

ORDINANCE NO. 97-08

The County Board of Supervisors of the County of Jefferson, Wisconsin, do ordain as follows:

SECTION 1. Ordinance 83-7, as amended from time to time, is hereby repealed and recreated to read:

9.01. BATTERY. 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 may be penalized as provided in 9.19.

9.02. DAMAGE TO PROPERTY. Whoever intentionally causes damage to any physical property of another without the person's consent may be penalized as provided in 9.19.

9.03. TRESPASS TO LAND. (1m) Whoever does any of the following may be penalized as provided in 9.19:

(a) Enters any enclosed, cultivated or undeveloped land of another, other than undeveloped land specified in par. (e) or (f), without the express or implied consent of the owner or occupant.

(am) Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.

(b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

(e) Enters or remains on undeveloped land that is an inholding of another after having been notified by the owner or occupant not to enter or remain on the land.

(f) Enters undeveloped private land from an abutting parcel of land that is owned by the United States, this state or a local governmental unit, or remains on such land, after having been notified by the owner or occupant not to enter or remain on the land.

(2) A person has received notice from the owner or occupant within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted under this subsection under either of the following procedures:

(a) If a sign at least 11 inches square is placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as provided in this paragraph were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this paragraph.

(b) If markings at least one foot long, including in a contrasting color the phrase "private land" and the name of the owner, are made in at least 2 conspicuous places for every 40 acres to be protected.

9.04. TRESPASS TO DWELLINGS. Whoever intentionally enters the dwelling of another without the consent of some person lawfully on the premises, under circumstances tending to create or provoke a breach of the peace, may be penalized as provided in 9.19.

9.05. THEFT. Whoever intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another, having a value not in excess of \$1,000.00, without his consent and with intent to deprive the owner permanently of possession of such property may be penalized as provided in 9.19.

9.051. RETAIL THEFT. (1) Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of the merchant without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise may be penalized as provided in Section 9.19.

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

(3) A merchant, a merchant's adult employee or a merchant's security agent who has reasonable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to his or her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he or she shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. The merchant, merchant's adult employee or merchant's security agent may release the detained person before the arrival of a peace officer or parent or guardian. Any merchant, merchant's adult employee or merchant's security agent who acts in good faith in any act authorized under this section is immune from civil or criminal liability for those acts.

(4) (a) In any action or proceeding for violation of this section, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

(b) A merchant or merchant's adult employee is privileged to defend property as prescribed in s. 939.49, Wis. Stats.

9.06. ISSUE OF WORTHLESS CHECK. Whoever issues any check or other order for the payment of money less than \$1,000.00 which, at the time of issuance, he or she intends shall not be paid, may be penalized as provided in 9.19. In addition to the money forfeiture penalty set forth in Section 9.19, the Court may order a violator to pay restitution to a victim, as set forth in Section 943.24, Wisconsin Statutes.

9.07. DISORDERLY CONDUCT. Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance may be penalized as provided in 9.19.

~~**9.075 CARRY A WEAPON IN THE COUNTY COURTHOUSE.** No person, except a peace officer or other person authorized by the Jefferson County Sheriff, shall possess any knife or other dangerous weapon while in the Jefferson County Courthouse. In this section, "dangerous weapon" means any device designed as a weapon and capable of producing bodily harm or any other device, substance or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm, but does not include firearms, possession of which are regulated by State criminal law. Any person violating this section may be penalized as provided in 9.19. Property possessed in violation of this section is subject to immediate seizure and shall be returned or disposed of in accordance with the procedures set forth in Section 968.20, Wis. Stats., using the definition of "dangerous weapon" contained herein. [created 02/10/04, Ordinance No. 2003-33][repealed 10/11/11, Ord. 2011-15, effective 11/01/2011]~~

9.08. TIRE SQUEALING. Whoever operates a motor vehicle in such a manner that excessive and unnecessary noise is emitted by the tires of such vehicle may be penalized as provided in 9.19.

9.085. EXCESSIVE SPEED AT FAIR PARK. Whoever operates a motor vehicle within the Jefferson County Fair Park at a speed in excess of 10 mph may be penalized as set forth in Section 9.19. This section shall not apply to the operators of county vehicles performing maintenance duties or the operators of vehicles engaged in an authorized program at the Park such as a demolition derby, pursuit driver training, or similar programs, while such operator is engaged in such program in the area authorized for the program. [created 02/12/08, Ord. 2007-44]

9.09. RESISTING/OBSTRUCTING AN OFFICER. (1) Whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority may be penalized as provided in 9.19.

(2) In this section:

(a) "Officer" means a peace officer or other public officer or a public employee having the authority by virtue of the officer's or employee's office or employment to take another into custody.

(b) "Obstructs" includes without limitation knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty, including the service of any summons or civil process.

9.091. HARBORING RUNAWAY. Whoever does the following may be penalized as provided in Section 9.19: Knowingly allows, permits or boards any minor child at his or her residence, property or place of business, where the person knows or should have known the child to be a runaway from his or her parent, guardian or legal custodian.

9.092. FALSE ALARM. Whoever intentionally gives a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise, may be penalized as provided in Section 9.19.

9.10. ALCOHOL BEVERAGE REGULATION. Section 125.07(1), (3), (4) and (5), and Section 125.09(2), 1995 Wisconsin Statutes, describing and defining offenses with respect to sale of alcohol beverages to minors or possession of alcohol beverages by minors, inclusive of the penalty provisions stated therein, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this ordinance. This section does not apply within any municipality that has adopted or adopts an ordinance under section 125.10(2), Wisconsin Statutes.

9.105. ALCOHOL BEVERAGE - FAIRGROUNDS REGULATION. (1) No user of, or visitor to, the Fairgrounds may bring or cause to be brought any alcoholic beverage onto the Fairgrounds, with the exception of lessees whose contract authorizes sale or dispensing of such beverages. Such lessees shall be subject to all state, county and local regulations as are applicable.

(2) The purchase, possession or consumption of any alcoholic beverage is prohibited outside the beer stand area, the designated grandstand area, the designated entertainment tent area or such other areas as designated by the Fair Park Committee. Adequate signs shall be present to notify the public of the permitted and prohibited areas for possession and consumption of alcohol beverages. All state, county or local restrictions consistent with this ordinance are also applicable on the Fairgrounds. [am. 06-11-2013, Ord. No. 2013-06]

(3) Any person who violates this ordinance shall be subject to the general penalties of Section 9.19.

9.11. POSSESSION OF MARIJUANA. No person shall possess 25 grams or less of marijuana, as defined in Section 961.01(14), Wisconsin Statutes, subject to the exceptions in Section 961.41(3g)(Intro.). No person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in this state shall be prosecuted under this section. Any person violating this section may be penalized as provided in 9.19. [Amended 02/14/06, Ord. No. 2005-44]

9.115 POSSESSION AND DELIVERY OF DRUG PARAPHERNALIA. (1) In this section, "drug paraphernalia" has the meaning given in Wis. Stat. § 961.571. Wis. Stat. §961.572 shall apply when determining whether an object is drug paraphernalia.

(2) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Wis. Stat. ch. 961.

(3) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Wis. Stat. ch. 961.

(4) Any person violating this section shall, upon conviction thereof, be penalized as provided in Section 9.19. [Created 02/14/06, Ordinance No. 2005-44]

9.12. LIVESTOCK RUNNING AT LARGE. Any person owning or keeping livestock who negligently or intentionally permits the livestock to trespass on lands of another or upon highways except as otherwise permitted by law may be penalized as provided in 9.19. For purposes of this subsection, livestock shall be defined as one or more horse, cow, pig, sheep, goat, buffalo, llama, rhea, ostrich, emu, any domestic or exotic fowl, or any animal raised in captivity.

9.13. KEEPING UNLICENSED DOGS. (1) It shall be unlawful for any person to keep an unlicensed dog over the age of five months in those areas governed by this ordinance.

(2) The occupant of any premise on which a dog remains or to which it customarily returns daily for a period of five days is presumed to be the keeper of said dog.

(3) Any peace officer or public health officer may cause any dog which has bitten any person to be confined as required by Chapter 24 of the County Ordinances.

(4) Any person violating this section may be penalized as provided in Section 9.19.

9.14. DOGS RUNNING AT LARGE AND UNTAGGED DOGS SUBJECT TO IMPOUNDMENT; PENALTIES. (1) **DOG RUNNING AT LARGE.** A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

(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) **DOG RUNNING AT LARGE OR UNTAGGED DOG SUBJECT TO IMPOUNDMENT.** An officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(4) PENALTIES. If the owner of a dog negligently or otherwise permits the dog to run at large or be untagged, the owner may be penalized as set forth in 9.19.

(5) APPLICABILITY. This section shall not apply in any city or village, nor in any town that has enacted an ordinance under Section 60.23(30), Wisconsin Statutes.

9.15. NOISY ANIMALS OR FOWL. No person shall harbor or keep a dog, other animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making other noises, shall cause serious annoyance or disturb two or more persons in the area where said animal is kept. The owner or keeper of such animal may be penalized as provided in 9.19.

9.16. FIREWORKS. Section 167.10(1), (2), and (3), 1995 Wisconsin Statutes, describing and defining offenses with respect to sale, possession or use of fireworks as defined therein, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by the statute sections incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this ordinance. Any person violating this section may be penalized as provided in Section 9.19.

9.17. CONSTRUCTION. Sections of this ordinance for which statutory counterparts exist shall be construed as if the entire statutory counterpart were adopted herein by reference as such statutory counterpart may be amended from time to time.

9.18. ENFORCEMENT. The District Attorney shall prosecute violations of this ordinance.

9.19. PENALTIES. Any person who violates the provisions of this ordinance, except Section 9.10 or Section 9.14, shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$1,000.00, the costs of prosecution, penalty assessment pursuant to Section 165.87, Statutes, any other applicable statutory assessment or fee, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 90 days. Any person who violates the provisions of Section 9.10 shall be penalized pursuant to the incorporated statutory penalties. Any person who violates Section 9.14 shall be penalized pursuant to Section 174.042(4), Wisconsin Statutes. If a child age 16 or older fails to pay a forfeiture imposed by a court of civil jurisdiction, the court may suspend any license issued under Chapter 29 for not less than 30 days nor more than five years, or suspend the child's operating privilege, as defined in Section 340.01(40) for not less than 30 days nor more than five years.

ADOPTED 06/10/97

LAST AMENDED 06/11/2013