

ORDINANCE 2014-01

GENERAL PROVISIONS

Documents incorporated by reference.

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein, and the Town Clerk shall maintain in his/her office a copy of any such material as adopted and as amended from time to time. Materials on file at the Town Clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the Town Clerk, subject to such restrictions on examination as the Clerk imposes for the preservation of the material.



The following proposed ordinances will be adopted as an 'Addendum'

to the Town's Code of Ordinances

1. DISORDERLY CONDUCT (WI State Statute - §947.01)

- (1) 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 guilty of a Class B misdemeanor.
- (2) Unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, a person is not in violation of, and may not be charged with a violation of, this section for loading, carrying, or going armed with a firearm, without regard to whether the firearm is loaded or is concealed or openly carried.

2. DISORDERLY CONDUCT WITH A MOTOR VEHICLE

(Brown Co. Code §340.0011)

- a) Conduct Prohibited. No person shall, within the County of Brown, by or through the use of any motor vehicle, including, but not limited to, an automobile, truck, motorcycle, mini-bike, or snowmobile, cause or provoke disorderly conduct with a motor vehicle.
- b) Definition. Disorderly conduct with a motor vehicle shall mean, while operating or in control of a motor vehicle, to engage in conduct or activities which are violent, unreasonably loud, dangerous to persons or property, or otherwise against the public peace, welfare, and safety, including but not limited to unnecessary, deliberate, or intentional spinning of the wheels, squealing of the tires, revving or racing of the engine, blowing of the horn, causing the engine to backfire, or causing the vehicle, while commencing to move or while in motion, to raise one or more wheels off the ground. Specifically excluded from this definition are legitimate, scheduled racing events. Penalty: Any person found guilty of violating this section, or any part thereof, may be required to forfeit not less than \$10 nor more than \$200, and the cost of prosecution, for the first offense, and not less than \$50 nor more than \$300, and the cost of prosecution,

for the second or subsequent violation within two years, and upon failure to pay said forfeiture, and the costs, may be confined in the County Jail for a period not to exceed 10 days for the first offense and 30 days for the second offense, or until the payment of said forfeiture and costs is made.

3. CRIMINAL DAMAGE PLUS RESTITUTION (WI State Statue -

§943.01)Whoever intentionally causes damage to any physical property of another without the person's consent is guilty of a Class A misdemeanor.

1. Any person violating sub. (1) under any of the following circumstances is guilty of a Class I felony:

(a) **1.** In this paragraph, "highway" means any public way or thoroughfare, including bridges thereon, any roadways commonly used for vehicular traffic, whether public or private, any railroad, including street and interurban railways, and any navigable waterway or airport.

2. The property damaged is a vehicle or highway and the damage is of a kind which is likely to cause injury to a person or further property damage.

(b) The property damaged belongs to a public utility or common carrier and the damage is of a kind which is likely to impair the services of the public utility or common carrier.

(c) The property damaged belongs to a person who is or was a grand or petit juror and the damage was caused by reason of any verdict or indictment assented to by the owner.

(d) If the total property damaged in violation of sub. (1) is reduced in value by more than \$2,500. For the purposes of this paragraph, property is reduced in value by the amount which it would cost either to repair or replace it, whichever is less.

(e) The property damaged is on state-owned land and is listed on the registry under sub. (5).

(f) **1.** In this paragraph, "rock art site" means an archaeological site that contains paintings, carvings or other deliberate modifications of an immobile rock surface, such as a cave, overhang, boulder or bluff face, to produce symbols, stories, messages, designs or pictures. "Rock art site" includes artifacts and other cultural items, modified soils, bone and other objects of archaeological interest that are located adjacent to the paintings, carvings or other deliberate rock surface modifications.

2. The property damaged is a rock art site, any portion of a rock art site or any object that is part of a rock art site, if the rock art site is listed on the national register of historic places in Wisconsin, as defined in s. 44.31 (5), or the state register of historic places under s. 44.36.

(2d)(a) In this subsection, "plant research and development" means research regarding plants or development of plants, if the research or development is undertaken in conjunction or coordination with the state, a federal or local government agency, a university, or a private research facility.

(b) Any person violating sub. (1) under all of the following circumstances is guilty of a Class I felony:

1. The property damaged is a plant, material taken, extracted, or harvested from a plant, or a seed or other plant material that is being used or that will be used to grow or develop a plant.

2. The plant referred to in subd. 1. is or was being grown as feed for animals being used or to be used for commercial purposes, for other commercial purposes, or in conjunction with plant research and development.

(2g) Any person violating sub. (1) under all of the following circumstances is guilty of a Class I felony:

(a) The property damaged is a machine operated by the insertion of coins, currency, debit cards or credit cards.

(b) The person acted with the intent to commit a theft from the machine.

(c) The total property damaged in violation of sub. (1) is reduced in value by more than \$500 but not more than \$2,500. For purposes of this paragraph, property is reduced in value by the amount that it would cost to repair or replace it, whichever is less, plus other monetary losses associated with the damage.

(2m) Whoever causes damage to any physical property of another under all of the following circumstances is subject to a Class B forfeiture:

(a) The person does not consent to the damage of his or her property.

(b) The property damaged is on state-owned land and is listed on the registry under sub. (5).

3) If more than one item of property is damaged under a single intent and design, the damage to all the property may be prosecuted as a single forfeiture offense or crime.

4) In any case of unlawful damage involving more than one act of unlawful damage but prosecuted as a single forfeiture offense or crime, it is sufficient to allege generally that unlawful damage to property was committed between certain dates. At the trial, evidence

may be given of any such unlawful damage that was committed on or between the dates alleged.

- 5) The department of natural resources shall maintain a registry of prominent features in the landscape of state-owned land. To be included on the registry, a feature must have significant value to the people of this state.

4. RESISTING OR OBSTRUCTING (Brown Co. Code §31.01)

- (1) Whoever knowingly resists or obstructs an officer while such officer is doing any act in his official capacity and with lawful authority shall be subject to a forfeiture of not more than \$500, together with the costs of prosecution, and in default of the payment of the forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 90 days.

5. TRAFFIC CODE STATUES 341 TO 348

INCLUDING THE TRANS STATUES TR305(equipment violations)

State Uniform Bond schedule - Except as otherwise specifically provided in this chapter, the statutory provisions or rules of the Department of Transportation in Chs. 340 to 348 and §941.01(1), Wis. Stats., describing and defining regulations with respect to vehicles and traffic, and Ch. 350, Wis. Stats., describing and defining regulations with respect to snowmobiles, inclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute or rules of the Department of Transportation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes or rules of the Department of Transportation incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on the highways, streets, roads and alleys of Wisconsin.

6. ALCOHOL VIOLATIONS(WI State Statue §125.10)

All cited MUST APPEAR in Court

- (1) Statutory Authority. This ordinance is enacted pursuant to the authority granted to counties by Sec. 125.10 of the Wisconsin Statutes.
- (2) Applicability. This ordinance does not apply within any municipality with an ordinance regulating underage drinking.
- (3) Definitions.
 - (a) "Alcohol beverages" means fermented malt beverages and intoxicating liquor.
 - (b) "Legal drinking age" means 21 years of age.
- (4) Sale or Furnishing to Persons Under the Legal Drinking Age. Except as otherwise provided in this section, whoever sells or furnishes alcohol beverages to a person under the legal drinking age not accompanied by a parent, guardian, or adult spouse, shall be subject to a forfeiture of not more than \$500, together with the costs of prosecution, and in default of the payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 90 days. This

subsection shall not apply to licensees or employees of licensees under Chapter 66 or 125, Wisconsin Statutes. Any forfeiture for violation of any section of Wisconsin Statutes adopted in this section of this Code shall conform to the forfeiture permitted to be imposed for violation of the comparable state statute including any variations for subsequent offenses and that the state of Wisconsin Deposit Schedule and Uniform Misdemeanor Bail Schedule adopted by the Wisconsin Judicial Conference and as amended from time to time are hereby adopted and by reference made a part of this Code for those violations of this Section.

- (5) Presence of Underage Persons on Licensed Premises. A person under the legal drinking age not accompanied by a parent, guardian, or adult spouse, who possesses alcohol beverages or who enters, or knowingly attempts to enter, or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licenses premises with or for the licensee or his or her employee, shall be subject to the sanctions for municipal ordinance violations provided in Section 48.343, Wisconsin Statutes, as well as the motor vehicle operating privilege sanctions provided in Sections 343.30(6), Wisconsin Statutes. An underage person may not be present on such licensed premises other than for the transaction of business, which business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. The prohibition for underage persons to be present on licensed premises does not apply to exceptions set forth in Sec. 125.07(3) subparagraphs 1 - 10 of the Wisconsin Statutes. This section does not prevent a person under the legal drinking age in the employ of a licensee or permittee from possession of alcohol beverages for sale or delivery to customers. Any person who violates the provisions of this section shall upon conviction thereof forfeit not more than \$300 nor less than \$25 and shall pay the costs of prosecution for each such violation.
- (6) Possession of Alcohol Beverages by Persons Under the Legal Drinking Age. No person under the legal drinking age not accompanied by his or her parent, guardian or spouse, shall procure, seek to procure, knowingly possess, or consume any alcohol beverages within the town. Any person who violates the provisions of this section shall upon conviction thereof forfeit not more than \$300 nor less than \$25 and shall pay the costs of prosecution for each such violation. If any person fails to pay the forfeiture imposed, the Court may suspend any driver's license or operating privileges pursuant to Section 48.17, Wisconsin Statutes.
- (7) Possession of False Identification. No person under the legal drinking age shall knowingly possess identification that has been altered so as to be untrue or inaccurate, nor shall any person under the legal drinking age present as identification, for purposes of procuring or seeking to procure alcohol beverages;, a document that is not a true and accurate identification of said persons. Any person who violates the provisions of this section shall upon conviction thereof forfeit not more than \$300 nor less than \$25 and shall pay the costs of prosecution for each such violation. If any person fails to pay the forfeiture imposed, the Court may suspend any driver's license or operating privileges pursuant to Section 48.17, Wisconsin Statutes.

7. Battery (WI State Statue §940.19

(1) 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 guilty of a Class A misdemeanor.

(2) Whoever causes substantial bodily harm to another by an act done with intent to cause bodily harm to that person or another is guilty of a Class I felony.

(3) Whoever causes great bodily harm to another by an act done with intent to cause bodily harm to that person or another is guilty of a Class H felony.

(4) Whoever causes great bodily harm to another by an act done with intent to cause great bodily harm to that person or another is guilty of a Class E felony.

(5) Whoever intentionally causes bodily harm to another by conduct that creates a substantial risk of great bodily harm is guilty of a Class H felony. A rebuttable presumption of conduct creating a substantial risk of great bodily harm arises:

(a) If the person harmed is 62 years of age or older; or (b) If the person harmed has a physical disability, whether congenital or acquired by accident, injury or disease, that is discernible by an ordinary person viewing the physically disabled person, or that is actually known by the actor.

8. LOITERING (WI State Statue §940.19(1))

LOITERING OR PROWLING PROHIBITED. 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 person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this subsection, 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 subsection if the police or peace 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 police or peace officer at the time, would have dispelled the alarm.

9. NEGLIGENT HANDLING OF BURNING MATERIALS

(WI State Stat §941.10)

(1) Whoever handles burning material in a highly negligent manner is guilty of a Class A misdemeanor.

(2) Burning material is handled in a highly negligent manner if handled with criminal negligence under s. 939.25 or under circumstances in which the person should realize that a substantial and unreasonable risk of serious damage to another's property is created.

10. POSSESSION OF DRUG PARAPHERNALIA/ (WI State Stat §961.10)
MANUFACTURE/SELL/DELIVERY OF

(1) DEFINITION. In this section "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance as defined in Ch. 961.01, Wis. Stats., or any subsequent statutory revisions regarding definitions related to controlled substances, in violation of this section. It includes, but is not limited to:

- (a) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (b) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- (c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
- (d) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- (e) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
- (f) Diluents and adulterants, such as quinine hydro-chloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances.
- (g) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
- (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
- (i) Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- (j) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- (k) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenteral injecting controlled substances into the human body.
- (l) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body including, but not limited to:
 - 1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - 2. Water pipes.
 - 3. Carburetion tubes and devices.
 - 4. Smoking and carburetion masks.
 - 5. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - 6. Miniature cocaine spoons and cocaine vials.
 - 7. Chamber pipes.

8. Carburetor pipes.
9. Electric pipes.
10. Air-driven pipes.
11. Chillums.
12. Bongs.
13. Ice pipes or chillers.

(2) DETERMINATION OF DRUG PARAPHERNALIA. In determining whether an object is drug paraphernalia, the following shall be considered:

- (a) Statements by an owner or by anyone in control of the object concerning its use.
- (b) Prior convictions, if any, of an owner or of anyone in control of the object under Village, State or federal law relating to any controlled substance.
- (c) The proximity of the object in time and space to a direct violation of this section.
- (d) The proximity of the object to controlled substances.
- (e) The existence of any residue of controlled substances on the object.
- (f) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons who the person knows or should reasonably know, intend to use the object to facilitate a violation of this section. The innocence of any owner or of anyone in control of the object as to a direct violation of this section shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
- (g) Oral or written instructions provided with the object concerning its use.
- (h) Descriptive materials accompanying the object which explain or depict its use.
- (i) National and local advertising concerning its use.
- (j) The manner in which the object is displayed for sale.
- (k) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
- (l) The existence and scope of legitimate uses for the object in the community.
- (m) Expert testimony concerning its use.

(3) PROHIBITED ACTIVITIES.

- (a) Possession of Drug Paraphernalia. No person may use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.
- (b) Manufacture, Sale or Delivery of Drug Paraphernalia. No person may sell, deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.
- (c) Delivery of Drug Paraphernalia to a Minor. Any person 18 years of age or over who violates par. (b) by delivering drug paraphernalia to a person under 18 years of age is guilty of a special offense.

(d) Advertisement of Drug Paraphernalia. No person may place in any newspaper, magazine, handbill or other publication or upon any outdoor billboard or sign any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(e) Exemption. This subsection does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 161, Wis. Stats. This section does not prohibit the possession, manufacture or use of hypodermics in accordance with Ch. 161, Wis. Stats.

(4) PENALTIES.

(a) Any drug paraphernalia used in violation of this section shall be seized and forfeited to the Village.

(b) Any person who violates paragraphs. (3)(a), (b) or (d) shall, upon conviction, be subject to a forfeiture of not more than \$500, together with the costs of prosecution and, upon default of payment, be imprisoned in the County jail or house of correction until the costs are paid, but not to exceed 20 days.

(c) Any person who violates par. (3)(c) shall, upon conviction, be subject to a forfeiture of \$1,000, together with the costs of prosecution and, upon default of payment, be imprisoned in the County jail or house of correction until the costs are paid, but not to exceed 40 days.

11. POSSESSION OF MARIJUANA - <25 GRAMS (Brown Co. Code §31.19)

(1) Possession Prohibited. The possession of 25 grams or less of marijuana is hereby prohibited.

(2) Definitions. "Marijuana" shall have, for purposes of this section, the same meaning and definition as set forth in the provisions of Sec. 161.01 (14), Stats., with the exception set forth in Sec. 161.41(3r), Stats.

(3) Application. This ordinance does not apply in any city or village within Brown County which has adopted an ordinance prohibiting the possession of marijuana.

(4) Penalty. Any person violating this section shall be subject to a forfeiture in the amount of not less than \$50.00, nor more than \$1,000.00.

(5) Defenses. Authorization of possession of marijuana under Sec. 161.32, Stats., or Sec. 161.335, Stats., shall be a defense to any offense alleged hereunder.

12. THEFT – (WI State Stat §943.20)

(1) ACTS. Whoever does any of the following may be penalized as provided in sub. (3):

(a) Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.

(b) By virtue of his or her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals, or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his or her authority, and with intent to convert to his or her own use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument,

paper or other negotiable writing, which is in his or her possession or custody by virtue of his or her office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his or her own use within the meaning of this paragraph.

(c) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property.

(d) Obtains title to property of another person by intentionally deceiving the person with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.

(e) 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.

(2) DEFINITIONS. In this section:

(ac) "Adult at risk" has the meaning given in s. 55.01 (1e).

(ad) "Elder adult at risk" has the meaning given in s. 46.90 (1) (br).

(ae) "Individual at risk" means an elder adult at risk or an adult at risk.

(ag) "Movable property" is property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found in land.

(am) "Patient" has the meaning given in s. 940.295 (1) (L).

(b) "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

(c) "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

(cm) "Resident" has the meaning given in s. 940.295 (1) (p).

(d) Except as otherwise provided in this paragraph, "value" means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less. If the property stolen is a document evidencing a chose in action or other intangible right, "value" means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the property stolen is scrap metal, as defined in s. 134.405 (1) (f), or "plastic bulk merchandise container" as defined in s. 134.405 (1) (em), "value" also includes any costs that would be incurred in repairing or replacing any property damaged in the theft or removal of the scrap metal or plastic bulk merchandise container. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

(3) PENALTIES. Whoever violates sub. (1):

(a) If the value of the property does not exceed \$2,500, is guilty of a Class A misdemeanor.

(bf) If the value of the property exceeds \$2,500 but does not exceed \$5,000, is guilty of a Class I felony.

(bm) If the value of the property exceeds \$5,000 but does not exceed \$10,000, is guilty of a Class H felony.

(c) If the value of the property exceeds \$10,000, is guilty of a Class G felony.

(d) If any of the following circumstances exists, is guilty of a Class H felony:

1. The property is a domestic animal.

2. The property is taken from a building which has been destroyed or left unoccupied because of physical disaster, riot, bombing or the proximity of battle.

3. The property is taken after physical disaster, riot, bombing or the proximity of battle has necessitated its removal from a building.

4. The property is a firearm.

5. The property is taken from a patient or resident of a facility or program under s. 940.295 (2) or from an individual at risk.

(e) If the property is taken from the person of another or from a corpse, is guilty of a Class G felony.

(4) USE OF PHOTOGRAPHS AS EVIDENCE. In any action or proceeding for a violation of sub. (1), a party may use duly identified and authenticated photographs of property which was the subject of the violation in lieu of producing the property.

13. PETTY THEFT (Brown Co. Code §31.07)

(1) Whoever intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another, the value of which does not exceed \$500 without the person's consent and with the intent to deprive the owner permanently of possession of such property shall be subject to a forfeiture of not more than \$500, together with the costs of prosecution, and in default of the payment of the forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed 90 days.

(2) Whoever intentionally fails to return any personal property which is in his/her possession or under his/her control by virtue of a written lease or written rental agreement, within 10 days after the lease or rental agreement has expired, shall be subject to a forfeiture of not more than \$500 together with the cost of prosecution, and in default of the payment of forfeiture and cost of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed 90 days.

14. UNLAWFUL USE OF TELEPHONE – (WI State Stat §947.012)

(1) Whoever does any of the following is guilty of a Class B misdemeanor: **(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.

(2) Whoever does any of the following is subject to a Class B forfeiture:

(a) With intent to harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(b) Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

(c) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

(d) 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.

(e) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.

If a forfeiture is listed under a section above, that forfeiture plus costs will apply. If a forfeiture is not listed the Court may impose a forfeiture starting at \$50 plus costs, based on the offense.

Sec. 34-35. Forfeiture penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided together with a penalty assessment if required by Wis. Stats. § 757.05, a jail assessment as required by Wis. Stats. § 302.46(1), plus a crime laboratories and drug law enforcement assessment imposed by Wis. Stats. § 165.755, plus any applicable fees prescribed in Wis. Stats. Ch. 814, not to exceed the amount of deposit that the court may accept as provided in Wis. Stats. § 345.37. Payment of the judgment may be suspended by the sentencing judge for not more than 60 days. Any person who shall fail to pay the amount of the forfeiture, costs of prosecution and penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

Ordinance 2014-01
Town of Wrightstown

Adopted this 12th day of March, 2014.

_____/s/_____
Chairman William Verbeten

_____/s/_____
Supervisor Ronald Diny

_____/s/_____
Supervisor Jesse Juedes

Attest to:

_____/s/_____
Donna Martzahl, Clerk