

**CHAPTER 9
PEACE AND ORDER**

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9.01 [RESERVED]

9.02 TRESPASS TO LAND

- (1) STATUTE ADOPTED. Section 943.13, Wis. Stats., relating to Trespass to Land is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (1e) DEFINITIONS. In this section:
- (a) "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.
 - (az) "Implied consent" means conduct or words or both that imply that an owner or occupant of land has given consent to another person to enter the land.
 - (b) "Inholding" means a parcel of land that is private property and that is surrounded completely by land owned by the United States, by this state or by a local governmental unit or any combination of the United States, this state and a local governmental unit.
 - (c) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of the political subdivision or special purpose district or a combination or subunit of any of the foregoing.
 - (d) "Place of employment" has the meaning given in Section 101.01(11), Wis. Stats.
 - (e) "Private property" means real property that is not owned by the United States, this state or a local governmental unit.

(f) "Open land" means land that meets all of the following criteria:

1. The land is not occupied by a structure or improvement being used or occupied as a dwelling unit.
2. The land is not part of the curtilage, or is not lying in the immediate vicinity, of a structure or improvement being used or occupied as a dwelling unit.
3. The land is not occupied by a public building.
4. The land is not occupied by a place of employment.

(1m) PROHIBITED. Whoever does any of the following is in violation of this section:

- (a) Enters any enclosed, cultivated or undeveloped land of another, other than open land specified in par. (e) or (f), without the express or implied consent of the owner or occupant.
- (am) Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.
- (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.
- (e) Enters or remains on open land that is an inholding of another after having been notified by the owner or occupant not to enter or remain on the land.
- (f) Enters undeveloped private land from an abutting parcel of land that is owned by the United States, this state or a local governmental unit, or remains on such land, after having been notified by the owner or occupant not to enter or remain on the land.

- (1s) IMPLIED CONSENT TO ENTER LAND. In determining whether a person has implied consent to enter the land of another a trier of fact shall consider all of the circumstances existing at the time the person entered the land, including all of the following;
- (a) Whether the owner or occupant acquiesced to previous entries by the person or by other persons under similar circumstances.
 - (b) The customary use, if any, of the land by other persons.
 - (c) Whether the owner or occupant represented to the public that the land may be entered for particular purposes.
 - (d) The general arrangement or design of any improvements or structures on the land.
- (2) NOTICE. A person has received notice from the owner or occupant within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted under this subsection under either of the following procedures:
- (a) If a sign at least 11 inches square is placed in at least 2 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 provided in this paragraph were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this paragraph.
 - (b) If markings at least one foot long, including in a contrasting color the phrase "private land" and the name of the owner, are made in at least 2 conspicuous places for every 40 acres to be protected.

- (3) Whoever erects on the land of another signs which are the same as or similar to those described in sub. (5) without obtaining the express consent of the lawful occupant of or holder of legal title to such land is subject to a forfeiture.
 - (3m) An owner or occupant may give express consent to enter or remain on the land for a specified purpose or subject to specified conditions and it is a violation of sub. (1m) (a) or (am) for a person who received that consent to enter or remain on the land for another purpose or contrary to the specified conditions.
- (4) Nothing in this section shall prohibit a representative of a labor union from conferring with any employee provided such conference is conducted in the living quarters of the employee and with the consent of the employee occupants.
 - (4m) This section does not apply to any of the following:
 - (a) A person entering the land, other than the residence or other buildings or the curtilage of the residence or other buildings, of another for the purpose of removing a wild animal as authorized under Section 29.885 (2), (3) or (4), Wis. Stats.
 - (b) A hunter entering land that is required to be open for hunting under Sections 29.885(4m) or 29.885(7m), Wis. Stats.
 - (c) A person entering or remaining on any exposed shore area of a stream as authorized under Section 30.134, Wis. Stats.
- (5) Any authorized occupant of employer-provided housing shall have the right to decide who may enter, confer and visit with the occupant in the housing area the occupant occupies.
- (6) PENALTY. Whoever violates this ordinance may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.025 TRESPASS TO DWELLING

- (1) STATUTE ADOPTED. Section 943.14, Wis. Stats., relating to Trespass to Dwellings is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED. 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 in violation of this section.
- (3) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.03 ISSUE OF WORTHLESS CHECK

STATUTE ADOPTED. Section 943.24, Wis. Stats., relating to Issuance of Worthless Checks is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.

- (1) Whoever issues any check or other order for the payment of not more than \$2,500 which, at the time of issuance, he or she intends shall not be paid is in violation of this section.
- (2) Whoever issues any single check or other order for the payment of more than \$2,500 or whoever within a 90-day period issues more than one check or other order amounting in the aggregate to more than \$2,500 which, at the time of issuance, the person intends shall not be paid is in violation of this section.

- (3) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for the payment of money, intended it should not be paid:
 - (a) Proof that, at the time of issuance, the person did not have an account with the drawee; or
 - (b) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within 5 days after receiving written notice of nonpayment or dishonor to pay the check or other order, delivered by regular mail to either the persons last-known address or the address provided on the check or other order; or
 - (c) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within 5 days after receiving written notice of nonpayment or dishonor to pay the check or other order, delivered by regular mail to either the persons last-known address or the address provided on the check or other order.
- (4) This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.
- (5)
 - (a) In addition to the other penalties provided for violation of this section, a judge may order a violator to pay restitution under section 973.20, Wis. Stats.
 - (b) In actions concerning violations of ordinances in conformity with this section, a judge may order a violator to make restitution under Section 800.093, Wis. Stats.
 - (c) If the court orders restitution under pars. (a) and (b), any amount of restitution paid to the victim under one of those paragraphs reduces the amount the violator must pay in restitution to that victim under the other paragraph.

(6)

- (a) If the department of justice, a district attorney, or a state or local law enforcement agency requests any of the following information under par. (b) from a financial institution, as defined in Section 705.01(3), Wis. Stats., regarding a specific person, the financial institution shall provide the information within 10 days after receiving the request:
 - 1. Documents relating to the opening and closing of the persons account.
 - 2. Notices regarding any of the following that were issued within the 6 months immediately before the request and that relate to the person:
 - a. Checks written by the person when there were insufficient funds in his or her account.
 - b. Overdrafts.
 - c. The dishonor of any check drawn on the persons account.
 - 3. Account statements sent to the person by the financial institution for the following:
 - a. The period during which any specific check covered by a notice under subd. 2. was issued.
 - b. The period immediately before and immediately after the period specified in subd. 3. a.
 - 4. The last known address and telephone number for the persons home and business.
- (b) The department of justice, a district attorney, or a state or local law enforcement agency may request information under par. (a) only if the request is in writing and if it states that the requester is investigating whether the person specified violated this section or is prosecuting the person specified under this section.
- (c) A financial institution may not impose a fee for providing information under this subsection.

(7) PENALTY.

- (a) Whoever violates this section by issuing a check or other order for the payment of money in an amount less than \$500 shall pay a forfeiture of not less than \$10 nor more than \$200.
- (b) Whoever violates this section by issuing a check(s) or other order(s) for the payment of money in an aggregate amount of \$500 or more shall pay a forfeiture of not less than \$100 nor more than \$500.
- (c) In addition to the forfeiture imposed in sec. (a) or (b), whoever violates this section shall pay the costs of prosecution for each offense, costs of restitution, and if in default of any payments under sec. (7), may be incarcerated in the Jackson County jail for not more than 30 days.

9.04 SELLING, FURNISHING OR GIVING ALCOHOL BEVERAGES TO UNDERAGE PERSONS; PRESENCE IN PLACES OF SALE.

- (1) Pursuant to §125.10(2), Wis. Stats. (2002), the County of Jackson adopts §§ 125.07(1), 125.07(4)(a), 125.07(4)(b), 125.07(4)(bm) and 125.085(3)(b), Wis.Stats. (2002) and all subsequent amendments thereto defining and describing regulations with respect to alcohol beverages, including the penalties related to the violation of such statutes, as set forth in Chap. 125, Wis. Stats.(2002) for which the penalty enumerated is a forfeiture or fine. In the event any statute provides that the penalty may be more than a mere forfeiture or fine, only the applicable forfeiture or fine shall apply.
- (2) Adopts SS 125.04(1) License or permit; when required and SS 125.04(10) License and permit framed, posted.
- (3) Adopts SS 125.09 Public Place

- (4) Closing Hours/Admittance prohibited. No premises for which an alcohol beverage license has been issued shall remain open for sale of alcohol beverages. All persons, except the licensee and his bona fide employees specifically involved in maintenance and cleanup, shall be excluded from the licensed premises during the closed hours and all doors into said area shall be closed and locked. Adopts SS 125.32(3) Closing hours Class "A" (off-premise beer), or Class "B" (on-premises beer), and adopts SS 125.68(4) Closing hours Wholesalers, "Class A" (off-premise liquor), or "Class B" (on-premises liquor), or "Class C" retailers.
- (5) Violations of Operators license by agents and employees. A violation of this chapter by an authorized agent or employee of a licensee shall also constitute a violation by the licensee. Adopts SS 125.32(2) Operators License Class "A" (off-premise beer), or Class "B" (on-premises beer), and adopts SS 125.32(2m) Use of another's license prohibited Class "A" (off-premise beer), or Class "B" (on-premises beer), and adopts SS 125.68(2) Operators License "Class A" (off-premise liquor), or "Class B" (on-premises liquor), and adopts SS 125.68(2m) Use of another's license prohibited "Class A" (off-premise liquor), or "Class B" (on-premises liquor).
- (6) Adopts SS 139.08(4) Inspection for Enforcement, it shall be unlawful to refuse admittance to any licensed premises at any time upon the verbal request of any police officer, health officer, or building inspector, for the purpose of making an inspection of said premises, or any part thereof.
- (7) Whoever, in the County violates this ordinance may be made to forfeit not more than \$1000 and in default of payment thereof, may be incarcerated in the County Jail for not more than 30 days.

9.05 DISORDERLY CONDUCT

- (1) STATUTE ADOPTED. Section 947.01, Wis. Stats., relating to Disorderly Conduct is hereby adopted as Subsection (2)(a) of this ordinance, along with any future amendments, revisions or modifications of the referenced Statute.

- (2) PROHIBITED.
 - (a) Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is in violation of this section.
 - (b) Whoever intentionally causes, provokes or engages in any fight, brawl, riot or noisy altercation other than if it is a bona fide athletic contest, is in violation of this section.
 - (c) Whoever defecates or urinates outside of a designated sanitary facility, upon any sidewalk, street, alley, public parking lot, playground, cemetery or other public area within the County, upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings, or indecently exposes himself or herself, is in violation of this section.
- (3) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.06 DAMAGE TO PROPERTY

- (1) STATUTE ADOPTED. Section 943.01(1), Wis. Stats., relating to Damage to Property is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED. Whoever intentionally causes damage to any physical property of another without the persons consent is in violation of this section.
- (3) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.07 THEFT

- (1) STATUTE ADOPTED. Section 943.20, Wis. Stats., relating to Theft is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED ACTS. Whoever does any of the following is in violation of this section:
 - (a) Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without the others consent and with the intent to deprive the owner permanently of possession of such property.
 - (b) Intentionally fails to return any personal property which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement after the lease or rental agreement has expired. This paragraph does not apply to a person who returns personal property, except a motor vehicle, which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement, within 10 days after the lease or rental agreement expires.
- (3) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.071 FRAUD ON AN INNKEEPER

- (1) STATUTE ADOPTED. Section 943.21, Wis. Stats., relating to Fraud on an Innkeeper is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED ACT. Whoever does the following is in violation of this section:
 - (a) Having obtained any beverage, food, lodging, ticket or other means of admission, or other service or accommodation at any campground, hotel, motel, boarding or lodging house, restaurant, or recreational attraction, intentionally absconds without paying for it.

- (b) 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.
 - (c) Having obtained any transportation service from a taxicab operator, intentionally absconds without paying for the service.
 - (d) Having obtained gasoline or diesel fuel from a service station, garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale at retail, intentionally absconds without paying for the gasoline or diesel fuel.
- (3) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.072 USE OF CHEATING TOKENS

- (1) STATUTE ADOPTED. Section 943.22, Wis. Stats., relating to Use of Cheating Tokens is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED ACT. Whoever obtains the property or services of another by depositing anything which he or she knows is not lawful money or an authorized token in any receptacle used for the deposit of coins or tokens is in violation of this section.
- (3) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.073 RETAIL THEFT

- (1) STATUTE ADOPTED. Section 943.50, Wis. Stats., relating to Retail Theft is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
 - (1m) PROHIBITED ACT. Whoever does any of the following without the merchants consent and with intent to deprive the merchant permanently of possession or the full purchase price of the merchandise or property is in violation of this section:
 - (a) Intentionally alters indicia of price or value of merchandise held for resale by a merchant or property of a merchant.
 - (b) Intentionally takes and carries away merchandise held for resale by a merchant or property of a merchant.
 - (c) Intentionally transfers merchandise held for resale by a merchant or property of a merchant.
 - (d) Intentionally conceals merchandise held for resale by a merchant or property of a merchant.
 - (e) Intentionally retains possession of merchandise held for resale by a merchant or property of a merchant.
 - (f) While anywhere in the merchants store, intentionally removes a theft detection device from merchandise held for resale by a merchant or property of a merchant.
 - (g) Uses, or possesses with intent to use, a theft detection shielding device to shield merchandise held for resale by a merchant or property of merchant from being detected by an electronic or magnetic theft alarm sensor.
 - (h) Uses, or possesses with intent to use, a theft detection device remover to remove a theft detection device from merchandise held for resale by a merchant or property of a merchant.

- (2) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and costs of restitution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.074 RECEIVING STOLEN PROPERTY

- (1) STATUTE ADOPTED. Section 943.34, Wis. Stats., relating to Receiving Stolen Property is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED ACT. Whoever intentionally receives or conceals stolen property is in violation of this section.
- (3) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.08 PROHIBITION OF HABITUAL TRUANCY.

- (1) DEFINITIONS. For purposes of this section:
 - (a) “Dropout” has the meaning given in 118.153 (1)(b) Wis. Stats..
 - (b) “Habitual truant” has the meaning given in 118.16(1)(a), Wis. Stats.
 - (c) “Operating privilege” has the meaning given in 340.01(40), Wis. Stats.
 - (d) “Truant” means a pupil who is absent from school without an acceptable excuse under 118.15, Wis. Stats., and 118.16(4), Wis.Stats. for part or all of any day on which school is held during a school semester.

- (2) A person under 18 years of age is prohibited from being a truant. Upon a determination that a person under the age of 18 is a truant, the following dispositions are available to the court:
- (a) An order for the person to attend school.
 - (b) 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 2nd or subsequent violation committed within 12 months of a previous violation, subject to s. 938.37 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 guardian of the person or both.
- (3) A person under 18 years of age is prohibited from being a habitual truant. Upon a determination that a person under the age of 18 is habitually truant the following dispositions are available to the court:
- (a) 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 with a notice stating the reason for and the duration of the suspension.
 - (b) An order for the person to participate in counseling or a supervised work program or other community service work as described in 938.34(5g), Stats. The costs for any such counseling, supervised work program or other community service work may be assessed against the person, the parents or 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.

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- (c) 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.
- (d) An order for the person to attend an educational program as described in s.938.34(7d), Stats
- (e) An order for the department of workforce development to revoke, under s.103.72, Stats. a permit under s. 103.70 Stats., authorizing the employment of the person.
- (f) An order for the person to be placed in a teen court program as described in 938.342(1g)(f), Stats.
- (g) An order for the person to attend school.
- (h) A forfeiture of not more than \$500 plus costs, subject to s. 938.37, Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (i) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- (j) An order placing the person under formal or informal supervision, as described in s. 938.34(2) Stats, for up to one year.

- (k) 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.
 - (l) To suspend the operating privilege of a person who is at least 16 years of age but less than 18 years of age and is a dropout. 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.
- (4) Except as provided in sub. (5), before any proceeding may be brought against a child or against the child's parent or guardian under 9.085 for failure to cause the child to attend school regularly, the school attendance officer shall provide evidence that appropriate school personnel in the school or school district in which the child is enrolled have, within the school year during which the truancy occurred, done all of the following:
- (a) Met with the child's parent 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.
 - (b) 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 modifications under s. 118.15(1)(d).
 - (c) Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken steps to overcome the learning problems, except that the child need not be evaluated if tests administered to the child within the previous year indicate that the child is performing at his or her grade level.
 - (d) 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) Subsection (4)(b), (c) and (d) does 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.
- (6) This section is adopted pursuant to the authority granted in Chapter 118 of the Wisconsin Statutes, is intended to be adopted in strict conformity with the requirements therein, and all references herein are to Wisconsin Statutes (1995-1996), as may be amended.
- (7) SEVERABILITY. If any court of competent jurisdiction adjudges any section or part of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

9.085 CONTRIBUTING TO TRUANCY.

- (1)
 - (a) Except as provided under pars. 118.15(b) to (d) and 118.15. (4), unless the child is excused under sub. (2) or has graduated from high school, any person having under control a child who is between the ages of 6 and 18 years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child become 18 years of age.
- (2) This section does not apply to:
 - (a) Any child who is excused by the school board because the child is temporarily not in proper physical or mental condition to attend a school program but who can be expected to return to a school program upon termination or abatement of the illness or condition. The school attendance officer may request the parent or guardian of the child to obtain a written statement from a licensed physician, dentist, chiropractor, optometrist or psychologist or Christian Science practitioner living and residing in this state, who is listed in the Christian Science Journal, as sufficient proof of the physical or mental condition of the child. An excuse under this paragraph shall be in writing and shall state the time period for which it is valid, not to exceed 30 days.

- (b) Any child excused by the school board in accordance with the school board's Written attendance policy under s. 118.16 (4) and with the written approval of the child's parent or guardian. The child's truancy, discipline or school achievement problems or exceptional educational needs as described in s. 115.76 (3) may not be used as the reason for an excuse under this paragraph. The excuse shall be in writing and shall state the time period for which it is effective, not to extend beyond the end of the current school year.
 - (c) Any child excused in writing by his or her parent or guardian before the absence. A child may not be excused for more than 10 days in a school year under this paragraph.
- (3)
- (a)
 1. Except as provided under par. (b) or if a person has been found guilty of a misdemeanor under s. 948.45, whoever violates this section may be penalized as follows, if evidence has been provided by the school attendance officer that the activities under s.9.08(4) have been completed or were not required to be completed 9.08(5):
 - (a) For the first offense, by a fine of not more than \$500 or imprisonment for not more than 30 days or both.
 - (b) For a 2nd or subsequent offense, by a fine of not more than \$1,000 or imprisonment for not more than 90 days or both.
 2. The court may require a person who is subject to subd. 1. to perform community service work for a public agency or a nonprofit charitable organization in lieu of the penalties specified under subd. 1. Any organization or agency to which a defendant is assigned pursuant to an order under this subdivision acting in good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting on the defendant.

- (am) The court may order any person who violates this section to participate in counseling at the person's own expense or to attend school with his or her child, or both.
- (b)
 - 1. Paragraph (a) does not apply to a person who has under his or her control a child who has been sanctioned under s. 49.26 (1) (h).
 - 2. In a prosecution under par. (a), if the defendant proves that he or she is unable to comply with the law because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under ch. 48.
- (4) This section is adopted pursuant to the authority granted in Chapter 118 of the Wisconsin Statutes; is intended to be adopted in strict conformity with the requirements therein; and all references herein are to Wisconsin Statutes (1995-1996) as may be amended.
- (5) SEVERABILITY. If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

9.09 HARBOR A RUNAWAY.

- (1) Whoever does the following shall incur a forfeiture as set forth in Section 2 Penalties:
 - (a) Knowingly allows, permits, or boards any minor child at his or her residence, property, or place of business, where the person knows or should have known the child to be a runaway from his or her parent, guardian, or legal custodian. A runaway is any minor child away from home for more than 24 hours without permission from parent or legal custodian.
(Revised 09/97)
- (2) PENALTIES. Any person who violates this ordinance shall upon conviction be required to forfeit not more than \$500.00, together with the costs of the action and in default of payment thereof shall be subject to imprisonment in the County Jail for a period not to exceed thirty (30) days.

9.10 PENALTY.

Except as otherwise provided in this chapter or any statute adopted under this chapter, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in 25.04 of this General Code.

9.11 CLEAN INDOOR AIR ORDINANCE AND TOBACCO FREE PROPERTY.

(1) DEFINITIONS.

- (a) "Smoking" as the term is used in the Ordinance means the use, possession or holding of a lighted cigar, cigarettes, pipe or any other lighted smoking items or equipment;
- (b) "Use Smoke-Free Tobacco" as the term is used in the Ordinance means to ingest, use, possess, or consume any chewing tobacco, snuff, or other smokeless tobacco product.

(2) PURPOSE & AUTHORITY. Reports from the Surgeon General, the Environmental Protection Agency and others show that smoking contributes to health problems of county employees and members of the public exposed to smoke, both directly through deliberate use of smoking materials and indirectly, to nonsmokers, through involuntary inhalation of smoke in the air. This ordinance is enacted under the authority of section 101.123 of the Wisconsin Statutes.

(3) REGULATION OF SMOKING AND TOBACCO USE – COUNTY PROPERTY.

- (a) No person may smoke or use smoke-free tobacco at any time on any real property owned by Jackson County;
- (b) Exception. Section (a) shall not apply to any Jackson County Forest-land or to any Jackson County campgrounds or the County owned road system;
- (c) No person may smoke or use smoke-free tobacco in any vehicle that is owned or leased by Jackson County.

- (4) NOTIFICATION TO THE PUBLIC The person in charge of any county property or his or her designee, shall cause to be posted at the boundary of all regulated county property, signs notifying the public that no tobacco use, including no smoke-less tobacco use, shall be permitted on the premises of county property. Absence of such sign, however, shall not be a defense to the violation of this ordinance.
- (5) INDOOR SMOKING PROHIBITED. Pursuant to the authority granted by the County Board by Wis. Stat. § 101.123(4m), the statutory provisions of Wis. Stat. § 101.123 regulating or prohibiting smoking inside enclosed places and such other related regulated or prohibited activities, are hereby enacted by reference and made a part of this Ordinance. Persons in charge of any restaurant, tavern, private club, or retail establishments located in an area subject to this Ordinance may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.

(6) PENALTY

- (a) Any person found guilty of violating Section Three (3) of this ordinance shall be subjected to a forfeiture of not more than \$50.00, together with the costs of prosecution, and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.
- (b) Any person found guilty of violating Section Five (5) of this ordinance shall be subjected to a forfeiture of not less than \$100.00 nor more than \$250.00, together with the costs of prosecution, and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days. Except, that if a person in charge of a facility fails to take any required action to stop illegal smoking or other activity prohibited herein, he or she is subject to a forfeiture of not to exceed \$100.00, together with the cost of prosecution, for each violation but no more than one (1) penalty per day and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days. If the person in charge has not previously received a warning notice, then the law enforcement officer must issue a warning for the first violation in lieu of a citation.

9.12 PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY A PERSON UNDER THE AGE OF EIGHTEEN (18) YEARS

- (1) This ordinance is adopted in strict conformity with Sections 66.0109, 134.66, 778.25(1)(a), 254.92(2) of the Wisconsin Statutes, describing and defining for the purpose of this ordinance, "tobacco products" to mean any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
- (2) It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.
- (3) It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or legal guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited. A person violating this ordinance may be made to forfeit not more than \$500.00 plus costs of prosecution and in default of payment thereof, may be incarcerated in the County Jail for not more than 30 days.

9.14 POSSESSION OF DRUG PARAPHERNALIA

STATUTE ADOPTED. Section 961.573, Wis. Stats., relating to Possession of Drug Paraphernalia is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.

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

- (2) Any person who violates sub. (1) who is under 17 years of age is subject to a disposition under Section 938.344(2e), Wis. Stats.
- (3) PENALTY.
 - (a) Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.
 - (b) Penalty Enhancer: In the event a violation of section 9.14 of this ordinance takes place within one thousand (1,000) feet of any private or public school, church, park, playground, or on or within a school bus, the forfeiture prescribed by this ordinance shall be doubled.

9.15 POSSESSION OF MARIJUANA

- (1) STATUTE ADOPTED. Sections 961.14(4)(t) and 961.41(3g)(e), Wis. Stats., relating to Possession of Marijuana is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED ACT. No person may possess or attempt to possess Tetrahydrocannabinols, commonly known as "THC", in any form including tetrahydrocannabinols contained in marijuana, obtained from marijuana or chemically synthesized, or tetrahydrocannabinols analog unless the person obtains the substance or the analog directly from, or pursuant to a valid prescription or order of, a practitioner who is acting in the course of his or her professional practice, or unless the person is otherwise authorized to possess the substance or the analog.

(3) PENALTY.

- (a) Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.
- (b) Penalty Enhancer: In the event a violation of section 9.15 of this ordinance takes place within one thousand (1,000) feet of any private or public school, church, park, playground, or on or within a school bus, the forfeiture prescribed by this ordinance shall be doubled.

9.16 LITTERING.

(1) In this section:

- (a) "Highway" has the meaning given in s. 340.01(22).
- (b) "Vehicle" has the meaning given in s. 340.01(74).
- (c) "Waters of the state" has the meaning given in s. 281.01(18).

- (2) Except as provided in sub. (3), a person who does any of the following may be required to forfeit not more than \$1000.00 plus costs of prosecution and in default of payment thereof, may be incarcerated in the County Jail for not more than 30 days.
 - (a) Deposits or discharges any solid waste on or along any highway, in any waters of the state, on the ice of any waters of the state or in any other public or private property.
 - (b) Permits any solid waste to be thrown from a vehicle operated by the person.
- (3)
 - (a) Subsection (2)(a) does not apply to a person who places solid waste in a receptacle designed for solid waste storage that is located along a highway or on other public or private property.
 - (b) Subsection (2) does apply to a person who deposits or discharges solid waste in Conformance with chapters 30, 31, 281 to 285 or 289 to 299 or a permit, license or other approval issued any governmental entity under those chapters.
- (4) This section is adopted in strict conformity with Section 287.81 of Wisconsin Statutes.

9.17 PROHIBITION OF NOISE DISTURBING THE PEACE

- (1) To prevent within the unincorporated limits of Jackson County certain, loud avoidable unnatural or unnecessary noises, which under certain circumstances and conditions constitute a serious threat to the health, welfare or contentment and feeling of well-being of the citizens of Jackson County. Therefore, the Jackson County Board does declare that the doing of such things in a manner prohibited by, or not in conformity with, the terms of this ordinance constitutes an undesirable noise and shall be punished as hereinafter provided. This ordinance shall be effective in all unincorporated areas of Jackson County. This ordinance shall not be effective in an incorporated municipality of Jackson County unless the governing body of that incorporated municipality passes an ordinance expressly authorizing the enforcement of this chapter within its corporate boundaries, and forward a copy of said ordinance to the Jackson County Clerk.

Findings:

- (a) Excessive noise degrades the environment of the County and the County has a substantial and, in some cases, compelling interest in controlling such noise.
- (b) Excessive noise degrades the environment to a degree that:
 - 1. Is harmful to the health, welfare and safety of its inhabitants.
 - 2. Interferes with the comfortable enjoyment of life and property.
 - 3. Interferes with the well-being, tranquility, and privacy of the home.
 - 4. Causes and/or aggravates health problems.
- (c) Individuals are not required to welcome unwanted noise into their own homes and there simply is no right to force unwanted noise into the home of an unwilling listener and there is a compelling interest in prohibiting such noise on a content neutral basis.
- (d) Effective control and elimination of excessive noise is essential to the health and welfare of the County's inhabitants and to the conduct of the normal pursuits of life, including recreation and communication.
- (e) It is the intent of the Jackson County Board to prevent excessive noise without unreasonably infringing upon the rights of the County's inhabitants and visitors.
- (f) It is the intent of the Jackson County Board to prevent excessive noise, whenever possible, without substantially burdening the free exercise of religion or speech and in every case within the constraints set by the Wisconsin and U.S. Constitutions and applicable statutes and this ordinance is intended to be interpreted as consistent with all such constraints.

- (g) The County's interest in regulating noise should and does take into account the time, place and manner of such noise.
- (h) Certain short term easing of noise restrictions is essential to allow the construction, maintenance and continuation of structures, infrastructure, and other elements necessary for the physical and commercial viability of the County.
- (i) A substantial body of science and technology exists by which excessive sound may be substantially abated.
- (j) Uses of sound amplifying equipment in certain ways and at certain times and places unreasonably invades the personal privacy, peace and personal freedom of citizens and visitors to the County.
- (k) The Jackson County Board feels obligated to reasonably regulate on a content neutral basis all noise, including the time, place and manner of using sound amplifying equipment, in order to protect the correlative constitutional rights of the citizens and visitors of this County to personal privacy, peace, and personal freedom from diminishment by invasive and unwanted noise which is unnecessary or for which there are ample alternative channels.

Regulation:

- (a) No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and 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 that tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity.

- (c) The characteristics and conditions which shall be considered in determining whether a noise is loud, disturbing, excessive or tends to unreasonably disturb the peace and quiet for the purposes of this ordinance shall include, but not be limited to the following:
1. Whether the nature of the noise is usual or unusual.
 2. Whether the origin of the noise is natural or unnatural.
 3. The proximity of the noise to sleeping facilities.
 4. The land use, nature, and zoning of the area from which the noise emanate and the area where it is received.
 5. The time of day or night when the noise occurs.
 6. The duration of the noise.
 7. Whether the noise is recurrent, intermittent or constant.
 8. Whether the noise is produced by a commercial or noncommercial activity.
 9. Whether or not noise abatement measures are possible and whether or not they are used to reduce the sound level.
 10. The number of people and their activities that are affected by the noise.

Prima Facia Evidence of Violation:

- (a) Any activity which generates sound that exceeds 80 dB(A) at the property line of another during the following hours:
 - 1. Friday, Saturday and the day preceding a Federal legal holiday 1:00 a.m. to 8:00 a.m.
 - 2. Other days of the week 10:00 p.m. to 8:00 a.m.
- (b) Any activity which generates sound that exceeds 85 dB(A) at the property line of another during any hours other than those specified in sub. (a).
- (c) Sound levels under this section shall be measured with at Type I sound level meter. Measurements shall be made using a "A" weighted network of the sound level meter.

Exemptions: Sounds emanating from the following are exempt from the provisions of this ordinance:

- (a) Motor vehicles on traffic ways of the County.
- (b) Aircraft in flight.
- (c) Outdoor implements, such as power lawn mowers, leaf blowers, snow blowers, power hedge trimmers and power saws if being operated during daylight hours.
- (d) Pile drivers, jackhammers, cranes, scrapers, dump trucks, backhoes, bulldozers or other construction equipment if being operated during daylight hours.
- (e) Lawful and properly permitted organized athletic activities on school grounds, and officially designated playgrounds used for recreation by children under supervision, and parks or places wherein athletic contests take place between the hours of 7:00 a.m. and 10:00 p.m.

- (f) Rail traffic.
- (g) Repairs and maintenance of utility structures when the utility structures pose a clear and immediate danger to life or health or significant loss of property, and the repairs and maintenance are necessary for the safety and commercial vitality of the County.
- (h) Equipment used in ordinary and normal course of Agricultural Business.

Enforcement: The Jackson County Sheriffs Department is authorized and directed to administer and enforce the provisions of this ordinance.

- (a) This ordinance may be enforced by injunction in any court of competent jurisdiction.
- (b) Person(s) or organizations that violates this ordinance may be subject to a forfeiture of not to exceed \$1,000.00 per day plus costs of prosecution and in default of payment thereof, may be incarcerated in the County Jail for not more than 30 days.

***THIS SECTION ADDED 10/23/01**

9.18 A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF THE HATFIELD HYDRO POWER CANAL AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

Section I. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of the Hatfield Hydro Power Canal.
- (b) This ordinance shall be enforced by the Jackson County Sheriff's Department and any other law enforcement officers who may have jurisdiction.

Section II. Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

Section III. State Boating and Safety Laws Adopted

State boating laws as found in Section 30.50 to 30.72, Wisconsin Statutes, are adopted by reference.

Section IV. Motor Boat Prohibited Areas

No person shall operate a motorboat, as defined in Section 30.50(6), Wisconsin Statutes, that is propelled either by internal combustion engine(s) or electric motor(s) on the waters of the Hatfield Hydro Power Plant. The waters of the Hatfield Hydro Power Plant are considered a restricted area as defined in Section 30.68(7), Wisconsin Statutes.

Section V. Posting Requirements

This prohibition shall be posted pursuant to the requirements of NR 5.15 Wisconsin Administrative Code.

Section VI. Penalties

Wisconsin state boating penalties as found in Section 30.80, Wisconsin Statutes, are adopted by reference.

Section VII. Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Jackson County Board of Supervisors would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VIII. Effective Date

The ordinance shall become effective upon passage and the day after publication.

Section Added 06/02

9.19 FIREWORKS ORDINANCE

(1) Application and Enforcement

(a) The provisions of this Ordinance shall apply to all of Jackson County, except any City, Village or Town that has enacted an ordinance as authorized in Section 167.10(5)(a).

(b) This ordinance shall be enforced by the Jackson County Sheriff's Department and any other law enforcement officers who may have jurisdiction.

(2) Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of fireworks.

(3) State Fireworks Laws Adopted

State fireworks laws as found in Section 167.10, Wisconsin Statutes, are adopted by reference, except 167.10(1)(m) and 167.10(n). For the purpose of this ordinance the fireworks defined in 167.10(1)(m) and 167.10(1)(n) shall be considered fireworks subject to this ordinance unless they meet the requirement of being no taller than 10 inches and the circumference is less than 10 inches. Also included in the definition of fireworks subject of this ordinance is any device that emits a report, discharges a flame or leaves or moves along the ground.

(4) Fireworks Permitted

- (a) Private individuals or Organizations: No private individual or organization may sell, possess, or use any fireworks as defined herein unless authorized under subsection 4(c) of this ordinance.
- (b) No governmental unit, or agent of a governmental unit, may sell, possess, or use any fireworks as defined herein unless authorized under subsection 4(c) of this ordinance.
- (c) Public Display. The governing body of any governmental unit, or public official designated by such governmental unit, may authorize the possession and use of fireworks and pyrotechnic devices that may otherwise be prohibited, for official public displays only with recommendation from the fire chief responsible for fire protection at the location of the public display. Any such authorization must be communicated to the Jackson County Sheriff's Department at least two days prior to such public display.

(5) Time of Sale and Use.

- (a) No fireworks or items set forth in Section 167.10 (I-n) Wisconsin Statutes shall be placed on display or sold in Jackson County by any person(s), firm, organization or corporation, except from June 1 to July 4 inclusive, each year.
- (b) Public Display. The governing body of any governmental unit, or a public official designated by such governing body, may authorize a public display of such other fireworks as they may see fit, when such public display does not conflict with other laws or ordinances in force and only with the recommendation from the fire chief responsible for fire protection at the location of the public display. Such public displays shall be organized, set up, and ignited by properly qualified personnel.

(6) Penalties

- (a) Whoever violates any provision of this ordinance shall pay a forfeiture not to exceed \$1,000.00 plus costs of prosecution and in default of payment thereof, may be incarcerated in the County Jail for not more than 30 days.
- (b) Each day of violation is considered a separate offense.

(7) Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Jackson County Board of Supervisors would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Effective Date

This ordinance shall become effective upon passage and the day after publication.

Section 9.20 Added 11/12/02

9.20 PROHIBIT THE MISUSE OF E-911

(1) Application and Enforcement

- (a) The provisions of this Ordinance shall apply to all of Jackson County.
- (b) This Ordinance shall be enforced by the Jackson County Sheriff's Department and any other law enforcement officers who may have jurisdiction.

(2) Intent

The intent of this Ordinance is to prevent the misuse of E-911.

(3) Definitions

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

Emergency means a situation in which a person reasonably believes that immediate response by public safety personnel is essential due to the risk of:

- 1. Death or great bodily harm;
- 2. Property damage; or
- 3. Any other situation which mandates the immediate response of public safety personnel.

(4) Prohibited Use

No person shall utilize the 911 emergency telephone system for any purpose other than to report an emergency.

(5) Improper Use

It shall be a violation of this section for any person to:

1. Dial the telephone number 911 to report an emergency knowing that the fact or facts of the situation, which he or she reports, does not exist.
2. Raise a false alarm using the 911 emergency system.
3. Dial 911 and hang up without reporting an emergency if, in fact, no emergency exists.
4. Knowingly permit any telephone under his or her control to be used for any purpose under this section.

(6) Penalties

Whoever violates any provision of this Ordinance shall pay a forfeiture not to exceed \$1,000 plus costs of prosecution and in default of payment thereof, may be incarcerated in the County Jail for not more than 30 days.

(7) Effective Date

This Ordinance shall become effective upon the passage and the day after publication.

9.21 RESISTING OR OBSTRUCTING AN OFFICER

- (1) STATUTE ADOPTED. Sections 946.41, Wis. Stats., relating to Resisting or Obstructing Officer is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED ACT. Whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority, is in violation of this section.
- (3) DEFINITIONS.
 - (a) “Obstructs” includes without limitation knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty including the service of any summons or civil process.
 - (b) “Officer” means a peace officer or other public officer or public employee having the authority by virtue of the officers or employees office or employment to take another into custody.
- (4) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.22 CURFEW FOR MINORS

- (1) Loitering prohibited. No person, under the age of eighteen years, shall congregate, loiter, wander, stroll, stand, play or travel in or upon any public street, sidewalk, highway, road, alley, park, vacant lot, public building, or any public place within the County, either on foot or in or upon any conveyance being driven or parked thereon, unless accompanied by his or her parent, spouse or guardian or other adult person having legal care and custody of such person. The prohibition of this section shall not apply to any person under eighteen years of age who is:
 - (a) Returning to his or her home directly from and immediately after the end of any educational, athletic or social events sponsored by any accredited school, tax exempt church, or governmental unit or agency, which event such person could properly and did in fact attend;
 - (b) Returning directly from and going directly to his or her place of employment, which place of employment is known and approved by his or her parent, spouse or guardian, or other adult person having legal care and custody of such person;
 - (c) Returning directly from or going directly to any other activity which has been specifically approved in advance in writing by his or her parent, spouse or guardian, or other adult person having legal care or custody of such person, provided such written approval is in the possession of such person while returning from or going to such other place or activity.
- (2) Hours of application. The prohibitions of this section shall be applicable to all persons under the age of eighteen years from 12:00 a.m. until 5:00 a.m. of the following day.
- (3) Responsibility of Parents. No parent, spouse, guardian, or other adult person having legal care or custody of a person under the age of eighteen years, shall suffer or permit or by inefficient control, allow such person to violate the provisions of sub. (1), above. Provided that any such parent, spouse, guardian, or other adult person who shall have made a missing person notification to the law enforcement authorities shall not be considered to have suffered, permitted or allowed any person to be in violation of sub. (1), above.

- (4) Return to Parents. A person under the age of eighteen years violating the provisions of this section may be taken into custody by any law enforcement officer and either returned to his or her parent, spouse, guardian, or other adult person having legal care and custody of such person, or be referred to the appropriate authorities for action in accordance with the provisions of Chapter 48 of the Wisconsin Statutes, as amended from time to time, which are incorporated herein by reference.
- (5) Whoever, in the County violates this ordinance may be made to forfeit not more than \$1000 plus cost of prosecution.

9.23 BATTERY

- (1) STATUTE ADOPTED. Sections 940.19, Wis. Stats., relating to Battery is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED ACT. Whoever causes bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed is in violation of this section.
- (3) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.24 HARASSMENT

- (1) STATUTE ADOPTED. Sections 947.013, Wis. Stats., relating to Harassment is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
 - (1m) PROHIBITED ACT. Whoever, with intent to harass or intimidate another person, does any of the following is in violation of this section:
 - (a) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.
 - (b) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.
- (2) DEFINITIONS. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.
- (3) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.25 UNLAWFUL USE OF A TELEPHONE

- (1) STATUTE ADOPTED. Sections 947.012, Wis. Stats., relating to Unlawful Use of Telephone is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.

- (2) PROHIBITED ACT. Whoever does any of the following is in violation of this section:
- (a) With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.
 - (b) With intent to frighten, intimidate, threaten or abuse, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.
 - (c) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse or threaten any person at the called number.
 - (d) With intent to harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.
 - (e) Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.
 - (f) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.
 - (g) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to harass any person at the called number.
 - (h) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.
- (3) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.26 LOITERING/PROWLING PROHIBITED

- (1) No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted are the following:
 - (a) That the person takes flight upon appearance of a police or peace officer;
 - (b) That person refuses to identify himself;
 - (c) That person manifestly endeavors to conceal himself or any object.
- (2) Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer, prior to any arrest for an offense under this Subsection, shall afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting that person to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection if:
 - (a) The police or peace officer did not comply with the preceding sentence, or
 - (b) It appears at trial that the explanation given by the person was true, if believed by the police or peace officer at the time, would have dispelled the alarm.
- (3) Whoever violates any provision of this ordinance shall pay a forfeiture not to exceed \$1000 and in default of payment thereof, may be incarcerated in the County Jail for not more than 30 days.

9.27 DOMESTIC LIVESTOCK RUNNING AT LARGE

- (1) No person owning or keeping domestic livestock shall allow such livestock to run at large within the County.
- (2) The owner or keeper of such domestic livestock shall be liable for all damage done by such domestic livestock while at large, even though the livestock escapes without fault of the owner or keeper, except as provided in subsection (6) of this section. The construction and maintenance of a fence shall not relieve such owner or keeper from liability.
- (3) Domestic livestock includes, but is not limited to, cattle, horses, sheep, goats, swine, deer, elk, buffalo, llamas, alpacas, or any other domestic animal normally kept within an enclosure.
- (4) Any domestic livestock running at large may be taken by any law enforcement officer and impounded in a temporary or permanent location and confined in a humane manner.
- (5) Any owner reclaiming an impounded animal shall pay any fees associated with impoundment, including but not limited to, the cost of feed, veterinary bills, trucking/hauling, and/or any other costs incurred.
- (6) The owner or keeper of any domestic livestock running at large as the result of weather or third party actions may be deemed not to be a violation of this ordinance if it is clear that a recent weather event or third party action was the direct cause of the livestock being out of its enclosure and that the owner or keeper had not had a reasonable amount of time to repair or remedy the situation which led to the livestock being out of its enclosure.

- (7) PENALTY. Any owner or keeper violating this ordinance shall be subject to the following forfeitures:
- (a) First Offense: a forfeiture of not less than \$10 nor more than \$50;
 - (b) Second Offense: a forfeiture of not less than \$50 nor more than \$100;
 - (c) Third Offense: a forfeiture of not less than \$100 nor more than \$300;
 - (d) Fourth and Subsequent Offenses: a forfeiture of not less than \$300, nor more than \$500;
 - (e) In addition to the above applicable forfeiture, the violator of this ordinance shall be required to pay all applicable court costs and other fees and costs associated with enforcement of this ordinance as set forth herein.

9.28 SAFEGUARDS OF PERSON AND PROPERTY

- (1) Shining wild animals after 10:00 p.m. during certain times of the year prohibited. Statutes adopted. Section 29.314(5) is hereby adopted and incorporated by reference.
- (2) Safe use and transportation of firearms and bows. Definition for this section adopted. Section 167.31(1) is hereby adopted and incorporated by reference.
 - (a) No person may place, possess or transport a loaded firearm, or strung or uncased bow or crossbow in or on a motorboat with the motor running, unless the firearm is a handgun, as defined in s. 175.60(1)(bm), Wis. Stats. Statutes adopted. Section 167.31(2)(a) is hereby adopted and incorporated by reference.

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- (b) No person may place, possess or transport a firearm, bow, or crossbow in or on a vehicle, unless the firearm is a handgun, as defined in s. 175.60(1)(bm), Wis. Stats., unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case. Statutes adopted. Section 167.31(2)(b) is hereby adopted and incorporated by reference.
 - (c) No person may load a firearm other than a handgun, as defined in s. 175.60(1)(bm), in a vehicle, or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle. Statutes adopted. Section 167.31(2)(c) is hereby adopted and incorporated by reference.
 - (d) No person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway. Statutes adopted. Section 167.31(2)(d) is hereby adopted and incorporated by reference.
- (3) EXCEPTIONS. Exceptions to this section apply as described in Section 167.31(4), Wis. Stats., which is hereby adopted and incorporated by reference.
- (4) PENALTY. Whoever violates sub. (1) or (2) may be made to forfeit up to \$1,000 or \$100, respectively, or those forfeitures established by State Statutes plus costs of prosecution for each offense and cost of restitution, and in default of payment thereof.

9.29 CARRYING CONCEALED WEAPON

- (1) STATUTE ADOPTED. Section 941.23, Wis. Stats., relating to Carrying Concealed Weapons is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED ACT. Any person, other than persons excepted under Section 941.23, Wis. Stats., who carries a concealed and dangerous weapon is in violation of this section.
- (3) PENALTY. Whoever violates this section is guilty of a Class A misdemeanor and may be subject to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, or may be incarcerated in the Jackson County jail for not more than 30 days or both.

9.30 OPERATING VEHICLE WITHOUT OWNER'S CONSENT

- (1) STATUTE ADOPTED. Sections 943.23, Wis. Stats., relating to Operating Vehicle Without Owner's Consent is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED ACT.
 - (a) Whoever intentionally takes and drives any vehicle without the consent of the owner is in violation of this section;
 - (b) Whoever intentionally drives or operates any vehicle without the consent of the owner is in violation of this section;

- (c) Whoever knows that the owner does not consent to the driving or operation of a vehicle and intentionally accompanies, as a passenger in the vehicle, a person while he or she violates Sections 943.23, Wis. Stats., is in violation of this section;
- (d) Whoever intentionally removes a major part of a vehicle without the consent of the owner or whoever intentionally removes any other part or component of a vehicle without the consent of the owner is in violation of this section;
- (e) Whoever, while possessing a dangerous weapon and by the use of, or the threat of the use of, force or the weapon against another, intentionally takes any vehicle without the consent of the owner is in violation of this section.

(3) DEFINITIONS.

- (a) "Drive" means the exercise of physical control over the speed and direction of a vehicle while it is in motion.
- (b) "Major part of a vehicle" means any of the following:
 - 1. The engine.
 - 2. The transmission.
 - 3. Each door allowing entrance to or egress from the passenger compartment.

4. The hood.
5. The grille.
6. Each bumper.
7. Each front fender.
8. The deck lid, tailgate or hatchback.
9. Each rear quarter panel.
10. The trunk floor pan.
11. The frame or, in the case of a unitized body, the supporting structure which serves as the frame.
12. Any part not listed under subds. 1. to 11. which has a value exceeding \$500.

(c) "Operate" includes the physical manipulation or activation of any of the controls of a vehicle necessary to put it in motion.

(4) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.

9.31 LEWD AND LASCIVIOUS BEHAVIOR

- (1) STATUTE ADOPTED. Sections 944.20, Wis. Stats., relating to Lewd and Lascivious Behavior is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) PROHIBITED ACT. Whoever does any of the following is in violation of this section:
 - (a) Commits an indecent act of sexual gratification with another with knowledge that they are in the presence of others; or
 - (b) Publicly and indecently exposes genitals or pubic area.
- (3) Subsection (2) does not apply to a mothers breast-feeding of her child.
- (4) PENALTY. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Jackson County jail for not more than 30 days.