

Chapter 26 - OFFENSES AND NUISANCES

State Law reference— Power of local government units to prohibit certain criminal conduct, Wis. Stats. § 66.0107; authority of county to adopt certain provisions of state law relating to offenses, Wis. Stats. § 59.54(22); authority to adopt prohibition against possession of marijuana, Wis. Stats. § 59.54(25); authority of county to adopt prohibition against possession of a synthetic cannabinoid, Wis. Stats. § 59.54(25g); authority of county to enact and enforce ordinances to preserve the public peace and good order; Wis. Stats. § 59.54(6); authority of county to enact and enforce ordinances prohibiting possession of drug paraphernalia; Wis. Stats. § 59.54(25m); authority of county to adopt provision prohibiting certain conduct, Wis. Stats. § 59.54; county authority to prohibit truancy and impose penalties, Wis. Stats. § 118.163; authority for county to adopt and enforce provisions prohibiting possession of tobacco products by minors, Wis. Stats. § 254.92(4); limitation on penalties for violation of local government ordinances, Wis. Stats. § 66.0109; penalties for misdemeanor violations, Wis. Stats. § 939.51.

ARTICLE I. - IN GENERAL

Secs. 26-1—26-18. - Reserved.

ARTICLE II. - PUBLIC HEALTH AND SAFETY

DIVISION 1. - GENERALLY

Sec. 26-19. - Firefighting assistance and interference.

It is unlawful for any person to:

- (1) Intentionally interfere with the property functioning of a fire alarm system or the lawful effort of fire fighters to extinguish a fire;
- (2) Interfere with, tamper with or remove without authorization any fire extinguisher, fire hose or any other firefighting equipment;
- (3) Interfere with accessibility to a fire hydrant by piling or dumping material near it without first obtaining permission from the appropriate city or county authority.

(Compiled Ords. of 2009, § 9.04.010)

State Law reference— Similar provision, Wis. Stats. § 941.12.

Sec. 26-20. - False alarms.

It is unlawful for any person to intentionally give a false alarm to any public officer or employees, whether by means of a fire alarm system or otherwise.

(Compiled Ords. of 2009, § 9.04.020)

State Law reference— Similar provision, Wis. Stats. § 941.13.

Sec. 26-21. - Switchblade knife possession.

It is unlawful for any person to manufacture, sell or offer to sell, transport, purchase, possess or be armed with any knife having a blade that opens by pressing a button, spring or other device in the handle or by gravity or by a thrust or movement.

(Compiled Ords. of 2009, § 9.04.030)

State Law reference— Similar provision, Wis. Stats. § 941.24.

Sec. 26-22. – Restrictions relating to alcohol and minors.

The provisions of Wis. Stats. § 125.07(1)(a) are adopted and wholly incorporated by reference. Each violation of this section shall be subject to a forfeiture not to exceed \$500.00.

Sec. 26-23. - Closing hours of alcohol beverage establishments.

The provisions of Wis. Stats. §§ 125.32(3) and 125.68(4) regarding the closing hours of alcohol beverage establishments are adopted as though fully set forth in this article.

(Compiled Ords. of 2009, § 5.16.010)

Sec. 26-24. - Junked vehicle storage.

- (a) No person shall accumulate or store any junked automobiles or parts thereof outside of any building on any real estate located within the geographic limits of the county except upon a permit issued by the city council.
- (b) No accumulation or storage of such material shall be allowed within 2,000 feet outside of the geographic limits of the county or within 750 feet of the center line of any county trunk, state trunk or federal highway or within 500 feet of the center line of any city street, except upon a permit issued by permission of the county board.
- (c) The permit issued by the county board shall be signed either by the mayor and city clerk and shall specify the quantity and manner of storing such junk. Such permit shall be revocable at any time by the county board after a hearing at which it has been found that the permit holder has failed or refused to comply with the ordinances or restrictions providing regulations for the storage of such junked automobiles or parts thereof. Such hearing may be held by the county board upon its own motion or upon the complaint in writing duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such ordinance or regulation. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than ten days previous to the date of hearing.

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- (d) Any person violating any of the provisions hereof shall upon conviction be fined not less than \$10.00, nor more than \$50.00 for each offense, and in default of payment of said fine shall be imprisoned in the county jail for a period not exceeding 30 days. Each day that junk, as herein defined, shall be stored contrary to the provisions hereof shall constitute a separate and distinct offense.

(Compiled Ords. of 2009, § 8.04.030)

State Law reference— Similar provision, Wis. Stats. § 175.25.

Sec. 26-25. - Burning materials handling.

It is unlawful to handle burning material in a highly negligent manner. Burning material is handled in a highly negligent manner if handled with criminal negligence under Wis. Stats. § 939.25 under circumstances in which the person should realize that a substantial and unreasonable risk of serious damage to another's property is created.

(Compiled Ords. of 2009, § 8.04.040)

State Law reference— Similar provision, Wis. Stats. § 941.10.

Sec. 26-26. - Littering.

- (a) It is unlawful to:
- (1) Deposit or discharge any solid waste on or along any highway, in any waters of the state, on the ice of any waters of the state or on any other public or private property.
 - (2) Permit any solid waste to be thrown from a vehicle operated by the person.
 - (3) Fail to remove within 30 days or otherwise abandon any automobile, boat or other vehicle in the waters of the state located within the city.
 - (4) Own an aircraft that has crashed in the waters of the state located within the city and fails to remove the aircraft from those waters within 30 days after the crash or within 30 days after the national transportation safety board pursuant to an investigation under 49 CFR 831 authorizes its removal, whichever is latest.
- (b) This section does not apply to a person who places solid waste in a receptacle designed for solid waste storage that is located along a highway or on other public or private property or to a person who deposits or discharges solid waste in conformance with state law or a permit, license or other approval issued by the city or state.

(Compiled Ords. of 2009, § 8.04.060)

Sec. 26-27. Misuse of 911 Emergency System

- (a) No person shall intentionally call the 911 emergency system:

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- a. to knowingly give false information;
 - b. to not disclose information as a prank; or
 - c. to make a request when an emergency does not exist.
- (b) No person shall knowingly encourage, aid, or permit another to make a call as defined above.
- (c) Each violation of this section shall be subject to a forfeiture of not more than \$1,000.00.

Secs. 26-28—26-55. - Reserved.

DIVISION 2. - FIREARMS

Editor's note—Res. No. 28-7-13, adopted July 25, 2013, repealed former div. 2, §§ 26-56—26-63, which pertained to firearms, and derived from the compiled ordinances of 2009, §§ 9.28.010—9.28.080. Subsequently, Ord. No. 203-6-13, adopted Nov. 12, 2013, added new provisions as herein set out.

Sec. 26-56. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Firearm means a shotgun, rifle, handgun, or any weapon made from a rifle or shotgun (modification or otherwise), or any other weapon, including a pistol or revolver, from which a shot is discharged by an explosion, propellant, or gunpowder.

Law enforcement officer means any person employed or was employed by the state or any political subdivision of the state or federal government, who is licensed or authorized to detect, prevent, arrest, and enforce violations of the laws or ordinances.

- (1) This definition includes peace officers, former law enforcement, and qualified out-of-state law enforcement.

Weapon means a firearm, an electric weapon, a knife, other than a switchblade, or billy club.

(Ord. No. 203-6-13, 11-12-2013)

State Law reference— Similar provisions, Wis. Stats. §§ 176.31, 941.23, and 175.60.

Sec. 26-57. - Firearm restrictions in county buildings.

- (a) No person shall possess, carry, or bear a firearm in any county owned or leased building in the county.
 - (1) Signs, at a minimum of five inches by seven inches, shall be posted in prominent places near the entrances of county buildings prohibiting the possession of firearms in those buildings.
- (b) This section does not apply to the following individuals when engaged in the proper discharge of their official duties:

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- (1) Law enforcement officers;
 - (2) Licensed private detectives, investigators, or private security persons under Wis. Stats. § 440.26;
 - (3) Members of the armed forces of the United States or the State of Wisconsin on active duty; or
 - (4) Judges, district attorneys, assistant district attorneys, or persons permitted to carry a weapon by a judge who are licensed to carry a concealed weapon under Wis. Stats. § 175.60.
- (c) This section does not prohibit the sale, purchase, trade, or repair of firearms or weapons by a market or retail business doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell, or trade firearms to or from a retailer or market.

State Law reference— Similar provisions, Wis. Stats. §§ 941.235 and 943.13.

Sec. 26-58. - Endangering safety by use of dangerous weapons.

No person shall:

- (1) Endanger another's safety by the negligent operation or handling of a dangerous weapon;
or
- (2) Operate or go armed with a firearm while he or she is under the influence of an intoxicant;
or
- (3) Operate or go armed with a firearm while he or she has detectable amounts of restricted controlled substance in his or her blood; or
- (4) While on the lands of another, discharge a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building.

(Ord. No. 203-6-13, 11-12-2013)

State Law reference— Similar provisions, Wis. Stats. § 941.20.

Sec. 26-59. - Discharge of firearms prohibited.

No person shall fire or discharge any firearm or weapon if unjustified and within 660 feet of any public park, square, or enclosure resorted to for recreation or pleasure.

(Ord. No. 203-6-13, 11-12-2013)

State Law reference— Similar provisions, Wis. Stats. § 167.30.

Sec. 26-60. - Possession of concealed weapons.

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- (a) No person shall carry or go armed with a concealed weapon.
- (b) This section does not apply to the following:
 - (1) Law enforcement officer; or
 - (2) An individual licensed to carry a concealed weapon under Wis. Stats. § 175.60; or
 - (3) An individual within his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.

(Ord. No. 203-6-13, 11-12-2013)

State Law reference— Similar provisions, Wis. Stats. §§ 941.23 and 167.31.

Sec. 26-61. - Seizure of firearms.

A law enforcement officer enforcing this article shall take the firearm or weapon in question into the officer's possession for delivery to the court designated in the citation issued to the defendant for any such offense.

(Ord. No. 203-6-13, 11-12-2013)

Sec. 26-62. - Holding firearm until bond posted.

The firearm involved in any such offense shall, at the discretion of the court, be held until a bond of \$200.00, for each defendant for each offense, is posted, guaranteeing obedience of this article.

(Ord. No. 203-6-13, 11-12-2013)

Sec. 26-63. - Penalty.

The penalty for each violation of this article may not be less than \$100.00 or more than \$500.00 plus applicable court costs.

(Ord. No. 203-6-13, 11-12-2013)

Secs. 26-64—26-84. - Reserved.

ARTICLE III. - PROPERTY

DIVISION 1. - GENERALLY

Sec. 26-85. - Molotov cocktails.

It shall be unlawful for any person to possess, manufacture, sell or offer for sale, give or transfer a fire bomb. As used in this section, the term "fire bomb" means a breakable container containing a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less, having a wick

or similar device capable of being ignited, excluding devices commercially manufactured primarily for the purpose of illumination.

(Compiled Ords. of 2009, § 9.04.040)

Sec. 26-86. - Fraud on certain suppliers of goods and services.

- (a) It is unlawful for any person, having obtained any beverage, food, lodging, ticket or other means of admission, or other service or accommodation at any campground, hotel, motel, boardinghouse or lodginghouse, restaurant, or recreational attraction, to intentionally abscond without paying for it.
 - (1) If a person has obtained a ticket, another means of admission, or an accommodation or service provided by the recreational attraction, his failure or refusal to pay a recreational attraction the established charge for the ticket, other means of admission, or accommodation or service provided by the recreational attraction constitutes prima facie evidence of an intent to abscond without payment.
 - (2) As used in this section, the term "recreational attraction" means a public accommodation designed for amusement and includes chair lifts or ski resorts, water parks, theaters, entertainment venues, racetracks, swimming pools, trails, golf courses, carnivals, and amusement parks.
- (b) It is unlawful for any person, while a guest at any campground, hotel, motel, boardinghouse or lodging house, or restaurant, to intentionally defraud the keeper thereof in any transaction arising out of the relationship as guest.
- (c) It is unlawful for any person, having obtained any transportation service from a taxicab operator, to intentionally abscond without paying for the service. The refusal to pay a taxicab operator the established charge for transportation service provided by the operator constitutes prima facie evidence of an intent to abscond without payment.
- (d) It is unlawful for any person, having obtained gasoline or diesel fuel from a service station, garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale at retail, to intentionally abscond without paying for the gasoline or diesel fuel. The failure or refusal to pay a service station, garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale at retail the established charge for gasoline or diesel fuel provided by the service station, garage, or other place constitutes prima facie evidence of an intent to abscond without payment.
- (e) Any person violating this section shall be subject to penalties as provided in Wis. Stats. § 943.21(5).

(Compiled Ords. of 2009, § 9.04.050)

Sec. 26-87. - Retail theft.

The county adopts the provisions of Wis. Stats. § 943.50 by reference but only to the extent that behavior prohibited thereunder constitutes a misdemeanor, i.e., retail theft of \$2,500.00 or less.

(Compiled Ords. of 2009, § 9.04.060)

Secs. 26-88—26-117. - Reserved.

DIVISION 2. - THEFT OF VIDEO SERVICE

State Law reference— Theft of video service, Wis. Stats. § 943.46.

Sec. 26-118. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Private financial gain does not include the gain resulting to any individual from the private use in that individual's dwelling unit or any programming for which the individual has not obtained authorization.

Video service has the meaning given in Wis. Stats. § 66.0420(2)(y), except that the term "video service" does not include signals received by privately owned antennas that are not connected to a video service network whether or not the same signals are provided by a video service provider.

Video service network has the meaning given in Wis. Stats. § 66.0420(2)(zb).

Video service provider has the meaning given in Wis. Stats. § 66.0420(2)(zg), and also includes an interim cable operator, as defined in Wis. Stats. § 66.0420(2)(n).

(Compiled Ords. of 2009, § 9.34.010)

Sec. 26-119. - Violation; penalty.

Any person who violates this division is subject to forfeiture not to exceed \$500.00.

(Compiled Ords. of 2009, § 9.34.030)

Sec. 26-120. - Prohibitions.

No person may intentionally do any of the following:

- (1) Obtain or attempt to obtain video service from a provider by trick, artifice, deception, use of an illegal device or illegal decoder or other fraudulent means with the intent to deprive that provider of any or all lawful compensation for rendering each type of service obtained. The intent required for a violation of this subsection may be inferred from the presence on the property and in the actual possession of the defendant of a device not

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authorized by the video service provider, the major purpose of which is to permit reception of video services without payment. This inference is rebutted if the defendant demonstrates that he purchased that device for a legitimate use.

- (2) Give technical assistance or instruction to any person in obtaining or attempting to obtain any video service without payment of all lawful compensation to the provider providing that service. This subsection does not apply if the defendant demonstrates that the technical assistance or instruction was given or the installation of the connection, descrambler or receiving device was for a legitimate use.
- (3) Make or maintain a connection, whether physical, electrical, mechanical, acoustical or by other means, with any cables, wires, components or other devices used for the distribution of video services for the purpose of distributing video service to any other dwelling unit without authority from a video service provider.
- (4) Make or maintain a connection, whether physical, electrical, mechanical, acoustical or by other means, with any cables, wires, components or other devices used for the distribution of video services for the purpose of obtaining video service without payment of all lawful compensation to the provider providing that service. The intent required for a violation of this subsection may be inferred from proof that the video service to the defendant's residence or business was connected under a service agreement with the defendant and has been disconnected by the video service provider and that thereafter there exists in fact a connection to the video service network at the defendant's residence or business.
- (5) Make or maintain any modification or alteration to any device installed with the authorization of a video service provider for the purpose of intercepting or receiving any program or other service carried by that provider which that person is not authorized by that provider to receive. The intent required for a violation of this subsection may be inferred from proof that, as a matter of standard procedure, the video service provider places written warning labels on its converters or decoders explaining that tampering with the device is a violation of law and the converter or decoder is found to have been tampered with, altered or modified so as to allow the reception or interception of programming carried by the video service provider without authority to do so. The trier of fact may also infer that a converter or decoder has been altered or modified from proof that the video service provider, as a matter of standard procedure, seals the converters or decoders with a label or mechanical device, that the seal was shown to the customer upon delivery of the decoder and that the seal has been removed or broken. The inferences under this subsection are rebutted if the video service provider cannot demonstrate that the intact seal was shown to the customer.
- (6) Possess without authority any device or printed circuit board designed to receive from a video service network any video programming or services offered for sale over that video service network, whether or not the programming or services are encoded, filtered, scrambled or otherwise made unintelligible, or perform or facilitate the performance of any of the acts under subsections (1) to (5) of this section with the intent that that device or printed circuit be used to receive that video service provider's services without payment. Intent to violate this subsection for direct or indirect commercial advantage or private financial gain may be inferred from proof of the existence on the property and in

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the actual possession of the defendant of a device if the totality of circumstances, including quantities or volumes, indicates possession for resale.

- (7) Manufacture, import into this state, distribute, publish, advertise, sell, lease or offer for sale or lease any device, printed circuit board or any plan or kit for a device or for a printed circuit designed to receive the video programming or services offered for sale over a video service network from a video service network, whether or not the programming or services are encoded, filtered, scrambled or otherwise made unintelligible, with the intent that that device, printed circuit, plan or kit be used for the reception of that provider's services without payment. The intent required for a violation of this subsection may be inferred from proof that the defendant has sold, leased or offered for sale or lease any device, printed circuit board, plan or kit for a device or for a printed circuit board in violation of this subsection and during the course of the transaction for sale or lease the defendant expressly states or implies to the buyer that the product will enable the buyer to obtain video service without charge.

(Compiled Ords. of 2009, § 9.34.020)

Sec. 26-121. - Exception.

This article does not affect the use by a person of cable television services if the services have been paid for and the use is exclusive to the person's dwelling unit. This section does not prohibit a board or council of any city, village or town from specifying the number and manner of installation of outlets used by any such person for cable television services and does not prohibit a cable television company, in any written contract with a subscriber, from requiring the company's approval for any increase in the number of those outlets used.

(Compiled Ords. of 2009, § 9.34.040)

Secs. 26-122—26-140. - Reserved.

DIVISION 3. - TREPASS

Sec. 26-141. - Trespassing statutes adopted except for penalty.

The county adopted by reference the provisions of Wis. Stats. § 943.13, with the exception of subsection (3), and except that the penalty for violation of this division shall be a fine not to exceed \$500.00.

(Compiled Ords. of 2009, § 9.20.010)

State Law reference— Trespass to land, Wis. Stats. § 943.13.

Sec. 26-142. - Trespass to dwellings under peace-breaching circumstances; penalty.

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Whoever enters a dwelling of another without the consent of such person, under circumstances tending to create or provoke breach of the peace, is subject to a fine of \$500.00 plus costs of prosecution.

(Compiled Ords. of 2009, § 9.20.040)

State Law reference— Criminal trespass to dwellings, Wis. Stats. § 943.14.

Secs. 26-143—26-167. - Reserved.

DIVISION 4. - WORTHLESS CHECKS

State Law reference— Issuance of worthless check, Wis. Stats. § 943.24; civil liability for worthless checks, Wis. Stats. § 943.245.

Sec. 26-168. - Violation; penalty.

Whoever issues any check or other order for the payment of money less than \$2,500.00 which, at the time of issuance, he intends shall not be paid is subject to a forfeiture of not less than ten dollars nor more than \$500.00.

(Compiled Ords. of 2009, § 9.06.030)

State Law reference— Similar provision, Wis. Stats. § 943.24(1).

Sec. 26-169. - Evidence of worthless check issuance specified.

Any of the following is prima facie evidence that the person, at the time he issued the check or other order for the payment of money, intended that it should not be paid:

- (1) Proof that, at the time of issuance, the person did not have an account with the drawee;
- (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that person failed, within five days after receiving notice of nonpayment or dishonor, to pay the check or other order;
- (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed, within five days after receiving notice of nonpayment or dishonor, to pay the check or other order.

(Compiled Ords. of 2009, § 9.06.010)

State Law reference— Similar provision, Wis. Stats. § 943.24(3).

Sec. 26-170. - Exemption.

This chapter does not apply to a postdated check or to a check given for a past consideration other than a payroll check.

State Law reference— Similar provision, Wis. Stats. § 943.24(4).

Secs. 26-171—26-193. - Reserved.

ARTICLE IV. - GAMBLING

Sec. 26-194. - Definitions.

The definitions provided in Wis. Stats. § 945.01 shall apply to this article.

(Compiled Ords. of 2009, § 9.04.070)

Sec. 26-195. - Betting; lottery; gambling machines.

- (a) It is unlawful for any person to make a bet, to enter or remain in a gambling place with intent to make a bet, to participate in a lottery, or to play a gambling machine; or to conduct a lottery or possess facilities to do so.
- (b) Wis. Stats. § 945.01, relating to gambling, is adopted.

(Compiled Ords. of 2009, § 9.04.080)

Sec. 26-196. - Commercial gambling—Prohibited acts; penalty.

- (a) It is unlawful for any person to:
 - (1) Participate in the earnings of or for gain operate or permit the operation of a gambling place;
 - (2) For gain, receive, record or forward a bet or offer to bet or, with intent to receive, record or forward a bet or offer to bet, possess facilities to do so;
 - (3) For gain, become a custodian of anything of value to bet or offered to be bet;
 - (4) Conduct a lottery where both the consideration and the prize are money, or with intent to conduct such a lottery, possess facilities to do so;
 - (5) Set up for use for the purpose of gambling or collect the proceeds of any gambling machine;
 - (6) For gain, maintain in this state any record, paraphernalia, tickets, certificates, bills, slip, token, paper, writing or other device used, or to be used, or adapted, devised or designed for use in gambling; or

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- (7) For gain, use a wire communication facility for the transmission or receipt of information assisting in the placing of a bet or offer to bet on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of a bet or offer to bet.

- (b) The penalty for violation of this section shall be \$10,000.00.

(Compiled Ords. of 2009, § 9.04.090)

Sec. 26-197. - Same—Unlawful use of premises.

It is unlawful for any person to permit any real estate owned or occupied by him or under his control to be used as a gambling place or to permit a gambling machine to be set up for the purpose of gambling in a place under his control. Penalties for violation of this section shall be as provided in Wis. Stats. § 945.04.

(Compiled Ords. of 2009, § 9.04.100)

Secs. 26-198—26-217. - Reserved.

ARTICLE V. - GOVERNMENT ADMINISTRATION

DIVISION 1. - GENERALLY

Sec. 26-218. - Public records and notices tampering.

It is unlawful for any person, with intent to injure or defraud, destroy, damage, remove or conceal any public records. It is also unlawful for any person to intentionally damage, alter, remove or conceal any public notice, posted as authorized by law, before the expiration of the time for which the notice was posted.

(Compiled Ords. of 2009, § 9.04.110)

State Law reference— Similar provision, Wis. Stats. § 946.72.

Sec. 26-219. - Resisting or obstructing public officers.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Obstructs includes, without limitation, knowingly giving false information to the officer with the intent to mislead him or her in the performance of his duty including the service of any summons or civil process.

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Officer means a peace officer or other public officer or public employee having the authority by virtue of his office or employment to take another into custody.

Resists means to oppose the officer by direct, active, and quasi-forcible or forcible means. The resistance must be directed to the officer personally.

- (b) Whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority is subject to a forfeiture of not less than \$25.00 nor more than \$500.00.

(Compiled Ords. of 2009, §§ 9.05.010, 9.05.020)

State Law reference— Refusing to aid officer, Wis. Stats. § 946.40; resisting or obstructing officer, Wis. Stats. § 946.41.

Sec. 26-220. - Public assistance fraud.

- (a) The term "public assistance," as used in this section, means and includes general relief.
- (b) Any person who, with intent to secure public assistance under this article, whether for himself or for some other person, willfully makes any false representations may, if the value of the assistance so secured does not exceed \$300.00, be subject to a forfeiture as provided for in this article.
- (c) Where a person is originally eligible for assistance and receives any income or assets or both thereafter and fails to notify the officer or agency granting such assistance of the receipt of such assets within ten days after such receipt and continues to receive aid, such failure to so notify the proper officer or agency if receipt of such assets or income or both shall be considered a fraud.
- (d) If any person obtains for himself or herself or for any other person or dependents or both, assistance under Wis. Stats. ch. 49 on the basis of facts stated to the authorities charged with the responsibility of furnishing assistance and fails to notify said authorities within ten days of any change in the facts as originally stated and continues to receive assistance based on the originally stated facts such failure to notify shall be considered a fraud.
- (e) Any person violating this section is subject to a forfeiture not to exceed \$1,000.00.

(Compiled Ords. of 2009, § 9.36.010)

State Law reference— Authority of county to enact ordinance prohibiting false representations with regard to public assistance, Wis. Stats. § 59.54(23); penalties for making false representations for purposes of obtaining public assistance, Wis. Stats. § 49.95.

Sec. 26-221. - Open meeting violation.

- (a) As used in this section, the terms "governmental body" and "meeting" shall have the definition provided in Wis. Stats. § 19.82.

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- (b) Any member of a governmental body who knowingly attends a meeting of such body held in violation of Wis. Stats. § 19.81 et seq. or who, in his official capacity, violates any other provision of Wis. Stats. § 19.81 et seq., shall forfeit without reimbursement not less than \$25.00 nor more than \$300.00 for each violation.
- (c) No member of such governmental body is liable under this section on account of his attendance at a meeting held in violation of this section if he votes in favor of a motion to prevent the violation from occurring, or if, before the violation occurs, his votes on all relevant motions were inconsistent with all those circumstances which caused the violation.

(Compiled Ords. of 2009, § 9.52.010)

State Law reference— Similar provision, Wis. Stats. § 19.96.

Sec. 26-222. - Open records violations.

- (a) As used in this section, the term "authority" shall have the meaning provided in Wis. Stats. § 19.32(1) and the term "legal custodian" shall have the meaning provided in Wis. Stats. § 19.33.
- (b) Any authority or legal custodian who arbitrarily and capriciously denies or delays response to a request for public records or charges excessive fees for records as provided in Wis. Stats. § 19.35(3) may be required to forfeit not more than \$1,000.00.

(Compiled Ords. of 2009, § 9.54.010)

State Law reference— Similar provision, Wis. Stats. § 19.37(4).

Secs. 26-223—26-252. - Reserved.

DIVISION 2. - CAMPAIGN FINANCES

Sec. 26-253. - Violation; penalty.

Any person who violates this division may be required to forfeit not more than \$500.00 for each violation.

(Compiled Ords. of 2009, § 9.40.020)

Sec. 26-254. - Identification of political contributions and disbursements.

- (a) No disbursement may be made or obligations incurred anonymously, and no contribution or disbursement may be made or obligation incurred in a fictitious name or by one person or organization in the name of another for any political purpose.
- (b) The source of every printed advertisement, billboard, handbill, sample ballot, television or radio advertisement or other communication which is paid for by or through any contribution, disbursement or incurred obligation shall clearly appear thereon. This subsection does not apply to communications for which reporting is not required under Wis. Stats. § 11.06(2).

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- (c) Every such communication, the cost of which is paid for or reimbursed by a committee or group, or for which a committee or group assumes responsibility, whether by the acceptance of a contribution or by making of a disbursement, shall be identified by the words "Paid for by" followed by the name of the committee or group making the payment or reimbursement or assuming responsibility for the communication and the name of the treasurer or other authorized agent of such committee or group.
- (d) Every such communication which is directly paid for or reimbursed by an individual, including a candidate without a personal campaign committee who is serving as his own treasurer, or for which an individual assumes responsibility, whether by the acceptance of a contribution or by the making of a disbursement, shall be identified by the words "Paid for by" followed by the name of the candidate or other individual making the payment or reimbursement or assuming responsibility for the communication. No abbreviation may be used in identifying the name of a committee or group under this subsection.
- (e) In addition to all other requirements of this section, a committee or individual required to file an oath under Wis. Stats. § 11.06(7) shall also in every communication in support of or in opposition to any clearly identified candidate or candidates include the words "Not authorized by any candidate or candidate's agent or committee."
- (f) Communications under this section by a personal campaign committee may identify the committee or any bona fide subcommittee thereof.
- (g) The source of each printed advertisement, billboard, handbill, paid television or radio advertisement or other communication made for the purpose of influencing the recall from or retention in office of an individual holding a state or local office shall clearly appear thereon in the manner prescribed in this section.
- (h) This section does not apply to the preparation and transmittal of personal correspondence or the production, wearing or display of a single personal item which is not reproduced or manufactured by machine or other equipment for sale or distribution to more than one individual.
- (i) This section does not apply to communications printed on pins, buttons, pens, balloons, nail files and similar small items on which the information required by this subsection cannot be conveniently printed. The board may, by rule, specify small items not mentioned herein to which this section shall not apply.
- (j) This section does not apply to nonadvertising material contained in a regularly published newsletter by an organization which is expressing its political views with respect to elections which are of concern to its membership, provided that distribution of such newsletter is restricted to such membership.
- (k) Notwithstanding any other provision of this section, the attributions required by this section in written communications shall be readable, legible and readily accessible.
- (l) Notwithstanding any other provision of this section, any communication making a solicitation on behalf of more than one candidate for a joint fund raising effort or program pursuant to an escrow agreement under Wis. Stats. § 11.16(5) may omit the names of the candidates or personal campaign committees assuming responsibility for the communication if the

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communication disclosed that a joint fund-raising effort or program is being conducted on behalf of named candidates.

- (m) No person may publish or disseminate, or cause to be published or disseminated any communications in violation of this section. A communications medium which in good faith relies on the representations of any person who places an advertisement with such a medium as to the applicability of this section to such persons does not violate this section as a result of publication or dissemination of that advertisement based on such representations, provided that the representations are reasonable.

(Compiled Ords. of 2009, § 9.40.010)

State Law reference— Campaign financing generally, Wis. Stats. § 11.001 et seq.; reports regarding campaign contributions and disbursements, Wis. Stats. § 11.12; restrictions regarding campaign contributions and disbursements, Wis. Stats. § 11.16.

Secs. 26-255—26-271. - Reserved.

ARTICLE VI. - PUBLIC PEACE, ORDER AND OTHER INTERESTS

Sec. 26-272. - Disorderly conduct.

- (a) It is unlawful for any person, in a public or private place, to engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.
- (b) It is also unlawful for any person to operate a motor vehicle in any unreasonable manner so as to cause a squealing of the tires, or makes or causes to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb or alarm another, or in any way provoke or tend to provoke a disturbance or a breach of the peace in or about any public street, road, alley, park highway or any private residence or public place.

(Compiled Ords. of 2009, §§ 9.04.120, 9.12.010)

State Law reference— Disorderly conduct, Wis. Stats. § 947.01.

Sec. 26-273. - Bomb scares.

It is unlawful for any person to intentionally convey or cause to be conveyed any threat or false information, knowing such to be false, concerning an attempt or alleged attempt being made or to be made to destroy any property by the means of explosives.

(Compiled Ords. of 2009, § 9.04.130)

Sec. 26-274. - Unlawful assemblies.

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- (a) As used in this section, the term "unlawful assembly" includes an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by any other person of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building, or dwelling place, or any portion thereof, and which assembly does in fact so block or obstruct the lawful use by any other person or persons of any such private or public thoroughfares, property or any position of access or exit to or from any private or public building, or dwelling place, or any portion thereof.
- (b) It is unlawful for any person to:
 - (1) Fail or refuse to withdraw from an unlawful assembly which the person knows has been ordered to disperse;
 - (2) Cause, attempt to cause, or participate in an unlawful assembly upon any property of a public institution of higher education or upon any highway abutting on such property, if he fails to withdraw from the assembly promptly upon issuance of an order to disperse and if such order is given in such manner that such person can reasonably be expected to hear or read such order.
- (c) Violations of this section are punishable as provided in Wis. Stats. § 947.06.

(Compiled Ords. of 2009, § 9.04.140)

Sec. 26-275. - Unlawful use of the telephone or computerized communication systems.

The provisions of Wis. Stats. § 947.012 and 947.0125 are adopted and wholly incorporated by reference. Each violation of this section shall be subject to a forfeiture not to exceed \$1,000.00.

State Law reference— Unlawful use of telephone, Wis. Stats. § 947.012; Unlawful use of computerized communication system, Wis. Stats. § 947.0125.

Sec. 26-276. - Throwing or shooting at persons or public places.

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 person or at, in or into any building, street sidewalk, alley, highway, park, playground or other public place within the county.

(Compiled Ords. of 2009, § 9.16.010)

State Law reference— Disorderly conduct, Wis. Stats. § 947.01; throwing missiles, circulars or pamphlets at vehicles, Wis. Stats. § 346.94(4).

Sec. 26-277. - Domestic abuse contact prohibition.

- (a) Unless there is a written waiver by the alleged victim of a domestic abuse incident within a 72-hour period immediately following an arrest of a perpetrator for a domestic abuse incident, the arrested person shall avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim, and avoid

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contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim.

- (b) An arrested person who intentionally violates this section shall be required to forfeit not more than \$1,000.00.

(Compiled Ords. of 2009, §§ 9.46.010, 9.46.020)

State Law reference— Contact prohibition in domestic abuse situations, Wis. Stats. § 968.075(5).

Sec. 26-278. - Loitering or prowling.

- (a) 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.
- (b) Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace 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 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 himself and explain his presence and conduct.
- (c) No person shall be convicted of an offense under this section if the peace 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 peace officer at the time, would have dispelled the alarm.

State Law reference— Vagrancy, Wis. Stats. § 947.02; county authority to prohibit vagrancy, Wis. Stats. § 59.54(6).

Sec. 26-279. - Harassment.

- (a) As used in this section, the term "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.
- (b) It is unlawful for any person, with intent to harass or intimidate another person, to:
 - (1) Strike, shove, kick, or otherwise subject the person to physical contact or attempt or threaten to do the same.
 - (2) Engage in a course of conduct or repeatedly commit acts which harass or intimidate the person which serve no legitimate purpose.
- (c) This section does not prohibit any person from participating in lawful conduct in labor disputes under Wis. Stats. § 103.53.
- (d) Any person who violates this section is subject to forfeiture not to exceed \$1,000.00.

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(Compiled Ords. of 2009, §§ 9.48.010—9.12.030)

State Law reference— Harassment, Wis. Stats. § 947.013.

Secs. 26-280—26-306. - Reserved.

ARTICLE VII. - CONTROLLED SUBSTANCES

DIVISION 1. - GENERALLY

Sec. 26-307. - Violation of Uniform controlled substances act; possession or distribution prohibited.

It shall be a violation of this article for any person to possess, use or dispense any controlled substance in violation of the Uniform Controlled Substance Act, Wis. Stats. § 961.001 et seq.

(Compiled Ords. of 2009, § 9.08.010)

State Law reference— Uniform Controlled Substances Act, Wis. Stats. § 961.001 et seq.

Secs. 26-308—26-332. - Reserved.

DIVISION 2. - DRUG PARAPHERNALIA

State Law reference— Authority of county to enact ordinance prohibiting possession and sale of drug paraphernalia, Wis. Stats. § 59.54(25m).

Sec. 26-333. - Definitions.

The following words terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drug paraphernalia means all equipment, products and materials of any kind that are used or designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of this chapter.

- (1) The term "drug paraphernalia" includes, but is not limited to, any of the following:
 - a. Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant that is a controlled substance or from which a controlled substance or controlled substance analog can be derived.
 - b. Kits used, designed for use or primarily intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances or controlled substance analogs.

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- c. Isomerization devices used, designed for use or primarily intended for use in increasing the potency of any species of plant that is a controlled substance.
- d. Testing equipment used, designed for use or primarily intended for use in identifying, or in analyzing the strength, effectiveness or purity of, controlled substances or controlled substance analogs.
- e. Scales and balances used, designed for use or primarily intended for use in weighing or measuring controlled substances or controlled substance analogs.
- f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, designed for use or primarily intended for use in cutting controlled substances or controlled substance analogs.
- g. Separation gins and sifters used, designed for use or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- h. Blenders, bowls, containers, spoons and mixing devices used, designed for use or primarily intended for use in compounding controlled substances or controlled substance analogs.
- i. Capsules, balloons, envelopes and other containers used, designed for use or primarily intended for use in packaging small quantities of controlled substances or controlled substance analogs.
- j. Containers and other objects used, designed for use or primarily intended for use in storing or concealing controlled substances or controlled substance analogs.
- k. Objects used, designed for use or primarily intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - 1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - 2. Water pipes.
 - 3. Carburetion tubes and devices.
 - 4. Smoking and carburetion masks.
 - 5. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - 6. Miniature cocaine spoons and cocaine vials.
 - 7. Chamber pipes.
 - 8. Carburetor pipes.
 - 9. Electric pipes.
 - 10. Air-driven pipes.
 - 11. Chilams.
 - 12. Bongs.

13. Ice pipes or chillers.

(2) The term "drug paraphernalia" excludes:

- a. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body.
- b. Any items, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products. As used in this subsection, "primarily" means chiefly or mainly.

(Compiled Ords. of 2009, § 9.50.010)

State Law reference— Similar definitions, Wis. Stats. § 961.571.

Sec. 26-334. – Hemp-Derived Cannabinoid and Synthetic Cannabinoid Products

- (1) In this subsection, hemp-derived cannabinoid products is defined as one of the many intoxicating cannabinoids found in the Cannabis sativa L. plant or a synthetic version thereof.
 - a. Hemp-derived cannabinoid products include, but are not limited to:
 - i. any hemp-derived product containing delta-9 tetrahydrocannabinol (THC) in a concentration of 0.3 percent or less; or,
 - ii. any cannabinoid other than delta-9 tetrahydrocannabinol (THC), synthetic cannabinoids or an isomer derived from such cannabinoid (including but not limited to: delta-8 THC, delta-10 THC, hexahydrocannabinol (HHC), HHC-O, THCA, THC-O, THCP, THCv).
 - b. Hemp-derived cannabinoids does not include non-intoxicating cannabinoids, including cannabidiol (CBD), which is an active ingredient in cannabis, but does not possess psychoactive properties that produce an intoxicating effect as defined in Wis. Stat. 961.01(3r), and does not contain other isomers as listed above.
- (2) No person under the age of twenty-one (21) shall use or possess any amount of any hemp-derived cannabinoid, including delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP or THCv, except as specifically allowed by Wisconsin law.
- (3) No person shall sell, distribute, deliver, or provide any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCv to a person under the age of twenty-one (21) years, except as specifically allowed by Wisconsin law.
- (4) No person shall sell, distribute, deliver, or provide any hemp-derived cannabinoid product containing delta-8 THC, delta-10 THC, HHC, HHC-O, THCA, THC-O, THCP, or THCv to a person without having first verified their age by having the person present a valid photo identification.

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- (5) Hemp-derived cannabinoids shall not be sold within 750 feet of a hospital, church, or youth-serving organization such as, but not limited to: child care centers, pre-schools, public or parochial schools, tribal schools, playgrounds, city or county parks, sporting arenas, or any organization primarily intended to serve children. The distance shall be measured by the shortest route along a designated roadway or walking path from the main entrance of the youth-serving organization to the premises selling hemp-derived cannabinoid products. The prohibition in this section does not apply to businesses selling hemp-derived cannabinoids from a location used for said sales on or before December 31, 2024.
- (6) The penalty for violation of this sub-section shall be as set forth in Sec. 26-335 of this ordinance.

Sec. 26-335. - Acts prohibited; penalty.

No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter.

Any person who violates any provision this article may forfeit not more than \$500.00 per violation.

(Compiled Ords. of 2009, § 9.50.020)

State Law reference— Possession of drug paraphernalia prohibited, Wis. Stats. § 961.573.

Secs. 26-336—26-356. - Reserved.

ARTICLE VIII. - MINORS

DIVISION 1. - GENERALLY

Sec. 26-357 – Minors and lewd, obscene, and sexually explicit material

- (a) As applied to a minor, which, for purposes of this section, is defined as a person who is alleged to have violated this section and who has not attained the age of 17 years, the provisions of Wis. Stat. 944.20, 944.21, 944.23, 944.25, 948.10, 948.11, and 948.12 are adopted and wholly incorporated by reference.
- (b) Each violation of this section shall be subject to a forfeiture not to exceed \$500.00.

Secs. 26-358 – 26-385. – Reserved.

DIVISION 2. - TOBACCO PRODUCTS

State Law reference— Prohibitions with regard to sale to and possession by minors of tobacco products, Wis. Stats. § 254.92; authority for county to adopt and enforce provisions, Wis. Stats. § 254.92(4).

Sec. 26-386. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cigarette means any roll of tobacco wrapped in paper or any substance other than tobacco.

Distributor means any of the following:

- (1) A person specified under Wis. Stats. § 139.30(3).
- (2) A person specified under Wis. Stats. § 139.75(4).

Identification card means any of the following:

- (1) A license containing a photograph issued under Wis. Stats. ch. 343.
- (2) An identification card issued under Wis. Stats. § 343.50.
- (3) An identification card issued under Wis. Stats. § 134.66.

Jobber has the meaning given in Wis. Stats. § 139.30(6).

Law enforcement officer means any person employed by the state or any political subdivision of the state for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he is employed to enforce and includes a person appointed as a conservation warden under Wis. Stats. § 23.10(1).

Manufacturer means any of the following:

- (1) A person specified under Wis. Stats. § 139.30(7).
- (2) A person specified under Wis. Stats. § 139.75(5).

Place of business means any place where cigarettes or tobacco products are sold, manufactured, or stored for the purpose of sale or consumption, including any vessel, vehicle, airplane, train or vending machine.

Retailer means any person licensed under Wis. Stats. § 134.65(1).

School has the meaning given in Wis. Stats. § 118.57(1)(d).

Subjobber has the meaning given in Wis. Stats. § 139.75(11).

Tobacco products has the meaning given in Wis. Stats. § 139.75(12).

Vending machine has the meaning given in Wis. Stats. § 139.30(14).

Vending machine operator has the meaning given in Wis. Stats. § 139.30(15).

(Compiled Ords. of 2009, § 9.22.010)

State Law reference— Similar definitions, Wis. Stats. § 134.66.

Sec. 26-387. - Violations; penalties.

(a) In this section, the term "violation" means a violation of section 26-391(a), (c) or (d).

(1) A person who commits a violation is subject to a forfeiture of:

- a. Not more than \$500.00 if the person has not committed a previous violation within 12 months of the violation; or
- b. Not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within 12 months of the violation.

(2) A court shall suspend any license or permit issued under Wis. Stats. § 134.65, 139.34 or 139.79 to a person for:

- a. Not more than three days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
- b. Not less than three days nor more than ten days, if the court finds that the person committed a violation within 12 months after committing two other violations; or
- c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing three or more other violations.

(3) The court shall promptly mail notice of a suspension under subsection (a)(2) of this section to the department of revenue and to the clerk of each municipality which has issued a license or permit to the person.

(b) Whoever violates section 26-391(b) shall forfeit not more than \$25.00.

(Compiled Ords. of 2009, § 9.22.070)

Sec. 26-388. - Purchase of tobacco products, false representation of age by minors prohibited.

Except as provided in section 26-389, no child may buy or attempt to buy any cigarette or tobacco product or falsely represent his age for the purpose of receiving any cigarette or tobacco product.

(Compiled Ords. of 2009, § 9.22.020)

State Law reference— Purchase or possession of cigarettes or tobacco products by person under 18 prohibited, Wis. Stats. § 254.92.

Sec. 26-389. - Exception.

A child may purchase cigarettes or tobacco products for the sole purpose of resale in the course of employment during his working hours if employed by a retailer licensed under Wis. Stats. § 134.65(1).

(Compiled Ords. of 2009, § 9.22.030)

Sec. 26-390. - Seizure of product by officer.

A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of section 36-388 committed in his presence.

(Compiled Ords. of 2009, § 9.22.040)

Sec. 26-391. - Restrictions on retailers.

- (a) No retailer may sell or give cigarettes or tobacco products to any person under the age of 18, except as provided in Wis. Stats. § 254.92(2)(a). A vending machine operator is not liable under this subsection for the purchase of cigarettes or tobacco products from his vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.
- (b) A retailer shall post a sign in areas within his premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this section and Wis. Stats. § 254.92.
- (c) A vending machine operator shall attach a notice in a conspicuous place on the front of his vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under Wis. Stats. § 254.92 and that the purchaser is subject to a forfeiture not to exceed \$25.00.
- (d) No person may place a vending machine within 500 feet of a school.
- (e) No manufacturer, distributor, jobber, subjobber or retailer, or their employees or agents, may provide cigarettes or tobacco products for nominal or no consideration to a person under the age of 18 years.

(Compiled Ords. of 2009, § 9.22.050)

State Law reference— Restrictions on sale or gift of cigarettes or tobacco products, Wis. Stats. § 134.66.

Sec. 26-392. - Defense of retailer.

Proof of all of the following facts by a retailer who sells cigarettes or tobacco products to a person under the age of 18 years is a defense to any prosecution for a violation of section 26-391(a):

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- (1) That the purchaser falsely represented that he had attained the age of 18 years and presented on identification card;
- (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18 years;
- (3) That the sale was made in good faith, in reasonable reliance on the identification card and appearance that the purchaser had attained the age of 18 years.

(Compiled Ords. of 2009, § 9.22.060)

State Law reference— Similar provisions, Wis. Stats. § 134.66(3).

Secs. 26-393—26-412. - Reserved.

DIVISION 3. - ALCOHOL BEVERAGES

Sec. 26-413. - Definitions.

The definitions in Wis. Stats. § 125.02, to the extent applicable, shall apply to this division.

(Compiled Ords. of 2009, § 9.24.010)

Sec. 26-414. - Sales to minors.

The provisions of Wis. Stats. § 125.07(1) are adopted by reference, including penalty provisions.

(Compiled Ords. of 2009, § 9.24.020)

State Law reference— Presence of underage and intoxicated persons on licensed premises and possession of alcohol beverages by underage persons, Wis. Stats. § 125.07.

Sec. 26-415. - Presence in place of sale.

The provisions of Wis. Stats. § 125.07(3) are adopted by reference, including penalty provisions.

(Compiled Ords. of 2009, § 9.24.030)

Sec. 26-416. - Possession or public consumption.

The provisions of Wis. Stats. § 125.07(4) are adopted by reference, including penalty provisions.

(Compiled Ords. of 2009, § 9.24.040)

Sec. 26-417. - Misrepresentation of age.

The provisions of Wis. Stats. § 125.07(4)4 are adopted by reference, including penalty provisions.

(Compiled Ords. of 2009, § 9.24.050)

Sec. 26-418. - Possession on school grounds.

The provisions of Wis. Stats. § 125.09(2) are adopted by reference, including penalty provisions.

(Compiled Ords. of 2009, § 9.24.060)

Secs. 26-419—26-449. - Reserved.

DIVISION 4. - RUNAWAY MINORS

Sec. 26-450. - Runaway defined.

The term "runaway," for the purpose of this division, means a minor under the age of 18 years who has been reported as a missing person-runaway to a law enforcement agency and whose whereabouts is/was unknown to the parents, guardian or legal custodian.

(Compiled Ords. of 2009, § 9.26.010)

Sec. 26-451. - Violation; penalty.

- (a) Any person who violates this division shall, upon conviction for a first offense, be required to forfeit not less than \$50.00 nor more than \$200.00 together with costs of this action.
- (b) Any person who violates this division shall, upon conviction for a second or subsequent offense, be required to forfeit not less than \$100.00 nor more than \$500.00 together with the cost of this action.
- (c) Any person under the age of 18 years who violates any of the provisions of this division shall, upon conviction, be subjected to the penalties as provided in Wis. Stats. § 938.237.

(Compiled Ords. of 2009, § 9.26.030)

State Law reference— Taking suspected runaway child into custody, Wis. Stats. § 938.19; criteria for holding a juvenile in custody, Wis. Stats. § 938.208.

Sec. 26-452. - Prohibited acts; exception.

- (a) It is unlawful for any person to do any of the following:

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- (1) Knowingly allow, permit or board any minor child at his residence, business or other property in his control, where the person knows or should have known the minor child to be a runaway from his parent, guardian or legal custodian;
 - (2) Knowingly assist, aid or abet a runaway child to escape apprehension or flee from his parents or authorities, including, but not limited to:
 - a. Provide transportation to said runaway child;
 - b. Provide money, clothing or any other useful instrument to the runaway child to aid the runaway child in escape;
 - c. Obstruct by providing false or untrue information regarding the location or plan of the runaway child;
 - d. Refuse to provide information to law enforcement officers when questioned about the runaway child which information was known to them at the time and would assist in the apprehension of said runaway child; or
 - e. Assist, aid or abet the runaway child in any other way for the purpose of hindering law enforcement officer or the child's parents, guardian or legal custodian from learning the whereabouts of the child.
- (b) This section does not apply to the recipient of a placement by juvenile court intake staff or the court, providing that the law enforcement agency who originated the runaway child report is informed of said placement.

(Compiled Ords. of 2009, § 9.26.020)

Secs. 26-453—26-472. - Reserved.

DIVISION 5. - TRUANCY

State Law reference— Truancy, Wis. Stats. § 118.16; county authority to prohibit truancy and impose penalties, Wis. Stats. § 118.163.

Sec. 26-473. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable excuse shall mean an acceptable excuse as defined in Wis. Stats. §§ 118.15 and 118.16(4).

Habitual truant means a pupil who is absent from school without an acceptable excuse for either of the following:

- (1) Part or all of five or more days out of ten consecutive days on which school is held during a semester;
- (2) Part or all of ten or more days on which school is held during a school semester.

(Compiled Ords. of 2009, § 9.32.010)

State Law reference— Compulsory school attendance, Wis. Stats. § 118.15; school attendance enforcement, Wis. Stats. § 118.16.

Sec. 26-474. - Violation; penalty.

Upon finding that a child is a habitual truant, the court shall enter an order making one or more of the following dispositions:

- (1) Suspend the child's operating privilege, as defined in Wis. Stats. § 340.01(40) for not less than 30 days nor more than 90 days. The judge shall immediately take possession of the suspended license and forward it to the state department of transportation, together with a notice stating the reason for and duration of the suspension;
- (2) Order the child to participate in counseling, community service or a supervised work program under Wis. Stats. § 938.34(5g);
- (3) Order the child to remain at home except during the 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 home if the child is accompanied by a parent or guardian;
- (4) Order the child to attend an education program under Wis. Stats. § 48.435(12).

(Compiled Ords. of 2009, § 9.32.030)

Sec. 26-475. - Habitual truancy prohibited.

A child is prohibited from being a habitual truant.

(Compiled Ords. of 2009, § 9.32.020)