

CHAPTER 19

OFFENSES AGAINST PUBLIC PEACE AND SAFETY

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CHAPTER 19

OFFENSES AGAINST PUBLIC PEACE AND SAFETY

19.050 STATE LAWS ADOPTED

(a) Adoption. The following State Statutes are hereby adopted and incorporated as if fully set forth by reference. The penalty for a violation of these ordinances shall be as set forth in Sec. 19.050(d), and (e) of this ordinance. Any future amendments, revisions, or modifications of the Statutes incorporated herein by reference are intended to be made part of this code.

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- (b) Parties to a violation. Whoever is concerned in the commission of a violation of this section is a principal and may be charged with and convicted of the violation although the person did not directly commit it and although the person who directly committed it has not been convicted of the violation. A person is concerned in the commission of the violation if the person directly commits the violation, intentionally aids or abets the commission of it, is a party to a conspiracy with another to commit it, or advises, hires, counsels, or otherwise procures another to commit it.
- (c) Attempt. Whoever attempts to commit a violation of this section may be charged with and convicted of the violation. An attempt to commit a violation of this chapter requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute such violation and that the actor does act toward the commission of the violation which demonstrates unequivocally, under all the circumstances, that the actor formed that intent and would commit the violation except for the intervention of another person or some extraneous factor.

- (d) General penalty. Unless otherwise specifically provided, any person who shall violate any provision of this section or any regulation, rule, or order made hereunder shall be subject to a forfeiture of not less than \$1 nor more than \$500 for each offense.
- (e) Specific penalties.
 - (1) Certain Criminal Counterpart ordinances. Notwithstanding Sec. 19.050(d), Oconto County Code, any person who shall violate a provision of Sec. 19.050(a), Oconto County Code, adopting Sections 167.31, 940.19(1), 940.34, 940.42, 940.44, 941.20, 941.24, 941.295, 941.325, 943.01, 943.20, 943.215, 943.34, 943.37, 943.38, 943.41, 943.45, 943.455, 943.46, 943.47, 943.50, 943.70, 944.20, 944.30, 944.31, 944.32, 944.33, 944.34, 945.02, 945.03, 945.04, 946.31, 946.41, 946.65, 946.70, 946.72, 947.01, 947.013, 951.08, or 961.573, Wisconsin Statutes, shall forfeit not less than \$1 nor more than \$1,000 for each offense.
 - (2) Possession of Marijuana. Notwithstanding Sec. 19.050(d), Oconto County Code, any person who violates Sec. 19.050(a), Oconto County Code, adopting Sec. 961.41(3g)(e), Wis. Stats., by possessing an amount not greater than 25 grams who has not been convicted for possession of Tetrahydrocannabinols anywhere in this State shall forfeit not less than \$1 nor more than \$1,000 and the Court may suspend the person's operating privileges for not more than six months.

19.100 ALCOHOL RELATED OFFENSES

(a) Wisconsin Statutes Adopted By Reference

Sec. 125.07, Underage and intoxicated persons; presence on licensed premises; possession; penalties; Sec. 125.085, Proof of age; and Sec. 125.09, General restrictions, of the Wisconsin Statutes are adopted by reference except that the penalty for commission of said offense shall be limited to a forfeiture imposed according to the amounts set forth in said statutes incorporated herein by reference. Any reference in said statute to a fine shall be replaced with the term forfeiture and any reference in said statutes to imprisonment shall be deleted. Any future amendments, revisions, or modifications of said statutes incorporated herein by reference are intended to be made part of this code.

(b) Sale to Underage or Intoxicated Persons Restricted

(1) Sales of Alcohol Beverages to Underage Persons

- (A) No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
- (B) No license or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
- (C) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.

- (2) Penalties. A person who commits a violation of Subsection (a) above is subject to a forfeiture of:
- (A) Not more than Five Hundred Dollars (\$500.00) if the person has less than two (2) previous violations within twelve (12) months of the violation; or
 - (B) Not more than One Thousand Dollars (\$1000.00) if the person has committed two (2) previous violations within thirty (30) months of the violation.
 - (C) In addition to the forfeitures provided in Subsections (1) and (2) above, a court shall suspend any license issued under this Chapter to a person violating this Subsection for:
 - (i) Not more than three (3) days, if the court finds that the person committed a violation within twelve (12) months after committing one (1) previous violation;
 - (ii) Not less than three (3) days nor more than ten (10) days, if the court finds that the person committed a violation within twelve (12) months after committing two (2) other violations; or
 - (iii) Not less than fifteen (15) days nor more than thirty (30) days, if the court finds that the person committed the violation within twelve (12) months after committing three (3) other violations.
 - (D) Sale of Alcohol Beverages to Intoxicated Persons
 - (i) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
 - (ii) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
 - (E) Penalties. Any person who violates Subsection (c) above shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).
- (c) Underage Person's Presence in Places of Sale; Penalty.
- (1) Restrictions. An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:
 - (A) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.

- (B) An underage person who enters or is on a Class "A" or "Class A" premises for the purpose of purchasing items other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
- (C) Hotels, drug stores, grocery stores, bowling alleys, service stations, vessels, cars operated by any railroad, regularly established athletic fields, stadiums or public facilities as defined in Sec. 125.51(5)(b)1.d, Wis. Stats., which are owned by a county or municipality.
- (D) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chs. 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
- (E) Ski chalets, golf courses and golf clubhouses and private tennis clubs.
- (F) Premises operated under both a "Class B" alcoholic beverage or Class "B" fermented malt beverage license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a "Class B" alcoholic beverage or Class "B" fermented malt beverage license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- (G) An underage person who enters or remains on a "Class B" alcoholic beverage or Class "B" fermented malt beverage premises for the purpose of transacting business at an auction or market, if the person does not enter or remain in a room where alcohol beverages are sold, furnished or possessed.
- (H) An underage person who enters or remains in a room on "Class B" alcoholic beverage or Class "B" fermented malt beverage licensed premises separate from any room where alcohol beverages are sold or served for the purpose of engaging in marching or drilling with a group of other persons if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this Subsection. An underage person may enter and remain on "Class B" alcoholic beverage or Class "B" fermented malt beverage premises under this Subsection only if the municipality which issued the "Class B" alcoholic beverage or Class "B" fermented malt beverage license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this Subsection and the law enforcement agency responsible for enforcing the ordinance issues to the "Class B" alcoholic beverage or Class "B" fermented malt beverage licensee a written authorization permitting underage persons to be present under this Subsection on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.
- (I) A person who is at least eighteen (18) years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.

- (J) An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency, in advance, of the times underage persons will be allowed on the premises under this Subsection.
- (K) An underage person who enters or remains in a dance hall attached to Class "B" or "Class B" licensed premises if the dance hall is separate from any room where alcohol beverages are sold, if there is a separate entrance to the dance hall and if no alcohol beverages are furnished or consumed by any person in the dance hall where the underage person is present.
- (2) Penalties. A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of Subsection (a) is subject to a forfeiture of not more than Five Hundred Dollars (\$500.00).
- (d) Underage Persons; Prohibitions; Penalties.
 - (1) Any underage person who does any of the following is guilty of a violation:
 - (A) Procures or attempts to procure alcohol beverages from a licensee or permittee.
 - (B) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
 - (C) Enters, knowingly attempts to enter or is on licensed premises in violation of Section 19.103.
 - (D) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.
 - (2) Except as provided in Sec. 125.07(4)bm, Wis. Stats., any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.
 - (3) Any person violating Subsections (a) is subject to the following penalties:
 - (A) For the first violation, a forfeiture of not less than \$250.00 nor more than Five Hundred Dollars (\$500.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program under Subsection (e) or any combination of these penalties.
 - (B) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Three Hundred Dollars (\$300.00), nor more than Five Hundred Dollars (\$500.00), suspension of the person's operating privileges as provided under Sec. 343.30(6)(b)(1), Wis. Stats., participation in a supervised work program under Subsection (e) or any combination of these penalties.

- (C) For a violation committed within twelve (12) months of two (2) or more previous violations, either a forfeiture of not less than Five Hundred Dollars (\$500.00), nor more than Seven Hundred Fifty Dollars (\$750.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program under Subsection (e) or any combination of these penalties.
 - (D) For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Seven Hundred Fifty Dollars (\$750.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or any combination of these penalties.
- (4) Any person violating Subsection (b) is subject to the following penalties:
- (A) For the first violation, a forfeiture of not less than One Hundred Dollars (\$100.00), nor more than Two Hundred Dollars (\$200.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program under Subsection (e) or any combination of these penalties.
 - (B) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Two Hundred Dollars (\$200.00), nor more than Three Hundred Dollars (\$300.00), suspension of the person's operating privilege as provided by under Sec. 343.30(6)(b)(1), Wis. Stats., participation in a supervised work program under Subsection (e) or any combination of these penalties.
 - (C) For a violation committed within twelve (12) months of two (2) or more previous violations, either a forfeiture of not less than Three Hundred Dollars (\$300.00), nor more than Five Hundred Dollars (\$500.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program under Subsection (e) or any combination of these penalties.
 - (D) For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars (\$1000.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or any combination of these penalties.
- (5)
- (A) If the Court orders a person to participate in a supervised work program under Subsection (d), the Court shall set standards for the program within the budgetary limits established by the County Board. The program may provide the person with reasonable compensation reflecting the market value of the work performed, or it may consist of uncompensated community service work and shall be administered by the County or a community agency approved by the Court.
 - (B) The supervised work program shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from an agency staff member or other qualified person. The program may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

- (6) When a court revokes or suspends a person's operating privilege under Subsection (c) or (d), the Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.
 - (7) A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 938.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under Sec. 938.344(3), Wis. Stats.
 - (8) Subsections (a) and (b) do not prohibit an underage person employed by a licensee or permittee from possessing fermented malt beverages during the brewing process or for sale or delivery to customers.
 - (9) Subsections (a) and (b) do not prohibit an underage person employed by a brewery, a winery or a facility for the rectifying or manufacture of intoxicating liquor or the production of fuel alcohol from possessing alcohol beverages during regular working hours and in the course of employment.
- (e) Persons Who Have Attained the Legal Drinking Age; False or Altered Identification Cards.
- (1) (A) Any person who has attained the legal drinking age, other than one authorized by Sec. 125.08 or 343.50, Wis. Stats., who makes, alters or duplicates an official identification card may be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).
 - (B) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).
 - (2) Any underage person who does any of the following is subject to the penalties specified under Sec. 19.100(3), (4) or (5):
 - (A) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information, A law enforcement officer shall confiscate any card that violates this Subsection.
 - (B) Makes, alters or duplicates an official identification card.
 - (C) Presents false information to an issuing officer in applying for an official identification card.
- (f) Possession Of Alcoholic Beverages On School Grounds Prohibited.
- (1) In this Subsection:
 - (A) "Motor vehicle" means a motor vehicle owned, rented or consigned to a school.

- (B) "School" means a public, parochial or private school which provides an educational program for one (1) or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
- (C) "School administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
- (D) "School premises" means premises owned, rented or under the control of a school.
- (2) Except as provided by Subsection (c) no person may possess or consume alcohol beverages:
 - (A) On school premises;
 - (B) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
 - (C) While participating in a school-sponsored activity.
- (3) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.
- (4) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00), except that Sec. 938.344, Wis. Stats., and Section 19.104(c), (d) and (e) of this Code of Ordinances provide the penalties applicable to underage persons.
- (g) Adult Permitting or Encouraging Underage Violation.
 - (1) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.
 - (2) No adult may intentionally encourage or contribute to a violation of Sec. 19.100(d)(3), (4) or (5).
 - (3) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00).

19.200 BARKING DOG ORDINANCE

- (a) It shall be unlawful for any person to keep or harbor any dog which habitually barks, howls or yelps in such a manner as to materially disturb or annoy any other person or persons of ordinary sensibilities.
- (b) Any person violating this ordinance is subject to the following penalties:
 - (1) For the first violation, a forfeiture of not less than \$20.00 nor more than \$200.00 together with the costs of prosecution.
 - (2) For the second violation committed within 12 months of a previous violation, a forfeiture of not less than \$40.00 nor more than \$400.00 together with the costs of prosecution.

- (3) For a third or subsequent violation committed within 12 months of 2 previous violations, a forfeiture of not less than \$80.00 nor more than \$800.00 together with the costs of prosecution.
- (4) Any person failing to pay the required forfeiture and costs of prosecution shall be imprisoned in the Oconto County Jail until said forfeiture and costs are paid, but not to exceed 90 days.

19.300 ISSUANCE OF WORTHLESS CHECKS

- (a) Authority. This section of the Code is adopted under the authority granted by Sec. 59.54(22), Stats.
- (b) Sec. 943.24, Stats., Incorporated by Reference. Sec. 943.24, Stats., to the extent such statutory section prohibits the issuance of worthless checks is hereby adopted by reference made a part herein of this section of the Code as if fully set forth herein. Any act prohibited by Sec. 943.24, Stats., is prohibited by this section of the Code.
- (c) Jurisdiction. This section of the Code shall apply in the incorporated and unincorporated areas of the County.
- (d) Whoever issues any check or other order for the payment of money less than \$500 which, at the time of issuance, he or she intends shall not be paid is subject to a forfeiture of not more than \$200.00.
- (e) Whoever issues any single check or other order for the payment of \$500 or more or whoever within a 15 day period issues more than one check or other order amounting in the aggregate to \$500 or more which, at the time of issuance, the person intents shall not be paid is subject to a forfeiture of not more than \$500.00.
- (f) 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:
 - (1) Proof that, at the time of issuance, the person did not have an account with the drawee.
 - (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within 5 working days after receiving notice of nonpayment or dishonor to pay the check or other order.
 - (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within 5 days after receiving notice of nonpayment or dishonor to pay the check or other order.
- (g) This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

19.350 RESISTING OR OBSTRUCTING OFFICER

- (a) Definitions.
 - (1) Obstructs. Obstruct 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.

- (2) **Officer.** Officer means a peace officer or other public officer or public employee having the authority by virtue of the officer's or employee's office or employment to take another into custody.
- (b) **Violation.** No person shall knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.
- (c) **Penalty.** Whoever violates this ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$1,000.00 together with the costs of prosecution and in default of payment of the forfeiture and costs shall be imprisoned in the Oconto County Jail until said forfeiture and costs are paid, but not to exceed 90 days.

19.400 DISORDERLY CONDUCT

Disorderly Conducted Prohibited. No person shall within the County of Oconto:

- (a) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke any immediate disturbance of public order or tends to disturb or annoy any other person or persons.
- (b) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (c) Make or cause to be made any loud, disturbing or unnecessary sounds or noises as may tend to annoy or disturb another in or about any highway, street, alley, park or parking lots.
- (d) Squeal the tires of any motor vehicle in such manner that will result in unnecessary noise or possible injury or defacement to the street, road surface, or parking lot.
- (e) Upon conviction of this charge, the individual is guilty of an ordinance violation for which the maximum possible forfeiture may be \$1,000.00.

19.500 CONTROLLED SUBSTANCE

- (a) It shall be unlawful for anyone, while in Oconto County, to possess the controlled substance marijuana as classified in Schedule I, sec. 161.14(4)(k), of the Wisconsin Statutes.
- (b) Upon conviction of this charge, the person is guilty of an ordinance violation for which the maximum possible forfeiture may be no more than \$1,000.00.

19.550 THEFT

- (a) **Definitions.**
 - (1) **Movable property.** Movable property is property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found in land.
 - (2) **Property.** Property means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

- (3) Property of another. 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.
- (b) Violation. Any person who does any of the following may be penalized as provide in sub. (3).
- (1) 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.
- (2) 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 rental agreement within 10 days after the lease or rental agreement expires.
- (c) Penalty. Whoever violates this ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$1,000.00 together with the costs of prosecution and in default of payment of the forfeiture and costs shall be imprisoned in the Oconto County Jail until said forfeiture and costs are paid, but not to exceed 90 days.

19.650 WEAPONS ORDINANCE FOR OCONTO COUNTY

- (a) Purpose. The purpose of this ordinance is to promote public safety.
- (b) Statutory Authority. This ordinance is adopted as authorized under Sec. 943.13(1m)(C)(4), Wis. Stats., and Sec. 59.02, Wis. Stats.
- (c) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (d) Effective Date. The provisions of this ordinance shall take effect on November 1, 2011.
- (e) Definitions. For the purpose of this ordinance:
- (1) "Carry" means to go armed with.
- (2) "Weapon" means any firearm, whether loaded or unloaded; Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$10 nor more than \$500 together with the costs of prosecution, and in rueful default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 90 days.
- (3) "Special event" means an event open to the public that has duration of not more than three weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.
- (f) Discharge of Weapon Unlawful. It shall be unlawful for any person, except a Peace/Law Enforcement Officer, member of the Military in the line of duty, District Attorney, Judge, or a person who has obtained written permission from a Judge, to discharge or use any weapon on any County property unless actively engaged in hunting during a legal season as defined by the

Wisconsin Department of Natural Resources or at a designated shooting/target range authorized by the Oconto County Board of Supervisors.

- (g) Conceal Carry Unlawful in County Structures. It shall be unlawful for any person, except a Peace/Law Enforcement Officer, member of the military in the line of duty, District Attorney, Judge, a person who has obtained written permission from a Judge, emergency rescue personnel, or a county employee or contractor acting during the course of his or her employment, to carry a concealed weapon into any County owned structure.
- (h) County Structures Required to Post Notice. All County owned structures shall place signs in prominent places near all entrances of the structure informing the public of the prohibition on carrying weapons. Each sign shall be at least five inches by seven inches and contain the message: "Security Notice-Pursuant to Wisconsin Statutes, and unless otherwise authorized by law, no person may possess or have under their control any weapon in this facility."
- (i) Carry of Weapons Unlawful at County Sponsored Events. It shall be unlawful for any person, except a Peace/Law Enforcement Officer, Judge, or District Attorney, member of the military in the line of duty, emergency rescue personnel, or a county employee or contractor acting during the course of his or her employment, to carry a weapon onto the grounds of any County organized special event.
- (j) Special Events Required to Post Notice. All County organized special events shall place signs in prominent places near all entrances to the special event informing the public of the prohibition on carrying weapons. Each sign shall be at least five inches by seven inches and contain the message: "Security Notice-Pursuant to Wisconsin Statutes, and unless otherwise authorized by law, no person may possess or have under their control any weapon in this facility."
- (k) Open Carry in County Structures Unlawful. It shall be unlawful for any person, except a Peace/Law Enforcement Officer, Member of the Military in the line of Duty, District Attorney, Judge, a person who has obtained written permission from a Judge, emergency rescue personnel, or a county employee or contractor acting during the course of his or her employment, to openly carry, possess or control a weapon within or directed at the confines of any County owned structure.
- (l) Penalty. Whoever violates this ordinance shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 together with the costs of prosecution and in default of payment of the forfeiture and costs shall be imprisoned in the Oconto County Jail until said forfeiture and costs are paid, but not to exceed 90 days.

19.700 REGULATION OF VEHICULAR AND PEDESTRIAN TRAFFIC WITHIN THE BOUNDARIES OF THE OCONTO MUNICIPAL AIRPORT

- (a) Definition Of Words And Phrases
 - (1) Pedestrian: Any person afoot.
 - (2) Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.
 - (3) Emergency Equipment: Crash, fire and rescue or police motor vehicles, and such other equipment as the airport manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.

- (4) Service, Maintenance and Construction Equipment: Approved equipment normally operated with the consent of the airport commission, and/or the Federal Aviation Administration on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with City of Oconto and County of Oconto.

(b) Operation of Vehicles on Runways, Taxiways and Ramps

- (1) No vehicle shall enter, be driven upon or operated upon any airport runway, taxiway, ramp, tie-down area or any area posted by signs prohibiting the entrance thereon.
- (2) The provisions of this section shall not apply to emergency equipment or service, maintenance and construction equipment when engaged in performing normal duties.
- (3) Aircraft owners may be granted authorization by the airport manager or his designated representative to operate a vehicle to reach their own aircraft in a tie-down area. Aircraft owners desiring to operate a vehicle of this purpose shall request such authorization in advance. Any authorization granted shall apply only to a specific need request. Blanket-type authorizations shall not be granted. Unless specifically authorized, aircraft owners shall not pass over any runway, taxiway or ramp and shall proceed through said tie-down area at a speed not to exceed 10 miles per hour. They shall not at any time park a vehicle on any area used for the movement of aircraft. Such authorization shall not be granted contrary to the provisions of Part 139 or Part 107, Federal Aviation Regulations.

(c) Speed of Vehicles

No vehicle shall be driven upon any road within the perimeter of the airport, or upon other airport areas, in excess of the speed limit posed, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicle traffic on or about the Oconto Municipal Airport.

(d) Pedestrian Traffic on Airport

No pedestrian shall be allowed beyond the administration area or upon the apron or aircraft tie-down area unless for the purpose of embarking in or disembarking from an aircraft, or unless authorized by the airport manager. Pedestrian traffic is prohibited on taxiway, runways and outlying areas of the airport except for those employees of the City, County or Federal Government or contractors engaged in airport construction or maintenance work.

(e) Vehicle Parking

All vehicles parked on the airport shall be parked in designated areas and in accordance with posted signs or other markings. The airport manager may move, or order the removal of, at the owner's expense, any vehicle improperly parked. Fines or forfeitures may be levied in accordance with Section 19.700(g).

(f) Enforcement

It shall be the duty of the Sheriff of the County of Oconto to enforce the provisions of this Ordinance.

(g) Violation

Any person who shall violate any of the provisions of this Ordinance shall upon conviction thereof forfeit not

less than \$10.00 nor more than \$200.00, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the Oconto County Jail until said forfeiture and costs are paid, but not exceeding 90 days.

19.800 FALSE ALARM

(a) Declaration of Intent.

The primary purpose of this ordinance is to reduce the incidents of "false" burglar, holdup, and fire alarms, which are preventable or avoidable. This ordinance is also intended to encourage the installation of reliable alarm systems to insure that they are well maintained and reliably used. The installation of properly functioning systems, used responsibly, should reduce the number of "false" alarms and reduce the danger to both officers and the public by minimizing the number of times the officers respond in an emergency manner to these false alarms.

(b) Definitions.

- (1) Alarm Systems: As used in this ordinance alarm systems shall mean an assembly of equipment and/or devices arranged and intended to signal the presence of a hazard of situation requiring urgent attention and to which the Sheriff's Department is expected to respond. In this ordinance the term alarm system shall include the terms holdup alarm, burglar alarm system, automatic holdup system, manual holdup system, direct line system, proprietary system, local alarm system, central station system, answering service and fire alarm.
- (2) Alarm user means any person on whose premise, commercial or residential, an alarm system is maintained within Oconto County. Excluded are alarm systems on motor vehicles unless they are connected to an alarm system at a premises.
- (3) Holdup Alarm: Refers to an alarm system signaling a robbery or attempted robbery.
- (4) Manual Holdup Alarm: Refers to an alarm system in which the signal transmission is initiated by the direct action of the person or persons attacked or by an observer of an attack.
- (5) Burglar Alarm System: Means an alarm system signaling an entry or attempted entry into the area protected by the system.
- (6) Automatic Holdup Alarm System: Means an alarm system in which the signal transmission is initiated by the action of the robber.
- (7) Direct Line System: Means a telephone line leading directly from a central station to the communications center of the Oconto County Sheriff's Office used only to report emergency signal information on a person to person basis.
- (8) Fire Alarm: Means an alarm system signaling that a fire is occurring at an area protected by the system.
- (9) Answering Service: Means a telephone answering service providing the service of receiving, on a continuous basis through employees, emergency signals from an alarm system and, thereafter, is expected to immediately relay the message of the emergency signal (alarm) by live voice to the communication center of the Oconto County Sheriff's

Office.

- (10) Automatic Dialing Device: Means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation the alarm device is designed to detect.
- (11) Central Station System: Means a system in which the operation of electrical protection circuits and devices are signaled automatically to, recorded in, maintained and supervised from a central station having trained operators in attendance at all times.
- (12) Proprietary System: An alarm system sounding or recording alarm and supervisory signals at a control center located within the protected premises, the control center located within the protected premises, the control center being under the supervision of the proprietor, or an employee, of the protected premises. If a proprietary system includes a signal line connected directly, by means of an automatic dialing device, to the alarm panel at the Oconto County Sheriff's Department, a central station, or answering service. It thereby becomes an alarm system as defined in this ordinance.
- (13) The system is also included if the control center receives the alarm signal and, by voice communication via telephone line or by activation of an alarm signal connected to the Oconto County Sheriff's Department, indicates the existence of the alarm. (e.g. the control center receives an indication of a fire and they telephone the Oconto County Sheriff's Department and, by live voice, tell the dispatcher that they have an indication of a fire or they trip an alarm that sends a signal to an annunciator in the alarm panel.
- (14) Local Alarm System: A signaling system which, when activated, causes an audible and/or visual signaling device to be activated in/or on the premises the alarm was intended to protect. If the system was designed and intended to attract the attention of people outside of the building, it shall come under the definition of alarm system.
- (15) County as referred to in this ordinance means Oconto County.
- (16) Person: Means any person, firm, partnership, association, corporation, company, or organization of any kind.
- (17) Calendar Year: Means 12:01 a.m. on January 1st to midnight on December 31st.
- (18) Annunciator: Means the instrumentation on an alarm console at the receiving terminal of a signal line which through both visual and audible signals shows when an alarm device at a particular location has been activated or it may indicate line trouble.
- (19) False Alarm: Means any of the following:
 - (A) The activation of an alarm system through negligence of the owner, alarm user or lessee of an alarm system or of his or her employees or agents.
 - (B) The activation of an alarm system through mechanical failure or malfunction because of improper maintenance by the alarm user, owner, lessee or his or her employees or agents.
 - (C) The activation of an alarm system because of improper installation by the alarm

user, owner, or lessee or their employees or agents or the company which installed the system.

- (D) The negligence or improper use of the equipment by the alarm user, owner, lessee or employee.
- (E) False alarm does not include those alarms caused by hurricanes, tornadoes, earthquakes, other violent conditions, or intentionally giving a false alarm as listed in Sec. 941.13, Wis. Stats.

(c) General Requirements.

- (1) Any person having an alarm installed on any business or residence and comes under the definition of alarm user shall, within thirty days of the alarm system becoming fully functional, notify the Oconto County Sheriff's Department of the following:
 - (A) The existence of the alarm and type (i.e. burglary, fire, etc.)
 - (B) The name of the alarm company installing and responsible for the maintenance of the alarm system and their phone number.
 - (C) The name of the alarm user and the phone numbers of two people who can be contacted and will respond to the scene of the alarm to assist officers in checking property. The alarm owner, user or lessee shall also notify the Oconto County Sheriff's Department, within thirty days, of any change in the name or phone numbers for their contact people.
 - (D) The person on whose premises the alarm system is installed shall contact the Sheriff's Department and advise them of who shall be considered the person primarily responsible for the system.
- (2) No type of automatic dialing device, or other alarm system, shall be permitted to be directly connected by any means to the 911 Emergency Number System, except those lines which are directly connected to annunciators on the alarm panel.
- (3) Alarms connected to the annunciators on the alarm panel at the Oconto County Sheriff's Department shall be done via a dedicated telephone line and all costs shall be borne by the alarm user, owner, or lessee.
- (4) No alarm system designed to transmit emergency messages directly to the Sheriff's Department shall be tested or demonstrated without first notifying the Oconto County Sheriff's Department Communications Center.

(d) Penalties.

The owner, alarm user, or lessee of any alarm system shall be allowed three false alarms in a calendar year with no penalty. After the second false alarm, a letter will be sent by the Sheriff's Department to the person indicated as the alarm user informing them of the penalties for the fourth and subsequent offenses. A citation will be issued for fourth and subsequent offenses.

- (1) A forfeiture of \$50 shall be assessed, plus court costs, to the alarm user, owner, or lessee for a fourth offense.

- (2) For fifth and subsequent offenses, a forfeiture of \$100, plus court costs, shall be assessed against the alarm user, owner, or lessee.
 - (3) Failure to provide information concerning Section C-1 General Requirements shall result in the following:
 - (A) Upon a first offense of the information not having been provided, the alarm user, owner, or lessee shall be sent a letter by the Oconto County Sheriff's Department informing them of the provisions of this ordinance.
 - (B) After thirty days of having been notified of the existence of this ordinance, and being given a warning for a first offense, for any second and subsequent offenses a citation shall be issued which shall result in a \$50 forfeiture plus court costs.
- (e) Cooperation of Alarm User, Owner, or Lessee.
- (1) Before an officer can consummate his investigation of an alarm activation, it is necessary for the officer to have the cooperation of the alarm user, owner, lessee, or one of their named contact persons as required by Section C, paragraph C above. The presence of the alarm user, owner, lessee, or one of their named contact person is needed at the scene of the alarm activation to let the officer into locked premises and to provide the officer with details as to any missing/damaged property. That in the past, officers have notified alarm users, owners, or lessees as to the alarm activation but same, on occasion, have refused to appear at the scene. This resulted in an officer making additional trips to the premises to complete his investigation.
 - (2) In the event that the Sheriff's Department notifies an alarm user, owner, or lessee, or one of their named contact persons, as to the activation of their alarm and said user, owner, lessee, or contact person fails to appear at the scene within 45 minutes after the Sheriff's Department notifies said person of the alarm activation, the alarm user, owner, or lessee shall be responsible for paying the costs of the officer in making a trip to the scene; said costs amounting to the sum of \$75.00 per trip. Said sum shall be paid by the alarm user, owner or lessee within 10 days of receiving a bill from the Sheriff's Department for the above costs. That the owner, user, or contact person shall be responsible for paying same regardless of whether or not the alarm was false.

19.900 UNLAWFUL USE OF TELEPHONE

- (a) Whoever does any of the following shall be penalized as provided in paragraph (2).
- (1) 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.
 - (2) With intent to frighten, intimidate, threaten, abuse, harass or offend, telephone another and uses obscene, lewd or profane language or suggests any lewd or lascivious act.
 - (3) Makes or causes the telephone or another repeatedly to ring, with intent to harass any person at the called number.
 - (4) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

- (5) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity with intent to abuse, threaten or harass any person at the called number.
 - (6) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.
 - (7) Intentionally dial the telephone number "911" to report any emergency, knowing that the fact situation does not exist.
- (b) Upon conviction of violating any provision of this ordinance, a person for a first offense with a four year period shall pay a forfeiture of not less than \$50.00 nor more than \$300.00 and for a second or subsequent offense within a four year period, pay a forfeiture of not less than \$200.00 nor more than \$1,000.00, together with the costs of prosecution. In default of payment of the required forfeiture, the person convicted of the violation shall be imprisoned in the Oconto County Jail for a term not to exceed 60 days.

19.1000 POSSESSION OF DRUG PARAPHERNALIA PROHIBITED

- (a) Definitions. The definition of drug paraphernalia set forth at Sec. 961.571(1)(a), Wis. Stats., is hereby adopted and by reference is made a part of this ordinance as if fully set forth herein.
- (b) Possession of Drug Paraphernalia. No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or a controlled substance analog in violation of Chapter 961, Wis. Stats.
- (c) Penalty. Any person who shall violate any provision of subsection (2) of this ordinance shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$1,000.00 for each offense, together with the costs of prosecution and, in default of payment of such forfeiture be imprisoned in the Oconto County Jail until such forfeiture and costs are paid but not exceeding 90 days, or in lieu of imprisonment have his or her operating privilege suspended for 30 days or until the forfeiture is paid but not more than 5 years. Any person who violates subsection (2) of this ordinance who is under 17 years of age is subject to a disposition under Sec. 938.344(2e), Wis. Stats.

19.1100 HARASSMENT OF POLICE ANIMALS

- (a) No person may do any of the following to any animal that is used by a law enforcement agency to perform functions or duties:
 - (1) Frighten, intimidate, threaten, abuse or harass the animal.
 - (2) Strike, shove, kick or otherwise subject the animal to physical contact.
 - (3) Strike the animal by using a dangerous weapon.
- (b) Subsection (1) does not apply to any of the following:
 - (a) Any act that is performed by or with the authorization of the animal's handler or rider.
 - (b) Any act that is necessary for the training of an animal to perform functions or duties for a law enforcement agency.

- (c) Any person who shall violate any provision of Subsection (1) of this ordinance shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00 for each offense, together with the costs of prosecution and, in default of payment of such forfeiture be imprisoned in the Oconto County Jail until such forfeiture and costs are paid but not exceeding 90 days, or in lieu of imprisonment have his or her operating privilege suspended for 30 days or until the forfeiture is paid but not more than 5 years.

19.1200 ANIMALS RUNNING AT LARGE AND UNTAGGED DOGS

- (a) Definitions. (1) Animal running at large. An animal is running at large if it is off the premises of its owner and not under the control of the owner or some other person. A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or train a dog.
 - (2) Untagged dog. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.
 - (3) Animal. As used in this ordinance, an animal shall be defined to mean a dog, an equine animal, including but not limited to a horse, mule, donkey, or an ass, bovine animal, including but not limited to a cow or ox, sheep, goat, pig, or llama.
- (b) Violation. (1) No person shall knowingly, negligently or otherwise permit an animal to run at large.
 - (2) No person shall knowingly, negligently or otherwise permit a dog to be untagged.
- (c) Applicability. This ordinance shall not apply within the corporate limits of any city or village and shall not apply within any town that has enacted an ordinance under Sec. 60.23(30), Wis. Stats.
- (d) Penalty. Whoever violates this ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$100.00 for a first offense and not less than \$50.00 nor more than \$200.00 for a second or subsequent offense together with the costs of prosecution and in default of payment of the forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed 90 days.

19.1300 SALE OR GIFT OF TOBACCO PRODUCTS TO MINORS

- (a) **AUTHORITY AND PURPOSE.** Under Sec. 134.66(5), Wis. Stats., Oconto County may adopt an ordinance regulating the conduct of tobacco sales to minors. This ordinance is adopted pursuant to that authority provided by Sec. 254.916 (1), Wis. Stats. Sec. 254.916(1), Wis. Stats., authorizes the Oconto County Health & Human Services Department to become the designated agents of the Wisconsin Department of Health & Family Services for the purpose to cause unannounced investigations to be conducted at least annually at retail outlets, including sites of tobacco vending machines, to survey overall levels of compliance with Sec. 134.66 (2) (a) and (am), Wis. Stats.
- (b) **APPLICABILITY.** The provisions of this ordinance shall apply to any retailer, manufacturer, distributor, jobber and or sub jobber, agent, employee or independent contractor of any retailer, manufacturer, distributor, or jobber who has obtained a cigarette and tobacco products retailer license from the clerk of the city, village or town wherein such license is sought to be exercised. This ordinance shall apply to all geographic locations in Oconto County. However, this ordinance

shall not apply within any town, village, or city that has adopted or adopts an ordinance under Sec.134.66(5), Wis. Stats.

(c) DEFINITIONS.

- (1) "Cigarette" means any roll of tobacco wrapped in paper or any substance other than tobacco.
- (2) "Compliance Checks" shall mean the system the County or its designated agent uses to investigate and ensure that those authorized to sell tobacco, tobacco products, or tobacco-related devices are following and complying with the requirements of this ordinance. Compliance checks shall involve the use of minors as authorized by this ordinance. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, or tobacco-related devices for educational, research and training purposes as authorized by State and Federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State or local laws and regulations relating to tobacco, tobacco products, or tobacco-related devices.
- (3) "Distributor" means any person who acquires unstamped cigarettes from the manufacturer thereof, affixes stamps to the packages or other containers, stores them and sells them to retailers for resale or who acquires stamped cigarettes.
- (4) "Gift" means providing another person cigarettes or tobacco products in exchange for nothing or nominal consideration.
- (5) "Governmental regulatory authority" means the department, a local health department, a state agency or a state or local law enforcement agency; or a person with whom the local health department, state agency, or state or local law enforcement agency contracts to conduct investigations authorized under Sec. 254.916(1)(a), Wis. Stats. Governmental regulatory authority shall include county officials authorized to issue citations for violations of this ordinance.
- (6) "Identification card" means any of the following:
 - (A) A license containing a photograph issued under Chapter 343, Wis. Stats.
 - (B) An identification card issued under Sec. 343.50, Wis. Stats.
 - (C) An identification card issued under Sec. 125.08, Wis. Stats.
- (7) "Jobber" means any person who acquires stamped cigarettes from manufacturers or distributors, stores them and sells them to retailers for resale.
- (8) "Law enforcement officer" has the meaning given in Sec.165.85(2)(c), Wis. Stats.
- (9) "Manufacturer" means any person who manufactures cigarettes for the purpose of sale, including the authorized agent of a person who manufactures cigarettes for the purpose of sale.
- (10) "Minor" shall mean any natural person who has not yet reached the age of eighteen (18) years.

- (11) "Retailer" means any person who sells, exposes for sale or possesses with intent to sell to consumers any tobacco product.
- (12) "Retail outlet" means a place of business from which cigarettes or tobacco products are sold at retail to consumers.
- (13) A "sale" shall mean any transfer of goods for money, trade, barter, or other consideration.
- (14) "Tobacco products" means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco products" does not include cigarettes, as defined under Sec. 139.30(1), Wis. Stats.
- (15) "Tobacco vending machine" is any mechanical device that automatically dispenses cigarettes or tobacco products when money or tokens are deposited in the device in payment for the cigarettes or tobacco products.
- (16) "Tobacco vending machine operator" means a person who acquires tobacco products or stamped cigarettes from manufacturers, as defined in Sec. 134.66(1)(e), Wis. Stats., stores them and sells them through the medium of tobacco vending machines that he or she owns, operates or services and that are located on premises that are owned or under the control of other persons.
- (17) "School" means a public, parochial or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
- (18) "Stamp" means the authorized indicia of cigarette tax payment including water transfer stamps and heat applied stamps.
- (19) "Sub jobber" means any person, other than a manufacturer or distributor, who buys tobacco products from a distributor and sells or gives them to persons other than the ultimate consumers.

(d) RESTRICTIONS.

- (1) No retailer, manufacturer, distributor, jobber or sub jobber, no agent, employee or independent contractor of a retailer, manufacturer, distributor, jobber or sub jobber and no agent or employee of an independent contractor may sell or provide for nominal or no consideration cigarettes or tobacco products to any person under the age of 18, except as provided in Sec. 254.92(2)(a), Wis. Stats. A vending machine operator is not liable under this paragraph for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.
- (2) No retailer, manufacturer, distributor, jobber, sub jobber, no agent, employee or independent contractor of a retailer, manufacturer, distributor, jobber or sub jobber and no

agent or employee of an independent contractor may provide for nominal or no consideration cigarettes or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.

- (3) A retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this section and Sec. 254.92, Wis. Stats.
 - (4) A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under Sec. 254.92, Wis. Stats. and that the purchaser is subject to a forfeiture of not to exceed \$50.
 - (5) A retailer or vending machine operator may not sell cigarettes or tobacco products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than 18 years of age is present or permitted to enter unless he or she is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.
 - (6) Notwithstanding subd. (a), no retailer may place a vending machine within 500 feet of a school.
 - (7) No retailer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under Sec. 139.32(1), Wis. Stats.
- (e) TRAINING. (1) Except as provided in par. (2), at the time that a retailer hires or contracts with an agent, employee, or independent contractor whose duties will include the sale of cigarettes or tobacco products, the retailer shall provide the agent, employee, or independent contractor with training on compliance with section 19.1300(d)(1) and (2), including training on the penalties under section 19.1300(h) for a violation of section 19.1300(d)(1) and (2). A retailer may comply with this paragraph by providing the training program developed or approved by the department of health and family services or by providing a comparable training program approved by that department. At the completion of the training, the retailer and the agent, employee, or independent contractor shall sign a form provided by the department of health and family services verifying that the agent, employee, or independent contractor has received the training, which the retailer shall retain in the personnel file of the agent, employee, or independent contractor.
- (2) Paragraph (a) does not apply to an agent, employee, or independent contractor who has received the training described in par. (a) as part of a responsible beverage server training course or a comparable training course, as described in Sec. 125.04(5)(a)5, Wis. Stats., that was successfully completed by the agent, employee, or independent contractor.
 - (3) If an agent, employee, or independent contractor who has not received the training described in par. (a) commits a violation of section 19.1300(d)(1) or (2), the County may issue a citation based on that violation only to the retailer that hired or contracted with the agent, employee, or independent contractor and not to the agent, employee, or independent contractor who has not received that training. If an agent, employee, or independent contractor who has received the training described in par. (a) commits a violation of section 19.1300(d)(1) or (2) for which the County issues a citation to the retailer that hired or contracted with the agent, employee,

or independent contractor, the County shall also issue a citation based on that violation to the agent, employee, or independent contractor who has received that training.

(f) PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY MINORS.

- (1) Purchase or possession of cigarettes or tobacco products by person under 18 is prohibited.
- (2) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
- (3) No person under 18 years of age may purchase, attempt to purchase or possess any cigarette or tobacco product except as follows:
 - (A) A person under 18 years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.
 - (B) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes or tobacco products in the course of his or her participation in an investigation under Sec. 254.916, Wis. Stats., that is conducted in accordance with Sec. 254.916(3), Wis. Stats.
- (4) A law enforcement officer shall seize any cigarette or tobacco product that has been sold to and is in the possession of a person under 18 years of age.

(g) DEFENSES. Proof of all of the following facts by a retailer, manufacturer, distributor, jobber, or sub jobber, an agent, employee, or independent contractor of a retailer, manufacturer, distributor, jobber, or sub jobber, or an agent or employee of an independent contractor who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of section 19.1300(d)(1):

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

(h) PENALTIES. (1) A person who commits a violation of Sec. 19.1300(d)(1), (2), (5), (6), or (7) is subject to a forfeiture of:

- (A) Forfeiture for an initial violation shall be not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500).
- (B) Forfeiture for a second violation that occurs within twelve (12) month period shall be not less than Two Hundred Dollars (\$200) nor more than Five Hundred Dollars (\$500).

- (C) Forfeiture for a third violation that occurs within twelve (12) month period shall be not less than Three Hundred Dollars (\$300) nor more than Five Hundred Dollars (\$500).
 - (D) Forfeiture for a fourth violation that occurs within twelve (12) month period shall be not less than Four Hundred Dollars (\$400) nor more than Five Hundred Dollars (\$500).
 - (E) Forfeiture for a Fifth violation that occurs within twelve (12) month period shall be Five hundred dollars (\$500).
- (2) In addition to the forfeiture required under Sec. 19.300(8)(a), the court shall suspend any license or permit issued under Sec. 134.65, 139.34 or 139.79, Wis. Stats., to a person for:
- (A) Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
 - (B) Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
 - (C) Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.
- (3) The court shall promptly mail notice of a suspension under to the department of revenue and to the clerk of each municipality, which has issued a license, or permit to the person.
- (4) Whoever violates section 19.1300(d)(3) or (4) shall forfeit not more than \$25.
- (5) Whoever violates section 19.1300(f)(2) shall forfeit not less than \$50.