City of New Holstein Code of Ordinances.(Cr. #294)

(15) TRUANCY PROHIBITED.(Repealed & Recreated #454) A child who is under the age of eighteen(18) years and is absent from school without an acceptable excuse under Section 118.15, Wisconsin Statutes, for part or all of five (5) or more days out of ten (10) consecutive days on which school is held during the school semester or for part or all of ten (10) or more days on which school is held during the school semester, shall be considered a habitual truant within the provisions o Section 118.163, Wisconsin Statutes, and a citation may be issued for that child's violation of this ordinance.

(1) The City of New Holstein presently has incorporated into its Municipal Code, Section 7.02(15) which defined truancy and the Wisconsin Statute defining truancy which has been modified.

(2) The truancy definition for the City of New Holstein is desired to be consistent with Wisconsin State Law as contained at Section 118.16(1)(a), Wisconsin Statutes.

(3) The City of New Holstein does ordain that Section 7.02(15) of the Municipal Code is modified and amended to provide that a student who misses five(5) days a semester is considered a habitual truant and the definition of truant shall be defined as consistent with Wisconsin law and in the event of modifications in Chapter 118.16(1)(a) defining truancy, the New Holstein Municipal Code shall be modified accordingly and to incorporate the same definition as Wisconsin Statutes as to defining habitual truant.

PENALTY. The City of New Holstein does hereby incorporate by reference as if more fully set forth herein the provision of Section 118.163, Wisconsin Statutes. In the event a child is found to be habitual truant, the child may be punished by any of the following dispositions available to the Municipal Court:

(a) Suspension of the child's operating privilege, as defined in Section 340.01(40), Wisconsin Statutes, for not less than thirty (30) days nor more than ninety (90) days. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

(b) An order for the child to participate in counseling, community service, or a supervised work program as provided under Section 48.34(9), Wisconsin Statutes.

(c) An order for the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.

(d) (Created #295) An order for the child to attend an education program under Section 48.34(12).

(e) (Created #455) A child who is believed to be truant shall be issued a citation for the child's violation of the ordinance. In addition, the responsible parent or the parent having primary placement/custody of the child alleged to be truant may be required to appear at the child's initial appearance and at the trial of the action if necessary.

The parent may receive a monetary fine of up to \$50.00 for each day that a child is absent from school without an acceptable excuse in addition to the penalties to be imposed upon the child within this ordinance.

The penalties for a child's violation of this ordinance may include an order for the child to participate in counseling, community service or a supervised work program as provided under Section 48.34(9), Wisconsin Statutes, and may also include an order for the child to remain at home except during hours when the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of religious worship. The order may permit the child to leave his or her home if the child is personally accompanied by a parent or

guardian; the penalty may also include an order for the child to attend an educational program under Chapter 48 of the Wisconsin Statutes

7.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY.

(1) **GAMBLING, LOTTERIES, FRAUDULENT DEVICES AND PRACTICES PROHIBITED.** All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the City. Any peace officer or policeman of the City is hereby authorized to seize anything devised solely for gambling or found in actual use for gambling within the City and to dispose thereof after a judicial determination that said device was used solely for gambling or found in actual use for gambling.

(2) **DISORDERLY HOUSES PROHIBITED.** No person shall keep a disorderly house or house of prostitution within the City.

(3) **VAGRANCY AND LOITERING PROHIBITED.** No person shall within the City loiter or loaf about any public building, place or premises or wander about the Streets, alleys, parks or other public places either by day or night, whose actions give rise to a suspicion of wrong doing and who is unable to give a satisfactory account of himself, or who, having the physical ability to work, is without any visible means of support and does not seek employment or who derives part of his support from begging, prostitution, pandering, fortune telling, or a similar impostor.

(4) **INDECENT CONDUCT AND LANGUAGE PROHIBITED.** No person shall use any indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the City. It shall be a violation of this subsection for any person to sell, give away or distribute within the City any obscene show or exhibition.

(5) **OBSCENE LITERATURE.** No person shall within the City sell, offer for sale, or give away or exhibit any obscene book, pamphlet, paper, card, picture, toy or device.

7.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY.

(1) **DESTRUCTION OF PROPERTY PROHIBITED.** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property belonging to the City or its departments, to the public, or to any private person without the consent of the owner or proper authority.(Rep. & Recr. #305)

(2) **LITTERING PROHIBITED.** No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the City, upon

any public property, or upon any private property not owned by him or upon the surface of any body of water within the City.(Rep. & Recr. #305)

(3) **UNLAWFUL RETENTION, MUTILATION, OR THEFT OF LIBRARY MATERIALS.**

(a) **UNLAWFUL RETENTION OF LIBRARY MATERIALS.** No person shall fail, following demand sent by regular mail, to return or make full restitution for any overdue book, periodical pamphlet, picture, or any other article or property belonging to or in charge of the New Holstein Public Library and no person shall remove from the New Holstein Public Library any book, periodical, pamphlet, picture, or other article or property belonging to or in charge of the New Holstein Public Library without first having checked out such article pursuant to the rules and regulations of the library.

(b) **MUTILATION OF LIBRARY MATERIALS.** No person shall mar, deface, or in any other way damage any book, periodical, pamphlet, picture, or other article or property belonging to or in the charge of the New Holstein Public Library, or permit the same to be done without reimbursing the library for such damage following demand sent by regular mail.

(c) **THEFT OF LIBRARY MATERIALS.** Section 943.60 of the Wisconsin Statutes, relating to theft of library materials, is hereby adopted by reference with the exception of the penalty provisions of said section.

(4) **TRESPASS.** Sections 943.13, 943.14, and 943.15 of the Wisconsin Statutes, relating to trespass to land, criminal trespass to dwellings, and entry onto a construction site or into a locked building, dwelling, or room, is hereby adopted by reference with the exception of the penalty provisions of said Section.

Any person who shall violate Section 7.04(4) of the Municipal Code shall be subject to a penalty as provided in Section 20.04 of this Code.

This ordinance shall take effect from and after its passage and publication, as provided by law and as set forth above.

(5) **REGULATION OF SMOKING.** Section 101.123, Wisconsin Statutes, relating to the regulation of smoking are hereby adopted as reference as part of this Section as if fully set forth herein and the penalties adopted under Section 101.123(8), Wisconsin Statutes, are hereby specifically adopted as if incorporated herein and shall be considered a municipal ordinance violation. In all other respects, the foregoing ordinance shall be maintained and in full force and effect. (Cr. #274)

(a) NO SMOKING IN CITY HALL. No person shall smoke, or carry a lighted cigar, cigarette, pipe, or any other lighted smoking equipment in the New Holstein City Hall.

(b) UNDERAGE SMOKING. Section 48.983, Wisconsin Statutes, (1993-1994), describing and defining the prohibition against children buying or attempting to buy cigarettes or tobacco products, falsely representing age for the purpose of receiving cigarettes or tobacco products or possessing cigarettes or tobacco products, are hereby adopted and by reference made a part of this Chapter as though fully set forth herein. Any act required to be performed or prohibited by any of the Statutes incorporated herein by reference is required or prohibited by this ordinance. This adoption by reference shall also include any subsequent additions, modifications, or other changes to the above statute.(Cr. #330)

(c) Section 254.92, Wisconsin States, prohibiting any person under the age of 18 years of age from purchasing, attempting to purchase or possess any cigarette or tobacco product except for the sole purpose of resale in the course of employment during working hours is prohibited. Further, the sale of cigarette or tobacco product to a person under the age of 18 is prohibited and any person violating this section shall be subject to the penalty provisions set forth at Chapter 7.05 included herein. Wisconsin Statutes regarding environmental health contained at Chapter 254 of the Wisconsin Statutes are incorporated herein by reference together with any subsequent additions, modifications, or other changes. (Cr. # 42)

(d) Given the fact the New Holstein School District has prohibited the use of tobacco on premises owned by it or rented by it as permitted to be prohibited by the School Board under Section 120.12(20), Wisconsin Statutes, it shall be unlawful or any person, regardless of age, to use tobacco products on premises owned, rented, or under the control of the New Holstein Public School District. (Cr. #430)

(6) REGULATION OF CRIMES AGAINST PUBLIC PEACE, ORDER, AND OTHER INTEREST. Chapter 947, Wisconsin Statutes, relating to the regulation of crimes against public peace, order, and other interests are hereby adopted as reference as part of this Chapter as if fully set forth herein and the penalties adopted under Section 7.05, New Holstein Municipal Code, are hereby specifically adopted as if incorporated herein and shall be considered a municipal ordinance violation. (Cr. #278)

(7) DRUG PARAPHERNALIA - STATE STATUTES ADOPTED. Section 161.571 through 161.577 of the Wisconsin Statutes (1991-1992) describing and defining regulations with respect to drug paraphernalia exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this Chapter as though fully set forth herein. Any act required to be performed or prohibited by any of the Statutes incorporated herein by reference is required or prohibited by this ordinance. This

adoption by reference shall also include any subsequent additions, modifications or other changes to the above Sections of the Wisconsin Statutes.(Cr. #306)

(8) PROHIBIT AGAINST SWIMMING IN THE KIWANIS PARK POND DENOMINATED AS LANGENFELD POND. No person shall swim or wade in the pond located in Kiwanis Park, which has been named Langenfeld Pond. The penalties provided in Chapter 7.05 shall apply to any person who shall violate any provision of this ordinance.(Cr. #323)

(9) Chapter 938 of the Wisconsin Statutes relating to juvenile delinquency and regulation of juvenile activity is hereby adopted by reference with the exception of the penalty provisions of said Section. Any person who shall violate Section 7.04(9) of the Municipal shall be subject to a penalty as provided in Section 20.04 of this Code.(Cr. #339)

7.05 **PENALTY.**

(1) Any person who shall violate any provision of Sections 7.01, 7.02, 7.03, and 7.04 of this Chapter, shall be subject to a penalty as provided in Section 20.04 of this Code.

(2) In addition to any penalty imposed for violation of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 7.04(1) of this Chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Section 895.035, Wisconsin Statutes. (Ord. #191)

7.06 **MARIJUANA**

Section 1: Definitions: for the purpose of this ordinance, the following definitions shall apply:

A. "Marijuana" means: all parts of the plant, Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks or the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

B. "Practitioner" means: a physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this county. A

pharmacy, hospital or other institution, licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this county.

C. "Possess" means: that the person knowingly had the marijuana under his/her dominion or control. "Possess" includes storing or keeping marijuana in a place under the dominion or control of the person. In a prosecution under this ordinance, it is not necessary for the county to prove the person had sole or exclusive possession of the marijuana.

(2) It is unlawful for any person to possess or use marijuana, 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/her professional practice or except as otherwise authorized by Chapter 161, Wisconsin Statutes.

(3) Penalties: any person who violates Section 2 shall upon conviction of such violation, be subject to a penalty, which shall be as follows:

A. First Offense - Penalty: Any person who shall violate Section 2 of this ordinance shall, upon conviction thereof, forfeit not less than \$50, nor more than \$200, together with court costs, and a penalty assessment imposed by Sec.165.87, Wisconsin Statutes, and in default of payment of such forfeiture, the court costs and penalty assessment, shall be imprisoned in the County Jail until said forfeiture, court costs, and penalty assessment are paid, but not exceeding 30 days.

B. Second or Subsequent Offenses - Penalty: Any person found guilty of a second or subsequent violation of Section 2 of this ordinance, shall upon conviction thereof, forfeit not less than \$75, nor more than \$200, plus court costs, and a penalty assessment imposed by Section 165.87 Wisconsin Statutes, and in default of payment of such forfeiture court costs, and penalty assessment, shall be imprisoned in the County Jail until said forfeiture, court costs, and penalty assessment are paid, but not to exceed 30 days.

(4) Enforcement:

A. This ordinance shall be enforced according to Sec. 66.119, Wisconsin Statutes, which statute is hereby adopted and by reference made a part of this ordinance.

B. Citation procedure authorized by Sec. 66.119, Wisconsin Statutes, is hereby adopted, and the citation issued shall contain the following information:

1. The name and address of the alleged violator.
2. The factual allegations describing the alleged violation.

3. The time and place of the offense.
4. The section of the ordinance violated.
5. A designation of the offense in such manner as can be readily understood by a person making reasonable effort to do so.
6. The time at which the alleged violator may appear in court.
7. A statement, which in essence informs the alleged violator;
 - a. That the alleged violator may make a cash deposit as directed by the arresting officer, at the County Sheriff's Office or at the Office of the Clerk of Courts, or by mailing the cash deposit to such places.
 - b. That if the alleged violator makes such a deposit, he/she need not appear in court, unless subsequently summoned.
 - c. That if the alleged violator makes a cash deposit and does not appear in court, he/she will be deemed to have tendered a plea of no contest, and submitted for a forfeiture and a penalty assessment imposed by Sec. 165.87, Wisconsin Statutes, not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - d. That if the alleged violator does not make a cash deposit, and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by Sec. 165.87, Wisconsin Statutes.
8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement, which accompanies the citation to indicate that he/she read the statement required under Subdivision 7, and shall send the signed statement with the cash deposit.

9. Cash Deposit - Deposit Schedule

	Forfeiture	Penalty Assessment	Court Costs	Total Deposit
First Offense	\$70.00	\$7.00	\$5.00	\$82.00
Second Offense	\$100.00	\$10.00	\$5.00	\$115.00

10. The arresting officer or the person receiving the deposit shall issue the alleged violator a receipt.

(5) This ordinance shall take effect upon passage and publication.

(6) The provisions of this ordinance shall be deemed severable, and if one or more provisions of the ordinance, or application thereto, to any person or circumstance is held invalid, the remainder of the ordinance, and the application of such provisions to other persons or circumstances shall not be affected thereby. (Created Ord. #187)

7.07 **CONTROLLING RECREATIONAL FIRES** (Created #355)

(1). BURNING. Burning of garbage and rubbish is prohibited. No person, other than the City or its agents, shall set fire to or burn any garbage or rubbish on any street or on any public or private premises.

(2) RECREATIONAL FIRES. “Recreational fires” are defined as follows: Any fire such as a camp fire or cooking fire located at a single or two-family private residence for the purpose or recreation and personal enjoyment. All recreational fires shall comply with the following requirements:

(1) No recreational fire pit and unscreened portable fire pit or fireplace shall be closer than fifteen (15) feet from any building structure, shed, or garage.

(2) No recreational fire shall be in an area larger than three (3) feet by three (3) feet.

(3) All recreational fire shall be in a below ground fire pit with minimum depth of ten(10) inches and shall be covered when not in use or the fire pit shall be surrounded on the outside, above the ground, by a non-combustible material such as concrete block or rock.

(4) Portable fire pits shall be extinguished when not attended by a responsible person. It is recommended to have a cover and screen but not mandatory.

(5) No recreational fire shall be started unless there are favorable conditions for burning with regard to wind direction and speed.

(6) Material for recreational fires shall not include rubbish, garbage, treated wood, wet wood, trash or hazardous materials and shall not contain any flammable or combustible liquids as prohibited at Chapter 9.08 of the City of New Holstein Code of Ordinances. No person, other than the City or its agents, shall set fire to or burn any garbage or rubbish on any street or on any public or private premises.

(7) All recreational fires shall be attended at all times by at least one (1) responsible person of age sixteen (16) years or older.

(8) No open fire shall be allowed that causes smoke which is a PUBLIC NUISANCE or cause a traffic hazard because of diminished visibility. PUBLIC NUISANCE is defined as set forth in the New Holstein Municipal Code of Ordinances.

(9) The entity, person, firm, association, corporation, or property owner starting a fire shall be liable for any damage caused by any open fire. The City of New Holstein Police Department will be charged with requiring any entity, person, firm association, corporation, or property owner from ceasing and desisting from the violation of the provisions of this Ordinance. In the event any such entity, person, firm, association, corporation, or property owner fails or refuses to comply with a directive from the police department to cease and desist from any violation of this ordinance, then, in that event, the New Holstein Fire Department may be requested by a law enforcement officer to extinguishing the fire. If so required, the cost of controlling and or extinguishing the fire by the New Holstein Fire Department shall be a cost charged to the property owner, entity, person, firm, association, or corporation who has violated this ordinance and shall be payable by that violator in addition to the forfeiture required herein. The costs chargeable to the violator for the fire department's control or extinguishment of such a fire shall be at the going rate to be reviewed yearly by the City of New Holstein Fire Department.

(3) **OUTDOOR COOKING FIRE.** Open or closed outdoor cooking fire (barbecue grills) and approved grills and or containers are exempt from the open fire requirements and the closed fire requirements and the closed fire requirements as described herein above except as follows:

(1) For all dwellings, more than one story in height, the use of any propane or charcoal portable cooking device or any portable fireplace device is strictly **PROHIBITED** above the first floor occupancy.

(4) **EMERGENCY POWERS OF THE FIRE CHIEF.** When the Fire Chief determines there are environmental conditions likely to produce a serious threat of fire to life and property, it shall be the duty of the Fire Chief of the Fire Department to impose a burning ban and burning restrictions and require that no person may:

(1) Set, build, or maintain any open fire, except: charcoal and wood burning grills when in the immediate vicinity of a residential dwelling and when placed on a non-combustible surface, or gas grills or camp stoves.

(2) Throw, discard, or drop matches, ashes, or other burning material while outdoors in the immediate vicinity of combustible natural vegetation.

(3) Light or use any fireworks, as defined per Wisconsin Statutes, or caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke except in displays or use as authorized by the Fire Department where adequate fire prevention measures have been taken.

(4) At such time as the Fire Chief determines the emergency powers prescribed herein are required, the Fire Chief shall notify the residents of the City of New Holstein one (1) week prior to the emergency order being entered by the Fire Chief in a manner reasonably calculated to notify residents of the City of New Holstein. i.e. papers, cablevision, radio, sign at the firehouse.

(5) **VIOLATIONS.** Any entity, person, firm, association, corporation, or property owner who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 20.04 of the City of New Holstein Code of Ordinances as well as the payment of actual costs incurred by the Fire Department prescribed at Section 2(8) above.

7.08 **FALSE COMPLAINTS OF POLICE MISCONDUCT** (Created #433)

(1) The City of New Holstein does ordain that it shall be a violation of the New Holstein Municipal Code of Ordinances of the City of New Holstein for an individual to knowingly make a false complaint regarding the conduct of a law enforcement officer and said conduct shall be determined to be a violation of the Ordinance No. 433 and shall be penalized pursuant to Section 20.04 of the Municipal Code of Ordinances for the City of New Holstein.