

## Title V - Chapter 4

### Orderly Conduct

- § 4.01 Offenses Against Public Safety
  - (1) Discharging Firearms Prohibited
  - (2) Throwing, Discharging, Projecting and Shooting Prohibited.
  - (3) Bow Hunting Authorized.
  - (5) Regulation of Fireworks.
  
- § 4.02 Offenses Against Public Peace and Good Order
  - (1) Disorderly Conduct Prohibited
  - (2) Loud and Unnecessary Noise Prohibited
  - (3) Unauthorized Personnel Prohibited On School Property
  - (4) Harassment, Restraining Orders and Injunctions
  - (5) Regulation of Noise By Animals
  - (6) Defecation By Animals
  - (7) Resisting or Obstructing Officer
  - (8) Smoking Prohibited in Certain Area
  
- § 4.021 Unlawful Use of Computerized Communication Systems
- § 4.025 Nuisance: Junk and Derelict Motor Vehicles
- § 4.03 Offenses Against Property
- § 4.04 Offenses Against Public Morals and Decency
- § 4.05 Offenses Arising Out of the Operation of Motor Vehicles and Motor Driven Recreation Vehicles
- § 4.06 Equal Rights
- § 4.07 Truancy, Habitual Truancy and Dropouts
- § 4.08 Enforcement
- § 4.09 Penalties

#### 4.01 **Offenses against Public Safety.**

- (1) Discharging Firearms Prohibited. Except as allowed by applicable state or federal statutes, laws, or regulations, no person shall fire or discharge any firearm within the Village. For purposes of this Subsection a "firearm" does not include a pellet or BB gun.
  
- (2) Throwing, Discharging, Projecting and Shooting Prohibited. Except as provided in Subsection (3), no person shall throw, discharge, project, or shoot any object, BB, pellet, arrow, stone, snowball, missile, or projectile, by hand or by any other means, in or onto property owned or possessed by another person or entity without the owner's or possessor's express permission.

(3) Bow Hunting Authorized. Hunting with a bow and arrow or crossbow is permitted in the Village subject to the following limitations:

- (a) A person may not hunt with a bow and arrow or crossbow within 50 yards from a building located on another person's property, unless the owner of the property on which the building is located authorized the hunter to hunt within 50 yards from the building. For the purposes of this subsection, "building" means a permanent structure used for human occupancy and includes a manufactured home, as defined in Sec. 101.91(2) of the Wisconsin Statutes; and
- (b) A person hunting with a bow and arrow or crossbow must discharge the arrow or bolt from the weapon toward the ground

(5) Regulation of Fireworks.

- (a) Definition. In this subsection, "fireworks" means anything manufactured, processed, or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include those items enumerated in subsection (1)(a) through (n) of § 167.10, Wis. Stats.
- (b) Sale. No person may sell or possess with intent to sell fireworks, except: to a person holding a permit under par. (e); to the Village; or for a purpose specified under par. (d).
- (c) Use. No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village designated by the Village President. An administrative charge, as specified on the Administrative Fees, Charges and Deposits Schedule in Title V, Chapter 2 Administrative Fees, Charges and Deposits shall be paid for each fireworks user's permit issued. No person may use fireworks or a device listed under sub. (1)(e) to (g) or (i) to (n) of § 167.10, Wis. Stats., while attending a fireworks display for which a permit has been issued to a person listed under par. (e)1 to 5 or under par. (e)6 if the display is open to the general public.
- (d) Paragraph (c) does not apply to:
  - 1. The Village, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least two days in advance.
  - 2. The possession or use of explosives in accordance with rules or general orders of the Department of Industry, Labor and Human Relations.
  - 3. The disposal of hazardous substances in accordance with rules adopted by the Department of Natural Resources.
  - 4. The possession or use of explosive or combustible materials in any manufacturing process.

5. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
  6. A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. §§ 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- (e) A permit under this subsection may be issued only to the following:
1. A public authority.
  2. A fair association.
  3. An amusement park.
  4. A park board.
  5. A civic organization.
  6. A group of resident or nonresident individuals.
  7. An agricultural producer for the protection of crops from predatory birds or animals.
- (f) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- (g) The person issuing a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit, shall be filed in the office of the Village Clerk.
- (h) A permit under this subsection shall specify all of the following:
1. The name and address of the permit holder.
  2. The date on and after which fireworks may be purchased.
  3. The kind and quantity of fireworks which may be purchased.
  4. The date and location of permitted use.
  5. Other special conditions prescribed by ordinance.
- (i) A copy of a permit under this subsection shall be given to municipal fire and law enforcement officials at least two days before the date of authorized use.
- (j) A permit under this subsection may not be issued to a minor.

(k) Enforcement.

1. The Village may petition the circuit court for an order enjoining violations of this subsection.
2. Fireworks stored, handled, sold, possessed or used by a person who violates this subsection or court order under par. 1 shall be seized. The fireworks shall be destroyed after conviction for a violation and otherwise returned to the owner.

(l) Penalties. The forfeitures set forth in § 167.10(9), Wis. Stats., are hereby adopted by reference as though fully set forth herein.

(6) Firearms in Public Buildings.

- (a) Pursuant to Wis. Stats. § 943.13(1m)(c)4., no person shall enter or remain in any part of a building owned, occupied or controlled by the State or local governmental unit if the State or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or a specific type of firearm.
- (b) The Village Administrator shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the Village of Poynette providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.
- (c) Nothing in this subsection shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building. Notwithstanding Wis. Stats. § 939.22(22), for the purposes of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden.
- (d) Nothing in the subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. §§ 941.23 or 941.235.
- (e) In this section the term “building” shall be defined as it is in the Zoning Code under Title III, § 2.57(12), as may be amended.
- (f) Any person found to be in violation of this subsection shall be subject to a forfeiture of \$350.00.

(7) Firearms on Village Property.

- (a) No person shall enter or remain on any property owned, occupied or controlled by Village while carrying a firearm.

- (b) The Village Administrator shall cause signs to be erected at all vehicle and pedestrian entrances to all property owned, occupied or under the control of the Village of Poynette providing notice that no person is to enter or remain on any such property while carrying a firearm. Such signs shall be five inches by seven inches or larger.
- (c) Nothing in this subsection shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm on any public property. Notwithstanding Wis. Stats. § 939.22(22), for the purposes of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden.
- (d) Nothing in the subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. §§ 941.23 or 941.235.
- (e) Any person found to be in violation of this subsection shall be subject to a forfeiture of \$350.00.

(8) Carrying Concealed Weapons.

- (a) *State laws adopted by reference.* The following statutes, as amended, are adopted by reference in this section as if fully set forth in this section:

29.089(2)	Hunting on land in state parks and state fish hatcheries.
29.091	Hunting or trapping in wildlife refuge.
29.621(4) and (6)	Wildlife refuges.
167.30	Use of firearms, etc., near park, etc.
167.31	Safe use and transportation of firearms and bows.
175.60	License to carry a concealed weapon.
941.235	Carrying firearm in public building.
941.237	Carrying handgun where alcohol beverages may be sold and consumed.
941.295	Possession of electric weapon.
946.71	Unlawful use of license for carrying concealed weapons.

- (b) *Penalty.* Any person found to be in violation of this subsection shall be subject to forfeiture as provided in the above statutes, or, if not otherwise specified, \$25.00.

- (9) Severability. If any provision of this section is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of this section.

4.02 **Offenses against Public Peace and Good Order.**

(1) **Disorderly Conduct Prohibited.** No person shall within the Village, in any public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke disturbance.

(2) **Loud and Unnecessary Noise Prohibited.**

(a) No person shall, within the limits of the Village, make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof, unless the making or continuing of the same cannot be prevented or is necessary for the protection or preservation of property, or of the health, safety, life, or limb of some person.

(b) No person, firm, or corporation occupying or having charge of any building or premises, or any part thereof, shall cause, suffer, or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph, other mechanical or electrical sound making or reproducing device, instrument or machine, which loud, excessive or unusual noise shall tend to disturb the comfort, quiet, or repose of persons therein or in the vicinity.

(3) **Unauthorized Personnel Prohibited On School Property.**

(a) No person, except those hereinafter designated, shall enter any school building, or be in any school parking lot, or be upon any privately maintained school sidewalk, playground, athletic field or lawn between the hours of 7:30 AM and 4:00 PM on days when school is in session. This provision shall not apply to any person who is enrolled as a student of the school district, a parent or guardian of such a student, an employee of the school district, any person who has official business with the school district, or any person who has school authorization to use the tennis courts or other school facilities.

(b) All entrances to the school buildings of the school district in the Village of Poynette shall be posted with a notice stating "Entry Into School Building By Unauthorized Person Prohibited".

(4) **Harassment, Restraining Orders and Injunctions.**

(a) Definitions. In this subsection harassment means any of the following:

1. Striking, shoving, kicking or otherwise subjecting another person to physical contact or attempting or threatening to do the same.
2. Engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose.

(b) Commencement of Action. An action under this subsection may be commenced by filing a petition described under sub. (e). No action under this section may be commenced by service of summons. Wis. Stats. § 813.06 does not apply to an action under this section.

(c) Temporary Restraining Order.

1. A judge may issue a temporary restraining order ordering the respondent to cease or avoid the harassment of another person, if all of the following occur:

A petitioner files a petition alleging the elements set forth under sub. (e).

The judge finds reasonable grounds to believe that the respondent has violated § 947.013, Wis. Stats.

2. Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.
3. The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (d). A judge shall hold a hearing on issuance of an injunction within seven days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for seven days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence.

(d) Injunction.

1. A judge may grant an injunction ordering the respondent to cease or avoid the harassment of another person if all of the following occur:  
The petitioner has filed a petition alleging the elements set forth under sub. (e).

The petitioner serves upon the respondent a copy of a restraining order obtained under sub. (c) and notice of the time for the hearing on the issuance of the injunction under sub. (c)3.

After hearing, the judge finds reasonable grounds to believe that the respondent has violated § 947.013, Wis. Stats.

2. The injunction may be entered only against the respondent named in the petition.
3. An injunction under this subsection is effective according to its terms, but for not more than two years.

(e) Petition.

1. The petition shall allege facts sufficient to show the following:

The name of the person who is the alleged victim.

The name of the respondent

That the respondent has violated § 947.013, Wis. Stats.

2. The Clerk of Circuit Court shall provide simplified forms.

(f) Arrest. A law enforcement officer shall arrest and take a person into custody if all of the following occur:

1. A person named in a petition under sub. (e) presents the law enforcement officer with a copy of a court order issued under sub. (c) or (d), or the law enforcement officer determines that such an order exists through communication with appropriate authorities.
2. The law enforcement officer has probable cause to believe that the person has violated the court order issued under sub. (c) or (d).

(5) Regulation of Noise By Animals. No person, firm or corporation operating, having charge of, or occupying any building or premises shall keep, or allow to be kept, any animal or bird which shall habitually by any noise disturb the peace and quiet of any person in the vicinity thereof. This subsection shall not apply to animals or birds kept on lands zoned Rural Development (RD).

(6) Defecation By Animals. The owner or person having physical control of any animal that defecates on any private or public property without the permission of the owner, occupant, or other person charged with the lawful jurisdiction thereof, shall promptly remove the feces to his own property or otherwise dispose of same in a sanitary manner. See also Title V, Chapter 6.04 Dogs. (AM 03 25 02 ORD 02-315)

(7) Resisting or Obstructing Officer.

- (a) No person shall knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.

(b) In this subsection:

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

2. "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.

(8) Smoking Prohibited in Certain Area.

- (a) Purpose. The Village Board recognizes that smoking of cigarettes and tobacco products is hazardous to an individual's health and may affect the health of nonsmokers/smokers when they are involuntarily in the presence of smoking. Reliable scientific studies assessed by credible health officials have found that secondhand tobacco smoke is a significant health hazard for children, elderly people, and individuals with cardiovascular disease or impaired respiratory function. Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers. This Ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the Village of Poynette, especially recognizing the health interests of nonsmokers, who constitute a majority of the population.
- (b) Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  1. Assisted living facility. means a community-based residential facility, as defined in s. 50.01(1g), a residential care apartment complex, as defined in s. 50.01(1d), or an adult family home, as defined in s. 50.01 (1) (b).
  2. Day care center. means a facility operated by a child care provider that provides care and supervision for 4 or more children under 7 years of age for less than 24 hours a day. (s. 49.136 (1) (d)).
  3. Employment. means any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged.
  4. Enclosed Indoor Area. means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall
  5. Person in charge. means the person who ultimately controls, governs or directs the activities aboard a public conveyance or within or at a place where smoking is regulated under this section, regardless of the person's status as owner or lessee.

6. Place of employment. means any enclosed indoor area that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.
7. Private club. means a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.
8. Public place. means any enclosed indoor area that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.
9. Restaurant. means an establishment defined in Wis. Stat. § 254.61(5).
10. Retail establishment. means any store or shop in which retail sales is the principal business conducted.
11. Smoking. means burning or holding or inhaling or exhaling smoke from, any of the following items containing tobacco:
  - a. A lighted cigar.
  - b. A lighted cigarette.
  - c. A lighted pipe.
  - d. Any other lighted smoking equipment.
12. Sports arena. means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.
13. Tavern. means any establishment, other than a restaurant, that holds a "Class B" intoxication liquor license or Class "B" fermented malt beverages license.
14. Tobacco product. means any form of tobacco prepared in a manner suitable for smoking but not including a cigarette.

(c) Prohibition against smoking.

1. Except as otherwise provided, no person may smoke in any of the following spaces:
  - a. Any enclosed indoor area of a public place or place of employment.

- b. Areas in Village parks as posted and so designated by the Parks and Recreation Department including the athletic field/ bleachers & dugouts, playground and swing set areas, and park restrooms.
  - c. Sports arenas.
  - d. Within the outdoor premises of a day care center when children who are receiving a day care services are present.
  - e. Village-owned or leased motor vehicles.
  - f. Public forms of transportation, including, but not limited to, motor buses, taxicabs, or other public passenger vehicles.
2. The prohibition of smoking under sub. 1. does not apply to any of the following places:
- a. A private residence.
  - b. A room used by only one person in an assisted living facility as his or her residence.
  - c. A room in an assisted living facility in which 2 or more people reside if every person who lives in that room smokes and each of those people has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.
- (d) Responsibility of person in charge. No person in charge may allow any person to smoke in violation of sections 4.02(8) at a location that is under the control or direction of the person in charge.
- 1. A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.
  - 2. A person in charge shall make reasonable effort to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:
    - a. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
    - b. Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.
    - c. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.

3. If a person refuses to leave a location after being requested to do so as provided in par c., the person in charge shall immediately notify an appropriate law enforcement agency of the violation.
4. The person in charge of a restaurant, tavern, private club, or retail establishment may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.

(e) Signs.

1. No smoking signs shall include the plainly visible “No Smoking” symbol, consisting of a burning cigarette enclosed in a red circle with a red bar across the cigarette.
2. Each sign and the language contained therein shall be clearly visible from a distance of at least ten (10) feet and meet the uniform dimensional requirements specified by the Wisconsin Department of Commerce in accordance with Wisconsin Statutes § 101.123(6).

(f) Enforcement.

1. The Chief of Police or designee shall have the power, whenever they may deem it necessary, to enter upon the premises named in this section to ascertain whether the premises are in compliance with this ordinance.
2. The proprietor, employer or other person in charge of premises regulated hereunder, upon either observing or being advised of a violation, shall make reasonable efforts to prevent smoking in prohibited areas by:
  - a. Approaching smokers who fail to voluntarily comply with this section and requesting that they extinguish their cigarette or tobacco product and refrain from smoking or
  - b. Refusing service to anyone smoking in a prohibited area.
3. Any person who desires to register a complaint under this section may contact the Police Department.

(g) Violation and penalties.

1. Any person who violates Sec. 4.02(8)(c) may be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation.

2. Any person in charge who violates Sec.4.02(8)(d) may be subject to a forfeiture of \$100 for each violation.
  - a. For violations subject to the forfeiture under par. 2., if the person in charge has not previously received a warning notice for a violation of Sec 4.02(8)(d), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
  - b. No person in charge may be required under Sec. 4.02(8)(g)2., to forfeit more than \$100 in total for all violations of Sec 4.02(8)(d), occurring on a single day.

(h) Clean indoor air.

1. Intent and construction. The Village of Poynette finds that it is in the interest of the health, safety and welfare of the community to adopt by reference Sec.101.123, WI Stats. and subsequent amendments, additions and recodifications. It is the intent of the Village Board that where there may be conflict between Sec. 101.123, WI Stats. and Sec. 4.02(8) that the most restrictive section shall apply. This ordinance shall not be construed to mean that progressive discipline of Village employees for violations of laws, rules and regulations is only authorized where explicitly provided by ordinance.
  2. Penalty. The penalties provided by Sec. 101.123, WI Stats. shall be in addition to the penalties provided for violation of this ordinance Section when a person has violated both laws. In addition to the penalties provided by this ordinance and Sec. 101.123 WI Stats., any Village employee who violates any provision of this ordinance or Sec.101.123. WI Stats., may also be subject to progressive discipline by his or her employer.
- (i) Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.
- (j) Effective Date. This Ordinance shall become effective upon passage and publication.

4.021 Unlawful Use of Computerized Communication Systems.

(1) Definitions.

- (a) "Message" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, or transfer of a "computer program".

- (b) "Computer program" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data.
- (2) Unlawful Conduct. No person shall, with the intent to frighten, intimidate, threaten, abuse, harass, annoy or offend:
- (a) Send a message to a person on an electronic mail or other computerized communication system, or send a message on an electronic mail or other computerized communication system, with the reasonable expectation that the person will receive the message and in that message,
    - 1. threaten to inflict injury or physical harm to any person or the property of any person;
    - 2. use any obscene, lewd, profane or offensive language or suggest any lewd or lascivious act;
    - 3. intentionally prevent or attempt to prevent the disclosure of his or her identity;
    - 4. send repeated messages to a person
  - (b) knowingly permit or direct another person to send a message prohibited by this section by any computer terminal, or other device that is used to send messages, on an electronic mail or other computerized communication system that is under his or her control
- (3) Severability. If any portion of this section, or its application to any Person or circumstances, is held invalid, the validity of this section as a whole, or any other portion thereof, and its application to other Persons or circumstances, shall not be affected.
- (4) The penalty for violating any provision of Section 4.021(2) shall be as shown in Title VI, Chapter 1, ENFORCEMENT OF CODE.

#### 4.025 **Nuisance: Junk and Derelict Motor Vehicles**

- (1) Definitions:
- (a) "Collector" as used in this section means the person or persons specifically authorized by the Village Board to collect garbage and rubbish and to dispose of same.
  - (b) "Derelict Vehicle" means a motor vehicle that is in such a state of disrepair or damaged condition that it is not reasonably operable or roadworthy for use on a public highway. To be reasonably operable, a vehicle must:
    - 1. be titled, have a current registration from a state, district or territory of the United States, and have legal license plate(s) mounted on it, except that vehicles offered

- for sale by businesses or persons holding a current dealer license issued by the Wisconsin Department of Transportation are exempt from the requirement to have mounted license plates, and;
2. meet all requirements of Wisconsin Statutes, Chapter 347 and appropriate subchapters of Wis DOT Trans 305, and;
  3. Be in a sufficient state of repair to enable it to operate safely at legal highway speeds.
- (c) "Garbage" as used in this section shall have the same meaning as in Title V, Chapter 6, 6.02(1)(a).
- (d) "Inspecting officer" as used in this section shall mean a sworn officer of the Poynette Police Department.
- (e) "Junk" as used in this section shall mean and include: garbage, rubbish and anything else that is commonly classified as junk including, but not limited to all other discarded or waste materials including vehicles, derelict vehicles, vehicle parts, vehicle or van bodies used for storage whether they are attached to the vehicle or not, trailers, tractors, appliances, refrigerators, furnaces, washing machines, stoves, machinery, machinery parts, lumber, bricks, cement blocks, animal carcasses, earth and stone, bottles, jugs, rags, broken glass, paper of all kinds, scrap metal of all kinds, unwanted furnishings, construction waste, other household, commercial, agricultural, or industrial items and unsightly debris which is detrimental to the health, appearance, neatness and cleanliness of the immediate neighborhood.
- (f) "Person" includes all individuals, partnerships, firms, corporations, associations, joint ventures or any other legal entity.
- (g) "Recyclable material" as used in this section shall have the same meaning as in Title V, Chapter 6, 6.02(1)(c).
- (h) "Rubbish" as used in this section shall have the meaning given in Title V, Chapter 6, 6.02(1)(b).
- (2) Junk or recyclable materials deposited on public and private property. Property owners, renters, lessees or occupants shall not permit accumulated junk or recyclable materials to be left in the open on private property longer than is necessary for pickup or disposal.
- (3) Village Burn Site.
- (a) Only leaves, brush or unpainted lumber may be deposited in the Village burn site. Treated lumber, currently or formerly painted lumber, lumber containing nails, screws or other fasteners, other construction materials or any other type of junk or recyclable materials may not be deposited in the Village burn site.
  - (b) No person shall deposit leaves, brush or unpainted lumber in the Village of Poynette burn site without the approval of Village Hall staff.

1. Permission must be sought and obtained for each deposit of materials in the burn site.
2. Permission, once obtained, does not continue beyond the specific deposit or day of the request.
3. Keys to the burn site may be obtained in the Village Hall during normal operating hours.
4. No person shall deposit approved or unapproved materials outside of the burn site enclosure.
5. Only Village of Poynette employees may burn any materials or cause fires to start at the Village of Poynette burn site.

(4) Collection and Storage of Junk or Recyclable Materials – Public Nuisance.

- (a) The keeping, storage, housing or placing of junk or recyclable materials at any place in the Village, except by a person holding a proper junk license, is hereby declared a public nuisance and detrimental to public health, safety, welfare, convenience and general prosperity of the citizens of the Village, unless the junk or recyclable materials are stored within an enclosed building or in a location completely screened from the view of adjacent properties and public lands, including street rights of way, in a storage depository maintained in a lawful place and manner.
- (b) Exceptions:
  1. This section shall not apply to operational seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and non-motorized campers, provided that such vehicles are stored in compliance with the ordinances of the Village.
  2. Dirt, compost or gravel: in residential districts in volumes less than or equal to 2 cubic yards for lawn or garden use, or in commercial districts any volume of the same items if offered for retail sale.

(5) Penalties.

- (a) Nuisance Abatement – The Village may take the following steps to correct, remove and/or abate a public nuisance:
  1. If an inspecting officer determines that, as a result of a violation of subsections (2) and/or (4), a public nuisance exists on a private premises but that the nature of the nuisance does not constitute an imminent danger to public health, safety, peace, morals or decency, he or she may issue an Order describing the existence of a public nuisance and requiring the owner or occupant of the premises to remove or abate the condition described in the Order within 7 days.

2. If the public nuisance is not corrected following the 7-day period described in subsection 4.025(5)(a)1., a citation may be issued to the owner and/or occupant of the private property.
  3. If the owner or occupant fails or refuses to correct the nuisance within 15 days following the issuance of the citation, the Village may enter upon the premises and cause the nuisance to be corrected, removed and/or abated. The Village shall recover the expenses incurred thereby from the owner and/or occupant of the premises. Persons interfering with the nuisance correction, removal and/or abatement shall be subject to citation or arrest for obstructing an officer. The entire expense incurred for the correction, removal and/or abatement of the nuisance, including all removal, storage, disposal and any other associated costs, together with an additional charge of 10% for administrative expenses, shall be charged to the owner and/or occupant of the property. Damage to the yard or property which is not reasonably avoidable and which is incidental to the correction, removal and/or abatement of the nuisance shall be the responsibility of the property owner.
  4. If the nuisance is such that it causes a dangerous health issue such as, animals, rodents or varmints getting into uncollected garbage causing it to be strewn, the 7 day notice can be waived and a 48 hour notice to clean up may be issued and clean up commenced thereafter.
  5. If the sums due and owing the Village as a result of this subsection are not paid within 30 calendar days of the billing date, steps shall be taken to collect the same, including that they may be added as a special charge to the property's property tax rolls as allowed by law.
  6. Any person affected by an abatement order may, within thirty (30) days of service or publication of the order, apply to the circuit court for an order restraining the village and the inspecting officer from entering onto the premises and correcting, removing and/or abating the nuisance, or be forever barred. The court shall determine the reasonableness of the order for abatement of the nuisance.
- (b) Forfeitures – The penalty for a violation of any provision of this section shall be a forfeiture of not more than \$100.00, together with the costs of prosecution and any other costs assessed pursuant to Section 5(a)(iii).
- (6) Severability. Title VI, Section 3.01 of the Municipal Code of the Village of Poynette is hereby adopted herein by reference as though fully set forth herein.

#### 4.03 **Offenses against Property.**

- (1) No person shall willfully, maliciously, or wantonly deface, injure or destroy any public or private property of another within the Village.

(2) Issue of Worthless Checks.

- (a) No person shall issue any check for the payment of \$10 or more, to any merchant which, at the time of issuance, he or she intends shall not be paid.
- (b) No person shall, within a 45-day period, issue a series of checks for the payment of less than \$10 each, but amounting in the aggregate to \$50 or more, drawn on the same drawee, to any merchant or merchants which, at the time of issuance, he or she intends shall not be paid.
- (c) "Merchant" means a person who sells goods or services in the Village of Poynette in the regular course of his or her business, but does not include a transient merchant as defined in Title IV, Chapter 1, 1.02 of this Code.
- (d) Any of the following is prima facie evidence that the person at the time he or she issued the check intended it should not be paid.
  - 1. Proof that, at the time of issuance, the person did not have an account with the drawee and that the person failed to pay the check within five days after receiving notice from the merchant under subsection (f)3.
  - 2. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed to pay the check within five days after receiving notice from the merchant under subsection (f)3.
  - 3. Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and that the person failed to pay the check within five days after receiving notice from the merchant under subsection (f)3.
- (e) This section does not apply to a postdated check or a check given for a past consideration.
- (f) A merchant shall, as a condition to prosecution of the issuer of a worthless check, comply with the following:
  - 1. The check shall contain the issuer's driver's license number granted pursuant to Chapter 343, Wis. Stats.
  - 2. Any check returned for insufficient funds shall be presented to the drawee a second time and shall be so marked by the drawee.
  - 3. The merchant shall make a written five-day demand for payment upon the issuer by certified mail, return receipt requested, addressed to the issuer at his or her last known post office address.

4. The merchant shall deliver the check to the Poynette Police Department within 45 days after the date of issue. Each check shall be accompanied by a copy of the merchant's written demand for payment and the postal service's return receipt.
- (g) The five-day notice provision of subsection (d) shall be deemed satisfied in the event that the written demand for payment is returned to the merchant by the postal service undeliverable.

(3) Retail Theft.

(a) In this subsection:

1. "Merchant" includes any "merchant" as defined in § 402.104(3), Wis. Stats., or any innkeeper, motel keeper or hotelkeeper.

2. "Value of merchandise" means:

a. for property of the merchant, the value of the property; or,

b. for merchandise held for resale, the merchant's stated price of the merchandise or, in the event of altering, transferring, or removing a price marking or causing a cash register or other sales device to reflect less than the merchant's stated price, the difference between the merchant's stated price of the merchandise and the altered price.

(b) Whoever intentionally alters indicia of price or value of merchandise, or who takes and carries away, transfers, conceals, or retains possession of merchandise held for resale by a merchant, or property of the merchant without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price of the merchandise may be penalized as provided in § 4.09(9).

(c) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person, or among the belongings of such person, or concealed by a person upon the person, or among the belongings of another, is evidence of intentional concealment on the part of the person so concealing such goods.

(d) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to his or her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make

phone calls, but he or she shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Any merchant or merchant's adult employee who acts in good faith in any act authorized under this subsection is immune from civil or criminal liability for those acts.

- (e) 1. In any action or proceeding for violation of this subsection, duly identified and authenticated photographs of merchandise, which was the subject of the violation, may be used as evidence in lieu of producing the merchandise.
- 2. A merchant or merchant's adult employee is privileged to defend property as prescribed in § 939.49, Wis. Stats.

(4) Trespass to Land. Whoever does any of the following is subject to a forfeiture:

- (a) Enters any enclosed or cultivated land of another with intent to catch or kill any birds, animals, or fish on the land, or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities.
- (b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.
- (c) Hunts, shoots, fishes, or gathers any product of the soil on the premises of another, or enters said premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.
- (d) Enters any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.
- (e) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign at least 11 inches square must be placed in at least two conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title, but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected within six months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

(5) Trespass to Dwellings. Whoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, is subject to a forfeiture.

(6) Collection and Storage of Inoperable Motor Vehicles Prohibited.

- (a) The keeping, storage, housing or placing of any inoperable motor vehicle on any street, public or private property is hereby declared a public nuisance and detrimental to the public health, safety, welfare, convenience, and general prosperity of the citizens of the Village.
- (b) The term "inoperable motor vehicle" as used herein shall mean any motor vehicle which, because of its mechanical or electrical condition, cannot be started, controlled or propelled. Unlicensed vehicles, those that do not bear current lawful license plates, shall also be considered inoperable motor vehicles. (amended 10/28/96: 96-273)
- (c) No person shall keep, store, house, or place an inoperable motor vehicle on any street, public or private property, unless:
  - 1. the vehicle is within an enclosed garage or carport;
  - 2. the vehicle is on premises being used in the business of servicing or repairing motor vehicles;
  - 3. the vehicle is on premises licensed under Title IV, Chapter 1, 1.03 of this Code;
- (d) This section shall not apply to an inoperable motor vehicle which is parked on any street or public property for less than 48 hours, or on any private property for less than seven days.

(7) Theft.

- (a) Applicability. This subsection applies only to theft of property the value of which does not exceed \$500.
- (b) Acts. Whoever does any of the following may be penalized as proved in § 4.09(13):
  - 1. Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of such property.
  - 2. By virtue of his office, business, or employment, or as trustee or bailee, having possession of money or of a negotiable security, instrument, paper, or other negotiable writing of another, intentionally uses, transfers, conceals, or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his authority, and with intent to convert to his own use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his possession or custody by virtue of his office, business or employment, or as trustee or bailee, upon demand of the person entitled to

receive it, or as required by law, is prima facie evidence of an intent to convert to his own use within the meaning of this paragraph.

3. Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property.
4. Obtains title to property of another by intentionally deceiving him with a false representation, which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
5. Intentionally fails to return any personal property, which is in his possession or under his control by virtue of a written lease or written rental agreement, within 10 days after the lease or rental agreement has expired.

(c) Definitions. In this subsection:

1. "Movable Property" is property whose physical location can be changed, without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to, or found in land.
2. "Property" means all forms of tangible property, whether real or personal, without limitation including, electricity, gas and documents which represent or embody a chose in action or other intangible rights.
3. "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.
4. "Value" means the market value at the time of the theft, or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

(8) Fraud on Hotel or Restaurant Keeper.

(a) Whoever does either of the following may be penalized as proved in § 4.09(13):

1. Having obtained any food, lodging or other service or accommodation at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally absconds without paying for it.
2. While a guest at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally defrauds the keeper thereof in any transaction arising out of the relationship as guest.

(b) Under this section, prima facie evidence of an intent to defraud is shown by:

1. The refusal of payment upon presentation when due, and the return unpaid of any bank check or order for the payment of money, given by any guest to any campground, hotel, motel, boarding or lodging house, or restaurant, in payment of any obligation arising out of the relationship as guest. Those facts also constitute prima facie evidence of an intent to abscond without payment.
2. The failure or refusal of any guest at a campground, hotel, motel, boarding or lodging house, or restaurant, to pay, upon written demand, the established charge for food, lodging or other service or accommodation actually rendered.
3. The giving of false information on a lodging registration form or the presenting of false or fictitious credentials for the purpose of obtaining lodging or credit.
4. The drawing, endorsing, issuing or delivering to any campground, hotel, motel, boarding or lodging house, or restaurant, of any check, draft or order for payment of money upon any bank or other depository, in payment of established charges for food, lodging or other service or accommodation, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

(9) Theft of Library Material.

(a) In this subsection:

1. "Archives" means a place in which public or institutional records are systematically preserved.
2. "Library" means any public library; library of an educational, historical, or eleemosynary institution, organization or society; archives; or museum.
3. "Library material" includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript,

document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of a library.

- (b) Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee, and with intent to deprive the library of possession of the material, may be penalized as provided in § 4.09(1)(a).
- (c) The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee, and which is concealed upon the person or among the belongings of the person, or concealed by a person upon the person, or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- (d) An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make phone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

#### 4.04 **Offenses against Public Morals and Decency.**

##### (1) **Sale, Possession and Use of Toxic Glue.**

- (a) Definition. Toxic glue shall mean any glue, adhesive cement, mucilage, plastic cement, or any similar substance containing one or more of the following volatile substances: Acetone, Benzene, Butyl Alcohol, Cyclohexanone, Ethyl Acetate, Ethyl Alcohol, Ethylene Dichloride, Hexane, Isopropyl Alcohol, Methyl Alcohol, Methyl Cellosolve, Acetate, Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Pentachlorophenol, Petroleum Ether, Trichlorethylene, Tricresyl Phosphate, Toluene, Toluol, or any other chemical capable of producing intoxication or euphoria when inhaled.

- (b) Inhalation of Vapors or Fumes from Toxic Glues Prohibited. No person shall inhale or otherwise introduce into his respiratory tract any toxic glue, or any vapors or fumes which may be released from any toxic glue, with the intent of becoming intoxicated, elated, excited, stupefied, irrational, paralyzed, or of changing, distorting, or disturbing his eyesight, thinking process, judgment, balance or muscular coordination.
- (c) Limitations on Sales, Transfer, and Possession of Toxic Glue.
  - 1. No person shall, for the purpose of violating or aiding another to violate any provision of this section, possess, buy, sell, transfer possession or receive possession of any toxic glue.
  - 2. No person shall sell or transfer possession of any glue to any person under 18 years of age; provided, however, that one tube or container of toxic glue may be sold or transferred to a child under 18 years of age immediately in conjunction with the sale or transfer of a model kit, if the kit requires approximately such quantity of glue for assembly of the model, and provided, further, that nothing herein contained shall be applicable to the transfer of a tube or other container of such glue from a parent to his child or from a legal guardian to his ward.

(2) Curfew.

- (a) It shall be unlawful for any person under seventeen (17) years to be on foot, cycle, or in any type of vehicle on any avenue, highway, road, alley, park, school grounds, cemetery, playground, public building, or any other public place in the Village between the hours designated as follows unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said child, unaccompanied by parent, guardian, or other person having legal custody is found upon any such public place during the following hours shall be evidence that said child is there unlawfully and that no reasonable excuse exists therefor:
  - 1. From Sunday evening through Thursday evening the above-mentioned acts shall be prohibited from 10:00 p.m. to 5:00 a.m.
  - 2. On Friday and Saturday evenings, the above-mentioned acts shall be prohibited from 11:00 p.m. to 5:00 a.m.

(b) Exceptions:

- 1. This Section shall not apply to a child:
  - a. Who is performing a errand as directed by his parent, guardian or person having lawful custody.

- b. Who is on his own premises or in the areas immediately adjacent thereto.
  - c. Whose employment makes it necessary to be upon the streets, alleys, or public places or in any motor vehicle during such hours.
  - d. Who is returning home from a supervised school, church or civic function.
2. These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys, or public places or be in a parked motor vehicle on the public streets.
- (c) It shall be unlawful for any parent, guardian, or other person having the lawful care, custody, and control of any person under seventeen (17) years of age to allow or permit such person to violate the provisions of (a) or (b) above. The fact that prior to the present offense a parent, guardian, or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, guardian, or custodian allows or permitted the present violation. Any parent, guardian, or custodian herein who shall have made a missing person notification to the Poynette Police Department shall not be considered to have allowed or permitted any person under seventeen (17) years of age to violate this Section.
- (d) It shall be unlawful for any person, firm, or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under seventeen (17) years of age to loiter, loaf or idle in such place during the hours prohibited by this Section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this Section shall find persons under seventeen (17) years of age loitering, loafing, or idling in such place of business, he shall immediately order such person to leave and if such person refused to leave said place of business, the operator shall immediately notify the Poynette Police Department and inform them of the violation.

The penalty for violating this ordinance shall be constant with 4.09 of the ordinance of the Village of Poynette.

(3) Regulations Concerning Alcohol Beverages.

(a) Restrictions Relating to Underage Persons.

1. No person may procure for, sell, dispense or give away alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

2. No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
3. No adult may knowingly permit, or fail to take action to prevent, the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This paragraph does not apply to alcohol beverages used exclusively as part of a religious service.
4. No adult may intentionally encourage or contribute to a violation of any provision of subdivision (d).

(b) Sales of Alcohol Beverages to Intoxicated Persons.

1. No person may procure for, sell, dispense, or give away alcohol beverages to a person who is intoxicated.
2. No licensee or permittee may sell, vend, deal, or traffic in alcohol beverages to or with a person who is intoxicated.

(c) Presence in Places of Sale. Except as provided in § 125.07(3)(a)1. through 11., Wis. Stats., an underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter, or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employer. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises.

(d) Underage Persons; Prohibitions. Except as provided in § 125.07(4)(bm), Wis. Stats., any underage person who does any of the following is guilty of a violation:

1. Procures or attempts to procure alcohol beverages from a licensee or permittee.
2. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
3. Enters, knowingly attempts to enter, or is on licensed premises in violation of sub. (c).
4. Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

5. Except as provided in § 125.07(4)(bm), Wis. Stats., knowingly possesses or consumes alcohol beverages while not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
- (e) Fabrication of Proof of Age. Any underage person who does any of the following is guilty of a violation:
1. Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information.
  2. Makes, alters or duplicates an official identification card purporting to show that he or she has attained the legal drinking age.
  3. Presents false information to an issuing officer in applying for an official identification card.
  4. Intentionally carries an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.
  5. Provides to another underage person an official identification card or other documentation purporting to show that the other underage person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.
- (f) Possession of Alcohol Beverages on School Grounds Prohibited. Except as provided in § 125.09(2)(c), Wis. Stats., no person may possess or consume alcohol beverages on school premises, in a motor vehicle if a pupil attending the school is in the motor vehicle, or while participating in a school-sponsored activity. For purposes of this paragraph, the meaning of the terms "motor vehicle", "school", "school administrator", and "school premises" set forth in § 125.09(2)(a), Wis. Stats., is incorporated herein by reference.
- (g) Consumption in Public Places; Open Containers.
1. No person shall consume any alcohol beverages while in or upon any street, alley, sidewalk, or public parking lot in the Village.
  2. No person shall be in possession of any glass, cup, or other open container which contains alcohol beverages while in or upon any street, alley, sidewalk, or public parking lot in the Village.

(h) Public Intoxication. No person shall, within the Village, be found in a public place in such a condition of physical or mental impairment from the use of alcohol or other drugs that he or she is unable to care for his or her own safety.

(i) Definitions. As used in subsection (3):

1. "Underage Person" means a person who has not attained the legal age to consume alcohol beverages in the State of Wisconsin.
2. "Licensee" or "Permittee" means a person who engages in an activity for which Chapter 125, Wis. Stats., requires a license, permit or other type of authorization.
3. "Licensed Premises" means a place for which a license or permit for the retail sale of alcohol beverages has been issued.
4. "Official Identification Card" means a valid operator's license issued under Chapter 343 of the Wisconsin Statutes that contains the photograph of the holder, an identification card issued under § 343.50, Wis. Stats., or an identification card issued under § 125.085, 1987 Stats.

(4) Regulations Concerning Marijuana and Cannabis.

(a) No person shall casually possess marijuana or cannabis in a public place unless such marijuana or cannabis was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice.

(b) Definitions.

1. Cannabis. The resin extracted from any part of the plant Cannabis Sativa L., or any other nonfibrous extract from any part of the plant containing delta-9-tetrahydrocannabinol.
2. Casually Possess. The possession of not more than 28 grams of cannabis, or 112 grams of marijuana.
3. Marijuana. All parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. It does not include cannabis or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
4. Practitioner.
  - a. 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 state.

- b. 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 state.

5. **Public Place.** A place which is in public ownership or a place to which the public has access; distinguished from a private place.

(5) Regulations Concerning Drug Paraphernalia.

- (a) **Definitions.** § 161.571, Wis. Stats., is hereby adopted by reference and incorporated herein as though fully set forth herein.
- (b) **Possession of Drug Paraphernalia.** 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 in violation of Ch. 161, Wis. Stats.
- (c) This subsection applies only to a person who is less than seventeen (17) years of age is subject to a disposition under Wis. Stats. Section §938.344 (2e). (amend 6/10/96: 96-268)

(6) Manufacture or Delivery of Drug Paraphernalia.

- (a) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used 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 in violation of Chapter 161 Wisconsin Statutes.
- (b) Any person who violates this section who is less than seventeen (17) years of age is subject to a disposition under Wis. Stats. Section 938.344(2e).

(7) Delivery of Drug Paraphernalia to a Minor.

- (a) Any person eighteen (18) years of age or over who violates Section 4.04(6)(a) by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than the violator is subject to a penalty pursuant to this chapter.
- (b) Any person who violates this section who is less than seventeen (17) years of age is subject to a disposition under Wis. Stats. Section 938.344(2e)

(8) Regulations Concerning Tobacco.

(a) Tobacco Products” Defined. For purposes of this Ordinance, “tobacco products” means any substance containing any form of tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

(b) Purchase or Possession of Tobacco Products Prohibited.

1. Purchase by Minors Prohibited. Except as provided in Sub.(2), it shall be unlawful for any person under the age of eighteen (18) years to buy or attempt to buy any cigarette or tobacco products, falsely represent his or her age for the purpose of receiving any cigarette or tobacco product, or possess any cigarette or tobacco product.
2. A person under the age of eighteen (18) years may possess or order cigarettes or tobacco products only for the purpose of retail sale by, and under the direction of, an employer if employed by a retailer licensed under Wis. Stats. Section 134.65(1).
3. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Sub.(1) committed in his or her presence.

(c) Restrictions Relating to Underage Persons.

1. No person may procure for, sell, dispense or give away any cigarette or tobacco product to any person who has not attained the age of eighteen (18) years.
2. No person may sell, vend, deal, or traffic in any cigarette or tobacco product to or with any person who has not attained the age of eighteen (18) years.
3. No adult may knowingly permit, or fail to take action to prevent, the illegal use of any cigarette or tobacco product by an underage person on premises owned by the adult or under the adult's control.
4. No adult may intentionally encourage or contribute to a violation of any provision of subdivision (b).

(9) No person shall make a 9-1-1 call, whether or not a conversation ensues, for the purpose of activating an emergency response when no actual emergency exists. This provision shall not affect those calls who in good faith believe an actual emergency situation exists when initiating the call.

4.05 **Offenses arising out of the Operation of Motor Vehicles and Motor Driven Recreation Vehicles.**

- (1) **Disorderly Conduct With Motor Vehicles.** No person may, on public or private property, operate a motor vehicle in a disorderly manner. Conduct prohibited by this provision includes, but is not limited to. The following:
  - (a) Deliberate or intentional spinning of wheels;
  - (b) Causing a vehicle, while commencing to move or in motion, to have one or more wheels off of the ground;
  - (c) Operating in a manner that tends to cause a disturbance;
  - (d) Negligent operation;
  - (e) Operation that endangers or injures the health or safety of a person;
  - (f) Operation that causes annoying or disturbing dust, noise, smoke, odor or gas, and
  - (g) Reckless operation.
- (2) **Unnecessary Noise with a Motor Vehicle.** No person may, on public or private property, cause unnecessary or annoying noise with a motor vehicle. The noises prohibited by this provision include, but are not limited to, the following; squealing tires, excessive noise from the engine, unnecessary blowing of the horn, loud muffler noise, and engine backfire.
- (3) **Compression Brakes.**
  - (a) **Compression Brakes Prohibited.** No person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine of the motor vehicle.
  - (b) **Defense.** It shall be an affirmative defense to prosecution under this ordinance that compression brakes were applied in an emergency and were necessary for the protection of persons or property.
  - (c) **Emergency Vehicles.** Are exempted from the terms of this ordinance.
- (4) **Rule of the Road Applicable To All Parking Lots, Drives and Public School Premises.** No person shall drive a motor vehicle upon any premises held out for the use of motor vehicles whether publicly or privately owned, at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a vehicle shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle, or other conveyance on or entering any parking

lot, drive, or public school premises in compliance with legal requirements and using due care.

(5) Other Rules Of The Road Applicable To Public School Premises.

- (a) Driving on Roadways Laned for Traffic. When a school drive or school parking lot has been marked or posted for traffic moving a particular direction, no person shall operate a vehicle in the opposite direction.
- (b) Vehicles to Stop at Stop Signs. Every operator of a vehicle approaching an official stop sign located upon any public school premises, school drive, or school parking lot shall cause such vehicle to stop in the manner specified in § 346.46, Wis. Stats.
- (c) Parking Prohibited in Certain Specified Areas. No person shall stop or leave any vehicle standing upon any portion of public school premises, school drive or school parking lot where, and at the time when, parking is prohibited, limited or restricted by official traffic signs, except temporarily for the purpose of and while actually engaged in loading or unloading, or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of emergency or to avoid obstruction of traffic.
- (d) Speed Restrictions; Fixed Limits. In addition to complying with the speed restrictions imposed by subsection (2), no person shall drive a vehicle upon any public school premises, school drive, or school parking lot at a speed in excess of 15 miles per hour.
- (e) Inattentive Driving. No person, while driving a vehicle on any public school premises, school drive or school parking lot, shall be so engaged or occupied as to interfere with the safe driving of such vehicle.
- (f) Illegal Riding on Public School Premises, School Drive, or school Parking Lot Prohibited.
  - 1. No person shall drive a vehicle when any person other than an employee engaged in the necessary discharge of his duty is upon any portion thereof not designed or intended for the use of passengers.
  - 2. No person other than an employee engaged in the necessary discharge of his duty shall ride upon any portion of a vehicle not designed or intended for the use of passengers.
  - 3. This section does not apply to persons riding within truck bodies in spaces intended for merchandise or to the operator of any such vehicle.
- (g) Vehicles To Stop For School Busses Loading or Unloading Children. The operator of a vehicle which approaches from the front or rear of any school bus which has stopped on any public school premises, school drive, or school parking lot when the

bus is equipped according to § 347.25(2), Wis. Stats., and when it is displaying flashing red warning lights, shall stop the vehicle not less than 20 feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The owner of a vehicle involved in a violation of this subsection shall be liable for the violation as provided in § 346.485, Wis. Stats.

(4) Operation of Motor Vehicles and Motor-driven Recreational Vehicles in Public Parks, Lands, and on Private Property Prohibited.

- (a) Definitions. For purposes of this section, "motor-driven recreational vehicle" means a self-propelled bicycle, moped, motorcycle, mini-cycle, mini-bike, motor scooter, go-cart, snowmobile, dune buggy, or all-terrain vehicle.
- (b) Operation Prohibited. It is unlawful for any person to operate, or for an owner to consent to being operated, any motor vehicle or motor-driven recreational vehicle in any public park or upon any land owned by Village of Poynette, without first having obtained authorization for such operation from the Village, or upon any private property without first having obtained the consent of the owner thereof. This section is not intended to prohibit motor vehicles registered under Chapter 341 of the Wisconsin Statutes from being operated upon any park premises, land or private property held out for the use of such motor vehicles.

(5) Repealer Not Intended. No provision of this Chapter shall be construed as a repealer of any provision of Title V, Chapter 5 of this Code of Ordinances entitled "Traffic Regulations".

4.06 Equal Rights.

- (1) Intent. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this Village that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation as defined in § 111.32(13m), Wis. Stats., handicap, religion, national origin, sex, or marital status of the person maintaining a household, lawful source of income, age or ancestry. This section shall be deemed an exercise of the police powers of the Village for the protection of the welfare, health, peace, dignity, and human rights of the people of this Village.
- (2) Definitions. In this section, unless the context requires otherwise:
  - (a) "Housing" means any improved property, including any mobile home as defined in § 66.0435, Wis. Stats., which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.
  - (b) "Discriminate" and "discrimination" mean to segregate, separate, exclude or treat any person or class of persons unequally because of sex, race, color, handicap, sexual orientation as defined in § 111.32(13m), Wis. Stats., religion, national origin, sex or

marital status of the person maintaining a household, lawful source of income, age or ancestry. It is intended that the factors set forth herein shall be the sole basis for prohibiting discrimination.

(bm) "Handicap" means any physical disability or developmental disability as defined under § 51.01(5)(a), Wis. Stats.

(c) "Unimproved residential lot" means any residential lot upon which no permanent building or structure containing living quarters has been constructed.

(3) Discrimination Prohibited. It is unlawful for any person to discriminate:

(a) By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof.

(b) By refusing to permit inspection or exacting different or more stringent price, terms, or conditions for the sale, lease, financing or rental of housing.

(c) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

(d) By publishing, circulating, issuing or displaying, or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in connection with housing.

(e) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions, or privileges with respect to, a contract of insurance against hazards to a dwelling.

(f) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

(4) Exceptions.

(a) Nothing in this section shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.

(b) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(c) Nothing in this section shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

- (5) Representations Designed to Induce Panic Sales. No person may induce or attempt to induce, or attempt to induce any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sexual orientation or economic status, or by representations to the effect that such present or prospective entry will or may result in: a) the lowering of real estate values in the area concerned; b) a deterioration in the character of the area concerned; c) an increase in criminal or antisocial behavior in the area concerned; or, d) a decline in the quality of the schools or other public facilities serving the area.
- (6) Interference, Coercion or Intimidation. No person may coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of any right granted or protected by this section, or with any person who has aided or encouraged another person in the exercise or enjoyment of any right granted or protected by this section.
- (7) Requiring References. Nothing in this section prohibits an owner or agent from requiring that any person who seeks to buy or lease housing supply information concerning family, marital, financial and business status, but not concerning race, color, physical condition, developmental disability as defined in § 51.01(5), Wis. Stats., sexual orientation or creed.

#### 4.07 **Truancy, Habitual Truancy and Dropouts.**

- (1) Definitions. For purposes of this section:
  - (a) "Acceptable excuse" shall have the meaning given in Wis. Stats. Sec. 118.15 and s. 118.16(4)
  - (b) "Dropout" shall have the meaning given in sec 118.153(1)(b) of the Wisconsin Statutes.
  - (c) "Habitual truant" means a pupil who is absent from school without an acceptable excuse for part or all of 5 or more days on which school is held during a school semester.
  - (d) "Operating privilege" shall have meaning given in sec. 340.01(40) of the Wisconsin Statutes.
  - (e) "Truant" means a pupil who is absent from school without an acceptable excuse for part or all of any day on which school is held during a school semester.
- (2) The period during which a pupil is absent from school due to a suspension or expulsion under secs. 120.13 or 119.25 of the Wisconsin Statutes is not an absence without an acceptable excuse for the purposes of sections 4.07(1)(c) and (e) of the Code of Ordinances.

(3) Prohibition of Truancy.

- (a) It shall be unlawful for any person in the Village of Poynette to be truant.
- (b) Any person under the age of 18 who is found to be truant is subject to one or more of the following penalties:
  - 1. An order for the person to attend school.
  - 2. A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to sec 938.37 of the Wisconsin Statutes, and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardians of the person or both.

(4) Prohibition of Habitual Truancy.

- (a) It shall be unlawful for any person in the Village of Poynette to be habitually truant.
- (b) Any person under the age of 18 who is found to be habitually truant is subject to one or more of the following penalties:
  - 1. Suspension of the person's operating privilege for not less than 30 days nor more than one year. 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.
  - 2. An order for the person to participate in counseling or a supervised work program or other community service work as described in sec. 938.34(5g) of the Wisconsin Statutes. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or the guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting on that person.
  - 3. An order for the person to remain at home except during hours in which the person 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 person to leave his or her home if the person is accompanied by a parent or guardian.

4. An order for the person to attend an education program as described in sec. 938.34(7d) of the Wisconsin Statutes.
5. An order for the department of workforce development, in compliance with sec. 938.342(1g)(e) to revoke, under sec. 103.72 of the Wisconsin Statutes, a permit under sec. 103.70 of the Wisconsin Statutes, authorizing the employment of the person.
6. An order for the person to be placed in a teen court program as described in sec. 938.342(1g)(f) of the Wisconsin Statutes.
7. An order for the person to attend school.
8. A forfeiture of not more than \$500 plus costs, subject to sec. 938.37 of the Wisconsin Statutes. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
9. Any other reasonable conditions consistent with this section of the Code of Ordinance, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
10. An order placing the person under formal or informal supervision, as described in sec. 938.34(2) of the Wisconsin Statutes, for up to one year.
11. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

(5) Prohibition of School Dropout.

- (a) It shall be unlawful for any person in the Village of Poynette to be a dropout.
- (b) A court may order a school district to provide to the court a list of all persons who are known to the school district to be dropouts and who reside within the municipality in which the court is located. Upon request, the department of transportation shall assist the court as required by sec. 118.163(2m)(b) of the Wisconsin Statutes.
- (c) Any person who is found to be a dropout and is at least 16 years of age but less than 18 years of age is subject to the following penalties:
  1. The court may suspend the person's operating privilege until the person reaches the age of 18. 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.

2. The court may enter an order imposing any of the dispositions specified under section 4.07(4)(b) of the Code of Ordinances if the court finds that suspension of the person's operating privilege under section 4.07(5)(c)1 of the Code of Ordinance would cause an undue hardship to the person or the person 's family.

(6) Exceptions to Habitual Truancy.

- (a) A person incurs no liability under this ordinance if appropriate personnel of the school or school district in which the child is enrolled have not, within the school year during which the truancy occurred, done all of the following:
  1. Met with the child' parents or guardian to discuss the child's truancy, or attempted to meet with the child's parent or guardian and received no response or were refused;
  2. Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and have considered curriculum modifications under sec 118.15(1)(d) of the Wisconsin Statutes.
  3. Evaluated the child to determine whether learning problems may be a cause of the child' truancy and, if so, have taken steps to overcome the learning problems, except that the child need not be evaluated if test administered to the child within the previous year indicated that the child is performing at this or her grade level; and
  4. Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.
  5. Section 4.07(6)(a)1 of the Code of Ordinance does not apply if meeting under sec. 118.16(2)(cg)3 of the Wisconsin Statutes, is not held within 10 school days after the date that the notice under subsection sec. 118.16(2)(cg) of the Wisconsin Statutes is sent.
  6. Sections 4.07(6)(a) 2,3 and 4 of the Code of Ordinances do not apply if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the child's absences from school.

(7) References to Statutes. References to specific statutory sections wherever used in this ordinance shall mean the Wisconsin Statutes of 1999-2000 as from time to time amended, modified, repealed or otherwise altered by the State Legislature.

- (8) Severability. If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the validity of the remainder of this ordinance shall not be affected thereby and shall be in full force and effect as if the said unlawful sections were not originally a part hereof.

#### 4.08 **Enforcement.**

- (1) Stipulation of Guilt or No Contest. Stipulations of Guilt or No Contest may be made by persons arrested for violations of this chapter in accordance with Section 66.12(1)(b), Wis. Stats. Stipulations shall conform to the form contained on the Uniform Traffic Citation or Uniform Citation for Alcohol/Tobacco/Harassment or Drug Paraphernalia Violation, and may be accepted with five (5) days of the date of the alleged violation. Stipulations may be accepted by the Village Police Department.
- (2) Deposits. Any person stipulating guilt or no contest under Subsection (1) of this Section, must make the deposit required under Section 345.26, Wis. Stats., or if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. The Chief of Police, subject to approval by the Village Board, shall revise and update the schedule as necessary. Deposits may be brought or mailed to the office of the Police Department as directed by the arresting officer. (AM 6/10/96 ORD 96-269)

#### 4.09 **Penalties.**

- (1) (a) The penalty for violating any provision of §§ 4.01(1) through (4), 4.02(1) through (6), 4.02(8) and (9), 4.03(1) and 4.04(1) shall be a forfeiture of not less than \$25 nor more than \$100, together with the costs of prosecution.
- (b) The penalty for violating any provision of §§ 4.03(2)(a) and (b) shall be a forfeiture of not less than \$100 nor more than \$200, together with the costs of prosecution.
- (2) The penalty for violation of any provision of subsection (2) of § 4.04 shall be a forfeiture of not less than \$10 nor more than \$50, together with the costs of prosecution. Any minor under age 16, who violates any provision of said subsection (2) may be proceeded against as a delinquent child pursuant to the juvenile code of the State of Wisconsin.
- (3) The penalty for violation of any provision of § 4.05 shall be a forfeiture of not less than \$25 nor more than \$50 for the first offense, and not less than \$50 nor more than \$100 for the second or subsequent offense within a period of 12 consecutive months, together with the costs of prosecution.

- (4) (a) The penalty for violating any provision of § 4.04(3)(a), shall be a forfeiture of not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation; or not less than \$500 nor more than \$1,000 if the person has committed two previous violations within 12 months of the violation; or not less than \$1,000 nor more than \$5,000 if the person has committed three or more previous violations within 12 months of the violation. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation. A court shall suspend any license or permit issued to such person in accordance with the provisions of § 125.07(1)(b)2.d.3., Wis. Stats.
- (b) The penalty for violating any provision of § 4.04(3)(b) shall be a forfeiture of not less than \$100 nor more than \$500.
- (c) The penalty for any licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of § 4.04(3)(c) shall be a forfeiture of not more than \$500.
- (d) The penalty for violating any provision of § 4.04(3)(d)1. through 4. shall be, for a first violation, a forfeiture of not less than \$250 nor more than \$500, suspension of the person's operating privilege as provided under § 343.30(6)(b)1., Wis. Stats., participation in a supervised work program under § 125.07(4)(cg), Wis. Stats., or any combination of these penalties. For a violation committed within 12 months of a previous violation, either a forfeiture of not less than \$300 nor more than \$500, suspension of the person's operating privilege as provided under § 343.30(6)(b)2., Wis. Stats., participating in a supervised work program, or any combination of these penalties. For a violation committed within 12 months of two or more previous violations, either a forfeiture of not less than \$500 nor more than \$750, revocation of the person's operating privilege under § 343.30(6)(b)3., Wis. Stats., participation in a supervised work program, or any combination of these penalties. For a violation committed within 12 months of three or more previous violations, either a forfeiture of not less than \$750 nor more than \$1,000, revocation of the person's operating privilege under § 343.30(6)(b)3., Wis. Stats., participation in a supervised work program, or any combination of these penalties.
- (e) The penalty for violating any provision of § 4.04(3)(d)5. shall be, for a first violation, a forfeiture of not less than \$100 nor more than \$200, suspension of the person's operating privilege as provided under § 343.30(6)(b)1., Wis. Stats., participation in a supervised work program under § 125.07(4)(cg), Wis. Stats., or any combination of these penalties. For a violation committed within 12 months of a previous violation, either a forfeiture of not less than \$200 nor more than \$300, suspension of the person's operating privilege as provided under § 343.30(6)(b)2., Wis. Stats., participation in a supervised work program, or any combination of these penalties. For a violation committed within 12 months of two or more previous violations, either a forfeiture of not less than \$300 nor more than \$500, revocation of the person's

operating privilege under § 343.30(6)(b)3., Wis. Stats., participation in a supervised work program, or any combination of these penalties. For a violation committed within 12 months of three or more previous violations, either a forfeiture of not less than \$500 nor more than \$1,000, revocation of the person's operating privilege under § 343.30(6)(b)3., Wis. Stats., participation in a supervised work program, or any combination of these penalties.

- (f) For purposes of subdivision (d) and (e), all violations arising out of the same incident or occurrence shall be counted as a single violation. A person who is under 18 years of age on the date of disposition is subject to § 48.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under § 48.344(3), Wis. Stats.
  - (g) Any underage person who violates any provision of § 4.04(3)(e) is subject to a forfeiture of not less than \$100 nor more than \$500, a suspension of the person's operating privilege under § 343.30(6)(bm), Wis. Stats., participation in a supervised work program, or any combination of these penalties. Any person under 18 on the date of disposition is subject to § 48.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under § 48.344(3), Wis. Stats.
  - (h) A person who violates any provision of § 4.04(3)(f) is subject to a forfeiture of not more than \$200, except that § 48.344, Wis. Stats., and subdivision (e) and (f) provide the penalties applicable to underage persons.
  - (i) The penalty for violating any provision of §§ 4.04(3)(g) or (h) shall be a forfeiture of not less than \$25 nor more than \$100.
- (5) (a) The penalty for violating any provision of § 4.04(4) shall be a forfeiture of \$50, together with the costs of prosecution.
  - (b) The disposition in proceedings against a person under 18 years of age for violating any provision of § 4.04(4) shall be as provided by § 48.343, Wis. Stats.
- (6) The penalty for willful violation of any provision of § 4.06 shall be a forfeiture of not less than \$100 nor more than \$1,000 for the first offense. Any person adjudged to have willfully violated said section within five years after having been adjudged to have willfully violated this section, for every willful violation committed within the five years, shall forfeit not less than \$1,000 nor more than \$10,000.
  - (7) The penalty for violating a temporary restraining order or injunction issued under § 4.02(7) shall be a forfeiture of not more than \$1,000 together with the costs of prosecution.
  - (8) The penalty for violating any provision of § 4.03(3) shall be a forfeiture in an amount determined under § 943.50(4), Wis. Stats.

- (9) The penalty for violating any provision of §§ 4.03(4) and (5) shall be a forfeiture of not less than \$100 nor more than \$300, together with the costs of prosecution.
- (10) The penalty for violating any provision of § 4.02(10) shall be a forfeiture of not less than \$75 nor more than \$200 together with the costs of prosecution.
- (11) The penalty for violation of any provision of § 4.03(6) shall be a forfeiture of not less than \$25 nor more than \$100, together with the costs of prosecution. The storage of each inoperable motor vehicle shall be deemed a separate offense. Each and every day during which such violation continues shall be deemed a separate offense. Notwithstanding any penalties or remedies herein provided, appropriate proceedings for abatement or abolition or for any other relief authorized by law may be commenced.
- (12) The penalty for violation of any provision of §§ 4.03(7) and (8) shall be a forfeiture of not less than \$100 nor more than \$300, together with the costs of prosecution.
- (13) The penalty for violation of any provision of Section 4.04(5)(b) shall be a forfeiture of not more than \$500.00, together with the costs of prosecution. The penalty for violation of any provision of Section 4.04(6)(a) shall be a forfeiture of not more than \$1000.00, together with costs of prosecution. The penalty for violation of any provision of Section 4.04(7)(a) shall be a forfeiture of not more than \$4000.00, together with the costs of prosecution. (amended 6/10/96:96-268)
- (14) The penalty for violating any provision of Section 4.04(8) shall be a forfeiture of \$50.00. (amended 8/27/07 07-411)
- (15) The penalty for violating any provision of Section 4.04(10) shall be a forfeiture of \$10.00 - \$500.00 (minimum fine \$98.30)