

## Chapter 46 OFFENSES AND MISCELLANEOUS PROVISIONS\*

\*Cross references: Court, ch. 18; law enforcement, ch. 42; traffic and vehicles, ch. 58.

On March 13, 2012, the County Board adopted ordinance revisions to codify Resolution No. 39-11, which restructured the County Board committees, boards, and commissions in anticipation of the downsizing of the County Board from 29 to 15 supervisors. Not all ordinance subsections were revised, but those subsections that had material changes will be specifically designated at the end of those subsections.

- Sec. 46-1. Offenses against state laws subject to forfeiture.
- Sec. 46-2. False alarms.
- Sec. 46-3. Unnecessary accelerating vehicles.
- Sec. 46-4. Misrepresenting age.
- Sec. 46-5. Prohibited use of official identification cards.
- Sec. 46-6. Trespass.
- Sec. 46-7. Purchase or possession of tobacco products by children prohibited.
- Sec. 46-8. Dogs running at large.
- Sec. 46-9. Dog license code.
- Sec. 46-10. Display of bright lights at night prohibited.

### Sec. 46-1. Offenses against state laws subject to forfeiture.

The following statutes are adopted by reference to define offenses against the peace and good order of the county, provided that the penalty for commission of such offenses under this chapter shall be limited to a forfeiture imposed under section 1-11:

#### TABLE INSET:

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|-----|-----------------------------------|--|
| (a) | Wis. Stats. § 110.075(7)          | Producing/using inspection sticker fraudulently                    |
| (b) | Wis. Stats. § 101.23              | Smoking Prohibited   |
| (c) | Wis. Stats. § 134.06              | Bonus to chauffeur prohibited                                      |
| (d) | Wis. Stats. § 134.71(10)          | Violations by secondhand dealers                                   |
| (e) | Wis. Stats. § 175.25              | Illegal storage of junked vehicles                                 |
| (f) | Wis. Stats. § 218.0145            | Used cars/prohibited acts  |
| (g) | Wis. Stats. § 218.0147            | Motor vehicles/sale or lease to minor                              |
| (h) | Wis. Stats. § 254.76              | Careless smoking   |
| (i) | Wis. Stats. § 285.30              | Pollution by motor vehicle/tampering with pollution control system |
| (j) | Wis. Stats. § 941.01              | Negligent operation of vehicle                                     |
| (k) | Wis. Stats. § 941.10              | Negligent handling of burning material                             |
| (l) | Wis. Stats. § 941.12(2), (3)      | Interfering with firefighting                                      |
| (m) | Wis. Stats. § 941.13              | False alarms   |
| (n) | Wis. Stats. § 941.20(1)           | Reckless use of weapons  |
| (o) | Wis. Stats. § 941.23              | Carrying concealed weapon  |
| (p) | Wis. Stats. § 941.24              | Possession of switchblade knife                                    |
| (q) | Wis. Stats. § 941.35              | Emergency telephone calls  |
| (r) | Wis. Stats. § 943.01(1)           | Criminal damage to property (less than \$1,000.00)                 |
| (s) | Wis. Stats. § 943.017             | Graffiti   |
| (t) | Wis. Stats. § 943.07(1), (2), (3) | Criminal damage to railroad  |

(u)	Wis. Stats. § 943.07(4)	Intentionally depositing debris on railroad
(v)	Wis. Stats. § 943.11	Entry into locked vehicle
(w)	Wis. Stats. § 943.125	Entry into locked coin box
(x)	Wis. Stats. § 943.13	Criminal trespass to land
(y)	Wis. Stats. § 943.14	Criminal trespass to dwelling
(z)	Wis. Stats. § 943.20	Theft (\$1,000.00 or less)
(aa)	Wis. Stats. § 943.21	Fraud on hotel or restaurant keeper (\$1,000.00 or less)
(bb)	Wis. Stats. § 943.22	Use of cheating tokens
(cc)	Wis. Stats. § 943.23(4m)	Operate auto without owner's consent
(dd)	Wis. Stats. § 943.24	Issue of worthless checks (less than \$1,000.00)
(ee)	Wis. Stats. § 943.34(1)	Receiving stolen property, value less than \$1,000.00
(ff)	Wis. Stats. § 943.37	Alteration of property identification marks
(gg)	Wis. Stats. § 943.41(2), (3)(a--d) or (4)(b)	Credit card crimes, value less than \$1,000.00
(hh)	Wis. Stats. § 943.50	Retail theft (shoplifting, value not exceeding \$1,000.00)
(ii)	Wis. Stats. § 944.15	Fornication
(jj)	Wis. Stats. § 944.17	Sexual gratification
(kk)	Wis. Stats. § 944.20	Lewd and lascivious behavior
(ll)	Wis. Stats. § 944.30	Prostitution
(mm)	Wis. Stats. § 944.31	Patronizing prostitutes
(nn)	Wis. Stats. § 944.33(1)	Pandering
(oo)	Wis. Stats. § 944.36	Solicitations prohibited
(pp)	Wis. Stats. § 945.01	Definitions relating to gambling
(qq)	Wis. Stats. § 945.02	Gambling
(rr)	Wis. Stats. § 945.04	Permitting premises to be used for commercial gambling
(ss)	Wis. Stats. § 946.06	Improper use of flag
(tt)	Wis. Stats. § 946.32	False swearing
(uu)	Wis. Stats. § 946.40	Refusing to aid officer
(vv)	Wis. Stats. § 946.41(1)	Resisting or obstructing officer
(ww)	Wis. Stats. § 946.42(1)	Escape
(xx)	Wis. Stats. § 946.69(1)	Falsely assuming to act as a public officer
(yy)	Wis. Stats. § 946.70	Impersonating a peace officer
(zz)	Wis. Stats. § 946.72(2)	Tampering with public records and notices
(aaa)	Wis. Stats. § 947.01	Disorderly conduct
(bbb)	Wis. Stats. § 947.012	Unlawful use of telephone
(ccc)	Wis. Stats. § 947.06	Unlawful assemblies
(ddd)	Wis. Stats. ch. 951	Crimes against animals
(eee)	Wis. Stats. § 961.41	Unlawful manufacture/delivery of controlled substance
(fff)	Wis. Stats. § 961.41	Possession of marijuana
(ggg)	Wis. Stats. § 961.573	Possession of drug paraphernalia

(Ord. No. 02-11, 05-10-2011; Ord. No. 01-15, 03-10-15)

#### **Sec. 46-2. False alarms.**

- (a) *Definition.* The term "false alarm" means an alarm signal which elicits a response by law enforcement officers or fire prevention personnel when, in fact, a situation requiring a response does not exist.
- (b) *Forfeiture.* Any person having a burglar alarm, or any type of intrusion or fire alarm, shall forfeit the following amounts for the indicated number of false alarms responded to by law enforcement officers or fire protection personnel within a calendar year:

## TABLE INSET:

<u>Number of False Alarms Forfeiture</u>	
Up to 3	\$ 0.00
4 to 5	\$ 25.00 each
6 and over	\$100.00 each

(Code 1980, § 5.09)

**Sec. 46-3. Unnecessary accelerating vehicles.**

- (a) *Prohibited.* No person shall cause, by excessive and unnecessary acceleration, the tires of any vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the public peace.
- (b) *Penalty.* Any person who shall violate this provision shall be subject to a penalty as provided in section 1-11.

(Code 1980, § 5.11)

**Sec. 46-4. Misrepresenting age.**

- (a) No person shall falsely represent that he or she has attained the legal drinking age for the purpose of asking for, or receiving, fermented malt beverages and intoxicating liquor from a keeper of any place for the sale of fermented malt beverages and intoxicating liquor.
- (b) Any person who violates this section is subject to section 1-11, except that disposition in proceedings against a person under 18 years of age shall be as provided by Wis. Stats. § 48.344.

(Code 1980, § 5.16)

**Sec. 46-5. Prohibited use of official identification cards.**

- (a) No person shall:
- (1) Represent as valid any cancelled, fictitious or fraudulently altered identification card.
  - (2) Sell or lend his identification card to any other person or knowingly permit the use thereof by another.
  - (3) Represent as one's own any identification card not issued to him.
  - (4) Permit any unlawful use of an identification card issued to him.
  - (5) Reproduce by any means whatever an identification card.
  - (6) Deface or alter an identification card.

- (b) Any adult person who is convicted of violating this section shall be subject to section 1-11. A minor who violates this section is subject to a forfeiture of not more than \$25.00, except that disposition in proceedings against a person under 18 years of age shall be as provided by Wis. Stats. § 48.344.

(Code 1980, § 5.17)

**Sec. 46-6. Trespass.**

- (a) *Trespass to land.* Whoever does any of the following prohibited acts may, upon conviction thereof, be subject to the penalty established in subsection (c) of this section.
- (1) Enters any enclosed or cultivated land of another with intent to catch or kill any birds, animals or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities.
  - (2) 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.
  - (3) Hunts, shoots, fishes or gathers any product of the soil on the premises of another, or enters such premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.
  - (4) Enters any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.
  - (5) Enters the dwelling of another without the consent of some person lawfully upon the premises under circumstances tending to create or provoke a breach of peace.
- (b) *Notice.* A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign at least 11 inches square shall be placed in at least two conspicuous places for every 40 acres to be protected. The sign shall 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 the legal title but is a lawful occupant of the land. Proof that appropriate signs as provided in this subsection were erected or in existence upon the premises to be protected within six months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this subsection.
- (c) *Penalty.* Any person found guilty of violating this section is subject to a penalty as provided in section 1-11

(Code 1980, § 5.18)

**Sec. 46-7. Purchase or possession of tobacco products by children prohibited.**

- (a) *State law adopted.* The provisions of Wis. Stats. § 254.92 regarding the purchase or possession of tobacco products by a person under 18 years of age and any and all existing and future amendments, revisions, or modifications thereto, are hereby adopted in their entirety.

- (b) *Penalty.* Any person violating subsection (a) of this section shall be subject to a forfeiture as set forth in section 1-11.
- (c) *Exceptions.* This section does not apply within any town, city or village in the county that has adopted or adopts an ordinance in conformity with Wis. Stats. § 254.92.

(Ord. No. 12-02, § 1, 9-10-2002)

**Sec. 46-8. Dogs running at large.**

- (a) *State law adopted.* The provisions of Wis. Stats. § 174.042 regarding dogs running at large and untagged dogs and any and all existing and future amendments, revisions, or modifications thereto, are hereby adopted in their entirety.
- (b) *Penalty.* Any person violating subsection (a) of this section shall be subject to a forfeiture as set forth in section 1-11.

(Ord. No. 13-02, § 1, 9-10-2002)

**Sec. 46-9. Dog license code.**

- (a) *Dog license fund.*

The dog license fund shall be maintained by the county treasurer pursuant to Wis. Stats. pursuant to Wis. Stats. § 174.09. The fund shall receive all dog license fees as collected by the county municipalities. The purpose of the dog license fund is to provide for expenses related to dog damage claims with a limit that is noted in County Ordinance 2-472 (f), expense needed for providing books, forms, assessment costs and other supplies required to administer the dog license law, and to cover the cost of expenses incurred by the county under Wis. Stats. §§ 95.21 (4) (b) and (8). The county treasurer shall pay to the municipalities that contributed dog license fees, any surplus in excess of \$1,000.00 which may remain from the dog license taxes of any license year on March 1 of the succeeding year. The surplus funds paid to the municipalities shall be paid in proportion to the original contribution by the municipalities.

- (b) *Claims for damage.* Dog damage claims shall be filed with the county clerk within 30 days after it has been filed with the local jurisdiction. A report of the investigation, the testimony taken and the amount of the damages shall be included in the claim. The county clerk shall forward the claim to the agricultural agent in the UW Extension office to review the amount of the damages for fair market value. The agricultural agent then will report his/her findings back to the county clerk. The county clerk shall submit to the

County Board at its first meeting, following the receipt of any such claim, all claims filed and reported and the claims shall be acted upon and determined by the county board as other claims are determined and acted upon. Evidence may be taken before the County Board relative to the claims as in other cases and appeals from the action of the County Board shall lie as in other cases.

- (c) *Dog license tax.* As allowed by Wis. Stats. § 174.05(3), Chippewa County has adopted a resolution setting the minimum dog license tax on dogs within its jurisdiction. Fees will be set by resolution from time to time.

(Ord. No. 6-04, 10-14-2004, 06-14-2011)

**Sec. 46-10. Display of bright lights late at night prohibited.**

- (a) *Purpose.* The County Board finds that the public peace and good order of this county are threatened by frequent incidents involving the displaying of bright lights late at night disturbing rural residents.
- (b) *Construction.* This section shall not be construed as a regulation of hunting or hunters. It shall apply to all persons, whether hunting or not.
- (c) *Display prohibited.* No person shall display and direct a beam of light from 9:30 p.m. to one-half hour before sunrise in or outside of a motor vehicle except in the case of an emergency.
- (d) *Exceptions.*
- (1) Any hand held flashlight powered by not more than two size D dry celled batteries.
  - (2) Lights displayed within any incorporated city or village.
  - (3) Lights displayed on a person's own property, whether owned or rented, or with permission of the owner or tenant.
  - (4) The headlights of a vehicle which is actually traveling on a public road or private driveway. Parked vehicles shall turn headlights off, but parking lights and warning flares may be used at any time to mark a parked or disabled vehicle.
  - (5) A light of any description displayed from a motor vehicle on a public highway for the sole purpose of reading roadside signs or information upon mailboxes; but the burden shall be on the defendant to establish by clear, satisfactory and convincing evidence that this was his sole purpose in displaying such light.
  - (6) Any light or illumination device used by a traffic or police officer or conservation warden in the performance of his duties.
  - (7) Street and traffic lights erected by governmental units.
- (e) *Enforcement.* This section may be enforced by any peace officer or conservation warden in the county.
- (f) *Penalty.* Any person found violating this section shall be subject to a penalty as provided in section 1-11 of this Code.

(Code 1980, § 5.12)