

WAUPACA COUNTY CODE OF ORDINANCES
Chapter 9
Public Peace and Good Will

9.01 STATE STATUTES ADOPTED

The following state statutes are hereby adopted by the County as if fully set forth herein. Violations of these provisions shall be cited as Sec. 9.01. Any further amendments, revisions, modifications, or newly-created provisions of the Wisconsin Statutes, incorporated herein, are intended to be part of this chapter.

<u>Subsection</u>	<u>Adopting State Statutes</u>	<u>Offense</u>
(1)	125.02	Definitions (Alcoholic Beverages)
(2)	125.07	Underage and Intoxicated Persons; Presence on Premises; Possession
(3)	125.085(3)	Identification Card Violations (alteration and misrepresentation).
(4)	125.09	General Restrictions
(5a)	125.32(3)	Closing Hours (Class B license)
(5b)	125.68(4)	Closing Hours (Class A license)
(6)	254.92(2m)	Purchase/Provide Cigarettes to Minors
(7)	940.19(1)	Battery
(8)	940.225(3m)	Sexual Assault
(9)	948.51	Hazing
(10)	941.01	Negligent Operation with a Motor Vehicle
(11)	941.10	Negligent Handling of Burning Materials
(12)	941.13	False Alarms
(13)	941.20	Reckless Use of Weapons
(14)	941.23	Carrying Concealed Weapon
(15)	941.235	Carrying Firearms in Public Building
(16)	941.24	Possession of Switchblade
(17)	941.35	Emergency Telephone Calls
(18)	941.36	Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
(19)	943.01(1)	Damage to Property
(20)	943.07	Damage to Railroads
(21)	943.11	Entry to Locked Vehicle
(22)	943.125	Entry to Locked Coin Box
(23)	943.13	Trespass to Land
(24)	943.14	Trespass to Dwelling
(25)	943.145	Trespass to Medical Facility
(26)	943.15	Entry Onto a Construction Site or Into a Locked Building, Dwelling or Room
(27)(a)	943.20(1)(a)	Theft, Use, Transfer, Concealment or Possession of Stolen Property
(27)(b)	943.20(1)(b)	Embezzlement/Theft by Bailee or Trustee

(27)(c)	943.20(1)(c)	Defeating Superior Right of Possession
(27)(d)	943.20(1)(d)	Theft by Fraud
(27)(e)	943.20(1)(e)	Fail to Return Leased/Rented Property
(28)	943.207	Transfer of Recorded Sounds for Unlawful Use; Sale
(29)	943.21	Fraud on Hotel or Restaurant Keeper
(30)	943.215	Absconding Without Paying Rent
(31)	943.22	Use of Cheating Tokens
(32)	943.24	Issuance of Worthless Checks
(33)	943.50(1)(m)	Retail Theft (Shoplifting)
(34)	944.15	Fornication
(35)	944.17	Sexual Gratification
(36)	944.20	Lewd and Lascivious Behavior
(37)	944.23	Making Lewd, Obscene or Indecent Drawings
(38)	946.40	Refusing to Aid Officer
(39)	946.41	Resisting or Obstructing Officer
(40)	946.69	Falsely Assuming to Act as Public Officer or Employee
(41)	946.70	Impersonating Peace Officer
(42)	947.01	Disorderly Conduct
(43)	947.012	Unlawful Use of Telephone
(44)	947.013	Harassment
(45)	947.02	Vagrancy
(46)	947.04	Drinking in Common Carrier
(47)	948.45	Contributing to Truancy

9.02 VEHICLE ABANDONMENT PROHIBITED; REMOVAL, DISPOSAL

A. Definition

No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Except as otherwise provided in this subsection, whenever any vehicle has been left attended without the permission of the property owner for more than 48 hours in cities, village and towns, a period set by the governing body thereof, the vehicle is deemed abandoned and constitutes a public nuisance. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by a duly authorized municipal or county official pursuant to municipal or county ordinance.

B. Abandonment Prohibited

Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of except that if it is deemed by a duly authorized municipal or county representative that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the municipality or county prior to expiration of the impoundment period upon determination by the chief of police or sheriff having jurisdiction that the vehicle is not stolen or otherwise wanted for evidence or other reason. An abandoned vehicle constitutes a public nuisance.

C. Notification of Owner & Lien Holders

Any vehicle which is deemed abandoned by a duly authorized municipal or county representative shall be retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lien holders of record to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held and shall inform the owner and any lien holders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lien holders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of the right, title, and interest in the vehicle and a consent to the sale of the vehicle. Each retained vehicle not reclaimed by its owner or lien holders may be sold.

D. Disposal

The municipality or county may dispose of the vehicle by sealed bid or auction sale. At such sale, the highest bid for each such motor vehicle shall be accepted unless the same is deemed inadequate by a duly authorized municipal or county representative, in which event all bids may be rejected. If all bids are rejected or no bid is received, the municipality or county may either, re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold.

E. Report

Upon sale of an abandoned vehicle, the municipality or county shall supply the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the municipality or county for each day the vehicle remains in storage after the 2nd business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again.

Within 5 days, after the sale or disposal of a vehicle as provided, the County shall advise the Division of Motor Vehicles, Madison, Wisconsin, of the sale or disposition of such vehicle on a form supplied by the Division of Motor Vehicles.

9.03 UNLAWFUL REMOVAL OF PROPERTY

No person shall take and carry away, use, transfer, conceal or retain possession of movable property of another without the owner's consent.

9.04 TRESPASS – GENERAL

A. Criminal Trespass to a Building.

No person shall intentionally enter a building of another, without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

B. Trespass – Refusal to Leave Premises

1. No person, who enters the premises or property of another, shall refuse to leave said premises or property when requested to do so by the owner, owner's agent, or other person in charge of the premises or property.
2. This offense shall include, but not be limited to, entry by a person upon the premises of any mercantile establishment, otherwise open to the public, where such person is requested to leave by the owner or a person in charge of such establishment. This section shall be enforced consistent with the State and Federal laws prohibiting discrimination in public places of accommodations or amusement because of sex, race, color, creed, physical condition, developmental disability as defined in Section 51.01(5), Wis. Stats., national origin or ancestry.

9.05 LITTERING

No person shall throw or deposit any weeds, sod, brush, burning materials, glass, bottles, cans, garbage, paper or other waste materials upon the streets, alleys, highways, public parks or other property of the County or upon any private property or upon the surface of any body of water within the County.

9.06 MINORS DRINKING ALCOHOLIC BEVERAGES

No person under the age of 21 shall drink or possess intoxicating liquors or fermented malt beverages anywhere within the unincorporated limits of the County unless the minor is accompanied by a parent, guardian or adult spouse.

9.06(b) PURCHASING OR PROVIDING CIGARETTES TO MINORS

No person may purchase cigarettes on behalf of, or to provide to, any person who is under 18 years of age.

9.07 POSSESSION OF CONTROLLED SUBSTANCES

No person shall possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes.

9.07(a) SYNTHETIC CANNABINOID PROHIBITED (Created December 21, 2010)

1. Possession, use and sale are illegal. It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give, or barter any one or more of the following chemicals whether under the common street or trade names of “Spice”, “K2”, “Genie”, “Yucatan Fire”, “fake” or “new” marijuana, or by any other name, label, or description:
 - a. Salviadinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
 - b. (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3 (2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol some trade or other names; HU-210;
 - c. 1-Pentyl-3-(1-naphthoyl) indole-some trade or other names; JWH-018/spice;
 - d. 1-Butyl-3-(1naphthoyl) indole-some trade or other names: JWH-073;
 - e. 1-(3{trifluoromethylphenyl}) piperazine-some trade or other names: TFMPP; or
 - f. Any similar structural analogs.
2. Medical or dental use allowed. Acts otherwise prohibited under section 7.01(C)(1) shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

9.08 SHINING WILD ANIMALS

A. Definitions

1. “Flashlight” means a battery operated light designed to be carried and held by hand.
2. “Light” includes flashlights, automobile lights and other lights.
3. “Peace officer” has the meaning designated under Sec. 939.22(22), Wis. Stats.
4. “Shining” means the casting of rays of light on a field, forest or other area for the purpose of illuminating, locating or attempting to illuminate or locate wild animals.

B. Presumptions

A person casting the rays of light on a field, forest or other area which is frequented by wild animals is presumed to be shining wild animals. A person may introduce evidence to rebut his presumption

C. Shining Wild Animals After 10:00 p.m.

1. Prohibition. No person may use or possess with intent to use a light for shining wild animals between 10:00 p.m. and 7:00 a.m.
2. Exceptions. This section does not apply:
 - a. To a peace officer on official business, an employee of the Department of Natural Resources or a person authorized by the Department of Natural Resources to conduct a game census.
 - b. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes or other unprotected animals during the open season for the animals hunted.
 - c. To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals.
 - d. If rules promulgated by the Department of Natural Resources specifically permit a person to use or possess a light for shining wild animals during these times.

- e. To owners or tenants of farm land using motor vehicle lights while tilling the soil or harvesting crops, or inspecting or herding domestic animals on their own premises when in fact such domestic animals are in the area.

9.09 LOITERING OR PROWLING

No person shall loiter or prowl in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section of the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.

9.10 DRUG PARAPHERNALIA

- A. “Drug paraphernalia” means all equipment, products, and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, storing, containing, concealing, injecting, ingesting, inhaling, otherwise introducing into the human body a controlled substance or controlled substance analog in violation of this chapter. “Drug paraphernalia” includes, but is not limited to, any of the following:
 - 1. Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant that is a controlled substance or form which a controlled substance or controlled substance analog can be derived.
 - 2. Kits used, designed for use or primarily intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances or controlled substance analogs.

3. Isomerization devices used, designed for use or primarily intended for use in increasing the potency of any species of plant that this is a controlled substance.
4. Testing equipment used, designed for use or primarily intended for use in identifying, or in analyzing the strength, effectiveness or purity of, controlled substances or controlled substance analogs.
5. Scales and balances used, designed for use or primarily intended for use in weighing or measuring controlled substances or controlled substance analogs.
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, designed for use or primarily intended for use in cutting controlled substances or controlled substance analogs.
7. Separation gins and sifters used, designed for use or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
8. Blenders, bowls, containers, spoons and mixing devices used, designed for use or primarily intended for use in compounding controlled substances or controlled substance analogs.
9. Capsules, balloons, envelopes and other containers used, designed for use or primarily intended for use in packaging small quantities of controlled substances or controlled substance analogs.
10. Containers and other objects used, designed for use or primarily intended for use in storing or concealing controlled substances or controlled substance analogs.
11. Objects used, designed for use or primarily intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - b. Water pipes.
 - c. Carburetion tubes and devices.
 - d. Smoking and carburetion masks.

- e. Roach clips – meaning objects used to hold burning materials, such as a marijuana cigarette, that has become so small or too short to be held in the hand.
- f. Miniature cocaine spoons and cocaine vials.
- g. Chamber pipes.
- h. Carburetor pipes.
- i. Electric pipes.
- j. Air-driven pipes.
- k. Chilams.
- l. Bongs.
- m. Ice pipes or chillers.

B. “Drug paraphernalia” excludes:

- 1. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body or primarily intended for use with tobacco products.
- 2. Any item, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products.

C. “Primarily” means chiefly or mainly.

D. Determination

- 1. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following:
 - a. Statements by an owner or by anyone in control of the object concerning its use.
 - b. The proximity of the object, in time and space, to a direct violation of this chapter.
 - c. The proximity of the object to controlled substances or controlled substance analogs.

- d. The existence of any residue of controlled substances or controlled substance analogs.
- e. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is designed for use or primarily intended for use as drug paraphernalia.
- f. Instructions, oral or written, provided with the object concerning its use.
- g. Descriptive materials accompanying the object that explain or direct its use.
- h. Local advertising concerning its use.
- i. The manner in which the object is displayed for sale.
- j. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
- k. The existence and scope of legitimate uses for the object in the community.
 - 1. Expert testimony concerning its use.
 - 2. In determining under this chapter whether an item is designed for a particular use, a court or other authority shall consider the objective physical characteristics and design features of the item.
 - 3. In determining under this chapter whether an item is primarily intended for a particular use, a court or other authority shall consider the subjective intent of the defendant.

E. Possession of Drug Paraphernalia

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

the human body a controlled substance or controlled substance analog in violation of this chapter. Any person who violates this section may be fined not more than \$500 or imprisoned for not more than 30 days or both.

2. Any person who violates this section who is under 17 years of age is subject to a disposition under Sec. 938.344(2e), Wis. Stats.

F. Manufacture or Delivery of Drug Paraphernalia

1. 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, and analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter. Any person who violates this section may be fined not more than \$1,000 or imprisoned not more than 90 days or both.
2. Any person who violates this section who is under 17 years of age is subject to a disposition under Sec. 938.344(2e), Wis. Stats.

G. Delivery of Drug Paraphernalia to a Minor

1. Any person 17 years of age or over who violates Section 9.10(F) by delivering drug paraphernalia to a person 17 years of age or under, who is at least 3 years younger than the violator, may be fined not more than \$10,000 or imprisoned not more than 9 months or both.
2. Any person who violates this section who is under 17 years of age is subject to a disposition under Sec. 938.344(2e), Wis. Stats.

H. Advertisement of Drug Paraphernalia

1. No person may place in any newspaper, magazine, handbill or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed for use or primarily intended for use as drug paraphernalia in violation of this chapter. Any person who violates this section may be fined not more than \$500 or imprisoned not more than 30 days or both.

I. Deposit Schedule

1. Forfeitures charged in this section along with applicable costs shall be issued in accordance with the penalty provisions found in Chapter 25, CONSTRUCTION AND EFFECT OF ORDINANCES, in the Waupaca County Code of Ordinances.

J. Uniformity of Interpretation

1. This chapter shall be so applied and constructed as to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among those states which enact it.

K. Short Title

This chapter may be cited as the “Uniform Controlled Substance Act”.

9.11 FRAUD ON MOTEL, RESTAURANT OR CAMPGROUND KEEPER

- A.** No person shall, having obtained any food, lodging or other service or accommodation at any campground, hotel, motel, boarding or lodging house, or restaurant, abscond without paying for it.
- B.** No person shall, while a guest at any campground, hotel, motel, boarding or lodging house, or restaurant, defraud the keeper thereof in any transaction arising out of such relationship as guest.
- C.** The following shall be considered relevant evidence of a violation under subsections (A) or (B);
 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.
 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 drawing, endorsing, issuing or delivering to any campground, hotel, motel, boarding or lodging house, or restaurant, or 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, when at the time there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

9.12 DISORDERLY CONDUCT WITH A VEHICLE

- A. No person, in a vehicle, shall, in a private or public place, engage in disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.
- B. Disorderly conduct includes, but is not limited to:
 1. Unnecessary and annoying noises made with a motor vehicle, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noises.
 2. Endangering the safety of his own person or property or the safety of another's person or property by the operation of a vehicle.
 3. Conduct done with no apparent reason or intent other than to intentionally annoy another.
 4. Using a horn, other than as a reasonable warning, or making any unnecessary or unreasonably loud or harsh sounds by means of a horn or other warning device.
 5. Violent, abusive, indecent, profane, boisterous, or unreasonably loud conduct.
 6. Loud, or unnecessary noises or vibrations of any kind.
- C. A "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn, and includes snowmobiles or other over-the-land vehicle.

9.12(a) CHRONIC NUISANCE PREMISES

- A. No owner of a premise or his/her agents shall cause, or allow, chronic nuisance activities to occur on property they own or act as agent for.
- B. **DEFINITIONS:** The following terms shall be defined as follows in this subchapter.
 1. ***Sheriff.*** The Sheriff of Waupaca County or his/her designee.
 2. ***Enforcement Action.*** The issuance of a citation or the issuance of a written or verbal warning.
 3. ***Nuisance Activity.*** Any of the following activities, behaviors, or conduct whenever engaged in by property owners, operators, tenants, occupants, or persons associated with premises:

- a. Any condition or action occurring in violation of State or local law.
 - b. The execution of arrest or search warrants at a particular location.
 - c. County of Waupaca complaint-related calls where the Sheriff's Department responds. Exception: applicable drug, gangs, and prostitution offenses will be abated immediately as allowed in Chapter 823 of the Wisconsin Statutes.
4. **Owner.** The owner of the premises and his/her agents.
 5. **Persons associated with.** Any person who, whenever engaged in a nuisance activity, enters, occupies, patronizes, visits or attempts to enter, occupy, patronize or visit a property. Includes any officer, director, customer, agent, employee or independent contractor of a property owner, tenant, or occupant.
 6. **Premises.** An individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas.

C. NOTICE

Whenever the Sheriff determines that three or more nuisance activities resulting in enforcement action have occurred at the premises during a 12-month period, the Sheriff may notify the premises owner in writing. In calculating the requisite nuisance activities, the Sheriff may count separate qualifying nuisance activities resulting in enforcement action occurring on the same day (as long as they are distinct in time) or different days. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeals rights of the owner.

D. DELIVERY OF NOTICE

The notice shall be deemed to be properly delivered if sent either by certified mail to the property owner's last known address, or if delivered in person to the property owner. If the property owner cannot be located, the notice shall be deemed properly delivered if left at the property owner's usual place of residence in the presence of a competent family member at least 14 years of age, or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by certified mail to the last known address of the owner as identified by the records of the tax roll.

E. ABATEMENT PLAN

Any owner receiving notice pursuant to section 9.12(b), of this ordinance, shall meet with the Sheriff, or his/her designee, within five business days of receipt of such notice. The parties shall review the problems occurring at the property and agree upon an abatement plan to end the nuisance activity on the property. The plan shall also specify a name, address, and telephone number of a person living within 60 miles of the property who can be contacted in the event of further police, fire, or inspection contact.

F. ADDITIONAL NUISANCE ACTIVITY

Whenever the Sheriff determines that additional nuisance activity has occurred at a premises not less than 15 business days after notice has been issued, and that reasonable efforts have not been made to abate the nuisance activity, the Sheriff may calculate the cost of sheriff response and enforcement for this and any subsequent nuisance activities. The County may request that the Town where the real estate is located, assess said costs as authorized by Wis. Stats. 61.34 and 66.0628, and collected as a special charge which the Town may impose as a lien against the real estate.

G. APPEAL

Appeal of the determination of the Sheriff pursuant to either the notice, abatement plan, or the levying of special charges may be made solely to the Law Enforcement Committee requesting a hearing. Notice of Appeal must be in writing and submitted to the Law Enforcement Committee in care of the County Clerk with a copy submitted to the Sheriff. Chapter 68 of the Wisconsin Statutes does not apply to this ordinance.

H. PENALTY

Any person who shall violate any provision of this subchapter shall be penalized pursuant to Chapter 25 of the Waupaca County Code of Ordinances, in addition to imposition of a fee for services which may constitute a special charge against their real estate.

9.13 CONTRIBUTING TO THE DELINQUENCY OR NEGLECT OF CHILDREN

- A.** It shall be unlawful for any person of any age to intentionally encourage or contribute to the delinquency of any child as defined in Section 48.02(2), Wis. Stats., or
- B.** It shall be unlawful for any parent, guardian or legal custodian, who by neglect, or disregard of the morals, health or welfare of his or her child contributes to the delinquency of that child. This sub-section includes neglect or disregard on the

part of the parents which results in the commission or probably commission by a child under the age of 12 of an act which would be a delinquent act if committed by a child 12 years of age or older.

- C. An act or failure to act contributes to the delinquency or neglect of a child, although the child does not actually become neglected or delinquent, if the natural and probable consequences of the act or failure to act would be to cause the child to become delinquent or neglected.

9.14 TRUANCY FROM HOME OR SCHOOL

- A. Prior to the issuance of any citation alleging a violation of this Ordinance, the school attendance officer shall provide a law enforcement officer authorized to enforce this Ordinance with the evidence that the activities under Sec. 118.15(5), Wis. Stats., have been completed.
- B. Upon finding that a child is a habitual truant, the Court shall enter an Order making one or more of the following dispositions:
 1. Suspend the child's operating privilege as defined in Sec. 340.01(40). Wis. Stats., for not less than thirty days nor more than ninety days. The Court shall immediately take possession of any suspended license and forward it to the Department of Transportation, together with a notice stating the reason for the suspension and its duration.
 2. Order the child to participate in counseling, community services or a supervised program under Sec. 48.34(9), Wis. Stats.
 3. Order the child to remain at home except during the hours in which the child is attending religious worship or a school program, including travel time to get to and from the school program or place of worship. The Order may permit a child to leave his or her home if accompanied by a parent or guardian.
 4. Order the child to attend an educational program under Sec. 48.34(12), Wis. Stats.
 5. An order for the Department of Workforce Development to revoke, under Sec. 103.72, Wis. Stats., a permit under Sec. 103.70 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), Wis. Stats.
 7. An order for the child to attend school.

8. A forfeiture of not more than \$500 plus costs subject to Sec. 938.37, Wis. Stats. 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 ordinance, including a curfew, restrictions as to going to or remaining on specific premises and restrictions on associating with other children or adults.
10. An order placing the individual under formal or informal supervision as described in Sec. 938.34(2), Wis. Stats. 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 or legal custodian's own expense or to attend school with the person or both.

9.15 CURFEW

A. Violation by Child

1. It is unlawful for any child under the age of 18 years, to loiter, idle, prowl, or remain upon any street or alley or other public places in the unincorporated parts of Waupaca County between 10:00 p.m. on Sundays, Mondays, Tuesdays, Wednesdays, or Thursdays, and 6:00 a.m. the next day; and between 12:00 midnight on Fridays and Saturdays and 6:00 a.m. the next day unless such child is accompanied by a parent, guardian, or other adult person having legal custody of such child. This sub-section shall not be construed to prohibit such child from pursuing the duties of his or her employment in any expeditious and orderly manner, from going from places of business or amusement to private homes, or from returning home promptly from authorized school or religious activities.

B. Parental Violation

1. No parent, guardian, or person having legal custody of a child under the age of 18 years, shall suffer or permit such child to violate section (A)(1), above.

C. Taking a Child Into Custody

1. A law enforcement officer who believes, on reasonable grounds, that a child is violating this section, may take the child into custody. Children taken into custody shall be released as soon as reasonably possible. A law enforcement officer taking a child into custody shall make every effort immediately to release the child to the child's parent, guardian, or legal

custodian or, if the parent, guardian, or legal custodian is unavailable, unwilling or unable to provide supervision for the child, may release the child to a responsible adult, and verbally counsel or warn as may be appropriate. The parent, guardian, or legal custodian or other responsible adult to whom the child is released shall sign a statement acknowledging receipt of the child and responsibility for the child's supervision. If the child is not released under this sub-section, the law enforcement officer shall deliver the child to the Waupaca County Juvenile Court Intake. All further proceedings concerning the child may comply with Chapter 48, Wisconsin Statutes – Children's Code.

9.16 OFFENSES BY PERSONS OF SCHOOL AGE

It shall be unlawful for any person enrolled as a student, in any public or parochial school, to violate any school rule, a violation of which could result in suspension or expulsion from school.

9.17 FIREARMS

- A.** No person shall go armed with a firearm in any building owned or leased by the State or political subdivision on the state.
- B.** No person shall go armed with a firearm in any privately owned building, open to the public, without the consent of the owner or owner's agent. "Privately owned building, open to the public" shall include, but not be limited to, taverns, restaurants, or other public buildings of accommodation or amusement.
- C.** This ordinance does not apply to peace officers or armed forces or military personnel who go armed in the line of duty or to any person duly authorized by the Sheriff to possess a firearm.
- D.** A peace officer enforcing this ordinance may take the firearm in question and deliver it to the court designated in the citation issued to the defendant.
- E.** Upon conviction, a defendant may be subject to a forfeiture in accordance with Chapter 25 of the Waupaca County Code of Ordinances.

9.18 CARRY INS PROHIBITED AT POSTED COUNTY EVENTS

- A.** No carry person may carry in any bottle, can or other receptacle containing alcohol beverages onto posted County property or any posted County event.
- B. Unauthorized Possession of Alcohol Beverages Prohibited**
No person may possess any bottle, can or other receptacle containing alcohol beverages on posted County Property or at any posted County event, unless the

alcohol beverage is obtained from a vendor or other person authorized by Waupaca County to dispense alcohol beverages.

C. Definitions

1. **Alcoholic Beverages** – means fermented malt beverages and intoxicating liquor.
2. **County Property** – means all lands, structures and property owned, under easement, lease or administered by Waupaca County or any other land under the management, supervision of Waupaca County.
3. **County Event** – means any fair, social event, activity, or gathering open to the public.
4. **Posted** – means that a sign at least 11” square must be placed in at least two conspicuous places advising the public of the ban on carry ins. The sign must carry an appropriate notice such as “No Alcohol Beverage Carry Ins.” Any committee of the County Board (or an employee authorized by that committee to act on its behalf) may post County property or a County event banning the carrying in of alcohol beverages. The name of the committee or authorized person posting the County property or a County event shall appear on the sign.

C. Penalty

Any person violating the provisions of this ordinance shall be subject to a forfeiture as provided in Chapter 25 of the General Code of Waupaca County.

9.20 PENALTIES

1. Enforcement

- A. The provisions of this chapter shall be enforced pursuant to Sec. 25.04 of the General Code and any violations shall be subject to the penalties therein.
- B. **Additional Penalties.** In addition to the penalties created above, any person who violates any provision of a Waupaca County Ordinance shall also be liable for any damages resulting from the conduct giving rise to the citation.