

ORDINANCE # 02-2020

TOWN OF LITTLE SUAMICO
AN ORDINANCE APPROVING AND ADOPTING OF
CHAPTER 3 – PUBLIC SAFETY

Whereas, the Town of Little Suamico Board of Supervisors may, pursuant to its powers, pass regulations to protect the health and safety of its residents; and in public interest to adopt a public safety ordinance; and

Now Therefore the Town of Little Suamico Board of Supervisors has, after extensive review, examination and consideration recommended the adoption of the Public Safety Ordinance the manner made and provided:

SECTION ONE: That the Code of Ordinance add thereto the Public Safety Ordinance, in the manner made and provided in Addendum "B" hereto, be, and the same hereby is, approved as the Public Safety Ordinance for the Town of Little Suamico.

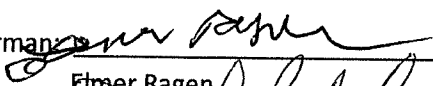
Chapter 3 Public Safety Sections 3.01 to 3.86, and 3.199

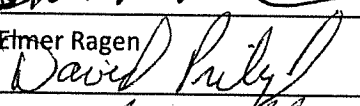
SECTION TWO: That all Ordinances in conflict herewith be, and the same hereby are, repealed.

SECTION THREE: That this Ordinance shall take effect immediately upon the passage and publication of the same as made and provided by law.

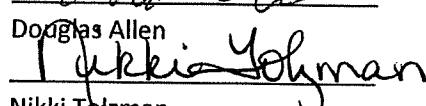
Submitted this 9th day of March, 2020

BY: TOWN OF LITTLE SUAMICO BOARD OF SUPERVISORS

Chairman: 
Elmer Ragen

Supervisor: 
David Pribyl

Supervisor: 
Douglas Allen

Clerk: 
Nikki Tolzman

Adopted by Vote:

Ayes: ☒ Nays: ☐ Absent: ☐

Revised	Replaces	Notes
		Adopted 03-09-2020

Addendum B

CHAPTER 3**PUBLIC SAFETY**

- 3.01 State Statutes Adopted**
- 3.02 Disorderly Conduct Prohibited**
- 3.03 Curfew**
- 3.04 Contributing to Delinquency of Minor**
- 3.05 Regulation of Weapons and Firearms**
- 3.06 Regulation of Fireworks**
- 3.07 Regulation of Noise**
- 3.08 Speed Limits**
- 3.09 Disrupting a Funeral or Memorial Service**
- 3.10 Causing Violence or Breach of the Peace by Damaging or Destroying a U.S. Flag**
- 3.11 Hazing**
- 3.12 False Complaints of Police Misconduct**
- 3.13 Intimidation of a Witnesses**
- 3.14 Intimidation of a Victims**
- 3.15 Duty to Aid Victim or Report Crime**
- 3.16 Battery**
- 3.17 Attempted Battery**
- 3.18 Refusing to Aid Officer**
- 3.19 Escape**
- 3.20 Impersonating Peace Officers**
- 3.21 Loud and Unnecessary Noise Prohibited**
- 3.22 Restrictions on the use of Laser Pointers**
- 3.23 Obstructing Emergency or Rescue Personnel**
- 3.24 Resisting or Obstructing an Officer**
- 3.25 Neglecting a Child**
- 3.26 Prohibiting the Harboring of Minors without Parental Consent**
- 3.27 Tattooing of Children**
- 3.28 Loitering/Prowling**
- 3.29 Loitering in School and Playground Areas Prohibited**
- 3.30 Possession of Oleoresin of Capsicum by a Felon**
- 3.31 Possession of Nitrous Oxide**
- 3.32 Consumption & Possession of Intoxicating Liquors or Fermented Malt Beverages on Public Ways & Public Property**
- 3.33 Solicitation of Drinks Prohibited**
- 3.34 Drinking in Common Carriers**
- 3.35 Abandoned or Unattended Refrigerators, Etc. Prohibited**
- 3.36 Drug Paraphernalia**
- 3.37 Possession of Marijuana**
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- 3.40 Issuance of Worthless Checks**
- 3.41 Petty Theft**
- 3.42 Attempted Petty Theft**
- 3.43 Retail Theft**

- 3.44 Theft of Cellular Telephone Service
 - 3.45 Theft of Television Service
 - 3.46 Theft of Satellite Cable Programming
 - 3.47 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
 - 3.48 Removal of Shopping Cart
 - 3.49 Receiving Property from a Child
 - 3.50 Receiving Stolen Property
 - 3.51 Fraud on Hotel or Restaurant Keeper, Recreational Attraction, Taxicab Operator, or Gas Station
 - 3.52 Fraudulent Return of Merchandise
 - 3.53 Trespass to Land
 - 3.54 Trespass to Dwellings
 - 3.55 Criminal Trespass to a Medical Facility
 - 3.56 Entry onto a Construction Site or into a Locked Building, Dwelling, or Room
 - 3.57 Entry into a Locked Vehicle
 - 3.58 Entry into Locked Coin Box
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 - 3.64 Sending Obscene or Sexually Explicit Electronic Messages
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 - 3.75 Vagrancy
 - 3.76 Exposing a Child to Harmful Material or Harmful Descriptions or Narrations
 - 3.77 Sexual Assault (Fourth Degree)
 - 3.78 Invasion of Privacy
 - 3.79 Smoking Prohibited in Certain Areas
 - 3.80 Synthetic Cannabinoid Prohibited
 - 3.81 Misuse of 911 Emergency Telephone Service
 - 3.82 Defamation
 - 3.83 Giving False Information for Publication
 - 3.84 Opening Letters
 - 3.85 Representation Depicting Nudity
 - 3.86 Use of a Drone
 - 3.199 Penalty, Severability, and Enforcement
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3.01 STATE STATUTES ADOPTED. The following provisions of the Wisconsin Statutes, including all future amendments, revisions and modifications thereto are hereby incorporated herein by reference and made of part of this Code of Ordinances and subject to the penalty provisions made and provided in Section 3.199, hereof:

- | | | |
|------|--------------------------|--|
| (1) | Chapter 167, Wis. Stats. | Safeguard of Persons and Property |
| (2) | Chapter 939, Wis. Stats. | Crimes - General Provisions |
| (3) | Chapter 940, Wis. Stats. | Crimes Against Life and Bodily Security |
| (4) | Chapter 941, Wis. Stats. | Crimes Against Public Health and Safety |
| (5) | Chapter 942, Wis. Stats. | Crimes Against Reputation and Civil Liberties |
| (6) | Chapter 943, Wis. Stats. | Crimes Against Property |
| (7) | Chapter 944, Wis. Stats. | Crimes Against Sexual Morality |
| (8) | Chapter 945, Wis. Stats. | Gambling |
| (9) | Chapter 946, Wis. Stats. | Crimes Against Government and Its Administration |
| (10) | Chapter 947, Wis. Stats. | Crimes Against Public Peace, Order and Other Interests |
| (11) | Chapter 948, Wis. Stats. | Crimes Against Children |
| (12) | Chapter 951, Wis. Stats. | Crimes Against Animals |
| (13) | Chapter 968, Wis. Stats. | Domestic Abuse |
| (14) | Chapter 938, Wis. Stats. | Children's Code |
| (15) | Chapter 961, Wis. Stats. | Uniformed Control Substances Act |

3.02 DISORDERLY CONDUCT PROHIBITED. No person shall within the Town in any public or private place, engage in any violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public peace or order, including, but not limited to, causing, provoking or engaging in any fight, brawl, riot or other physical altercation.

3.03 CURFEW

(1) Definitions. The following definitions shall apply herein:

- (a) "*Curfew Hours*" shall mean that time between 11:00 p.m. and 6:00 a.m. of the following day.
- (b) "*Emergency*" shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (c) "*Establishment*" means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
- (d) "*Guardian*" shall mean any person who, under court order, is a guardian of a person or a minor; or, a public or private agency with whom a minor has been placed by a court.
- (e) "*Loiter*" shall mean remaining idle or linger in one general location or defined area.
- (f) "*Minor*" means any person under the age of eighteen (18) years of age.

- (g) “*Operator*” means any individual, firm, association, partnership or corporation operating, managing or conducting any Establishment with the Town. The term includes the members or partners of an association or partnership and the officer of a corporation or a limited liability company.
 - (h) “*Parent*” means a person who is a natural parent, adoptive parent, or stepparent to another person; or, a person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care or custody of a minor.
 - (i) “*Premises*” shall mean the real property on which Establishment or Public Place is located.
 - (j) “*Public Place*” means any place to which the public, or a substantial group of the public, has access and includes, but it is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
 - (k) “*Remain*” means to linger or stay; or, the failure to leave a Premises when requested to do so by a law enforcement officer or the owner, operator or other person in control of the Premises.
- (2) Curfew Violation. No minor shall remain in or on the Premises of an Establishment or a Public Place within the Town during Curfew Hours except as provided in Section 3.03(3) hereof.
- (3) Contributing to Curfew Violation. No parent or guardian of a minor shall knowingly permit, or by insufficient control, allow a minor to remain in any public place or on the premises of any establishment within the Town during curfew hours. No owner, operator or employee of an establishment shall knowingly allow a minor to remain upon the premises of the establishment during curfew hours.
- (4) Curfew Exceptions. The following exceptions shall apply to the curfew regulations set forth herein:
- (a) The minor is accompanied by the minor’s parent or guardian.
 - (b) The minor is on an errand at the direction of the minor’s parent or guardian and is in the process of carrying out that errand without detour or deviation.
 - (c) The minor is engaged in an employment activity or going to or returning from an employment activity during the curfew hours.
 - (d) The minor is involved in an emergency situation.
 - (e) The minor is attending an official school, religious or other recreational activity supervised by adults and sponsored by the county, or by any city, Town or town, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or recreational activity supervised by adults and sponsored by the county, or by any city, Town, town, civic organization or other similar entity that takes responsibility for the minor.
- (5) Daytime Curfew. No minor who is subject to compulsory school attendance shall

be present in any place within the Town, except in attendance at such minor's school or residence, during regular school attendance hours on days when such minor's school is in session unless such minor:

- (a) Is attending a school related function at a premises other than the minor's school of record.
- (b) Has a written excuse from school attendance from the minor's parent or guardian.
- (c) The minor is in the presence of the minor's parent or guardian.

3.04 CONTRIBUTING TO DELINQUENCY OF CHILD. No person shall knowingly encourage, entice, permit, solicit or assist a minor in or to the commission or attempted commission of any act or omission that is or would be a violation of the is Code of Ordinances or knowingly fail to take any action that would prevent a minor from the commission or attempted commission of any act that is or would be a violation of this Code of Ordinances. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.40 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.05 WEAPONS AND FIREARMS REGULATIONS.

- (1) Definitions. For purposes of this Section, the following definitions are hereby incorporated by reference and shall apply herein:
 - (a) The definitions set forth in Section 175.60(1), Wis. Stats.
 - (b) The definitions set forth in Section 939.22, Wis. Stats.
 - (c) The definitions set forth in Sections 941.23(1), 941.24 and 941.295(1c), Wis. Stats.
 - (d) The definitions set forth in Section 943.13(1e), Wis. Stats.
- (2) Carrying Weapons. The following restrictions shall apply to the carrying of weapons or firearms within the Town.
 - (a) The provisions of Sections 175.60, Wis. Stats., 941.23, Wis. Stats., and 943.13, Wis. Stats., are incorporated herein.
 - (b) No person, except authorized law enforcement personnel or a person licensed to carry a firearm or weapon under Sec. 175.60, Wis. Stats., who shall have such license on their person, shall have in their possession or under their control a firearm or weapon, as defined herein, unless such firearm or weapon is unloaded and knocked down or enclosed within a carrying case or other suitable container.
 - (c) In addition to the places identified in Sec. 175.60, Wis. Stats., where the carrying of a weapon is prohibited, including the exceptions thereto, no person, other than authorized law enforcement personnel may enter the following Town municipal buildings while carrying a weapon or firearm:
 - 1. Town Hall
 - 2. Such other public facilities or structures as shall, from time to time, be determined by the Town Board
 - (d) No person, other than authorized law enforcement personnel, shall carry a weapon upon the grounds of any Special Event, as defined in Section 943.13(1e)(h), Wis. Stats., being held upon any municipal grounds or

property within the Town unless the carrying of weapons at such event is otherwise authorized and approved by the Town Board prior to such event.

- (3) Discharge of Weapons. No person may discharge a weapon or firearm within the Town unless:
- (a) The person discharging the firearm is justified in so doing or would have been subject to a defense described in Sec. 939.45, Wis. Stats., at the time of such discharge.
 - (b) The person is engaged in the act of hunting in an area designated for such activity at a time when such activity is authorized by law and the person is properly licensed and authorized to hunt at that time and location.
- (4) Signage. Signs in compliance with the provisions of Sec. 943.13(2)(bm)(1), Wis. Stats., shall be posted in prominent locations near the entrances of all building identified in sub. (4)(c) above and at the entrances to all Special Events identified in sub.(4)(d) above.
- (5) Penalties.
- (a) Persons violating the provisions of this Section shall be subject to a forfeiture.
 - (b) Persons violating the provisions of Sec. 175.60(2g)(b) or (c), Wis. Stats., shall be subject to a forfeiture; however, that the person shall be exempt from the forfeiture hereunder if, within 48 hours of the issuance of the citation for said violation, the violator presents their Sec. 175.60, Wis. Stats., licensure documentation.

3.06

REGULATION OF FIREWORKS

- (1) Definitions. For purposes hereof, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- (a) Fuel or a lubricant.
 - (b) A firearm cartridge or shotgun shell.
 - (c) A flare used, possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 - (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (f) A toy snake which contains no mercury.
 - (g) A model rocket engine.
 - (h) Tobacco and a tobacco product.
 - (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.

- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 - (k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
 - (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
 - (2) Sale of Fireworks Regulated. No person may sell or possess with intent to sell fireworks, unless any of the following apply:
 - (a) The person sells the fireworks, or possesses the fireworks with intent to sell them to a person holding a permit under sub. (3)(c) hereof.
 - (b) The person sells the fireworks, or possesses the fireworks with intent to sell them, to a city, Town or town.
 - (c) The person sells the fireworks, or possesses the fireworks with the intent to sell them to a person who is not a resident of this state.
 - (d) The person sells the fireworks, or possesses the fireworks with the intent to sell them for a purpose specified in sub. (3)(b) 2 through 6 hereof.
 - (3) Use of Fireworks Regulated. No person may possess or use fireworks within the Town without a user's permit issued by the Town except as is specifically authorized under the provisions of Sections. 167.10(3), Wis. Stats. The burden of proving compliance with and authorization under Section 167.10(3), Wis. Stats., shall be the individual or entity claiming authorization or permission.
 - (4) Penalty. Persons violating the provisions of this Section shall be subject to a forfeiture.
- 3.07 REGULATION OF NOISE.
- (1) Definitions.
 - (a) ANSI Definitions Adopted. All acoustical terminology shall be that contained in ANSI, S1.1, "Acoustical Terminology" is hereby adopted and incorporated herein by reference.
 - (b) Additional Definitions.
 - 1. "ANSI" shall mean the "American National Standards Institute".
 - 2. "Daytime Hours" shall mean the time between 7:00 A.M. and 10 P.M.
 - 3. "Light Motor Vehicle" shall mean any automobile, van, motor-cycle, motor driven cycle, motor scooter, or light truck with a gross vehicular weight of less than eight thousand (8,000) pounds.
 - 4. "Nighttime Hours" shall mean the hours between 10:00 P.M. and 7:00 A.M.
 - 5. "Person" shall mean any person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.
 - 6. "Real Property Boundary" shall mean an imaginary line along the

ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(2) Limitations.

- (a) General Limitation. No person shall allow, permit or cause a noise level, as measured from a real property boundary, to exceed the following:

<u>Octave Band Frequency</u> <u>(Cylces per Second)</u>	<u>Sound</u> <u>(Decibels)</u>
0 to 75	79 dBa
76 to 150	67 dBa
151 to 300	59 dBa
301 to 600	52 dBa
601 to 1200	46 dBa
1201 to 2400	40 dBa
2401 to 4800	34 dBa
Above 4801	32 dBa

- (b) Light Motor Vehicle Limitation. No person shall cause noise levels from the operation of a light motor vehicle to exceed 80 dBa within the Town as measured from at least fifteen (15) feet from the vehicle.
- (c) Electrical Sound Amplification. During nighttime hours, no person may operate a radio, jukebox, or other electrical sound amplification device emitting a sound that is audible from a distance of more than 75 feet from the real property boundary of the property from which the sound is emanating.

- (3) Measurement. When required pursuant to his ordinance, measurement of sound pressure shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 - 1971) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 - 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order and operated in accordance with the manufacturer's instructions.

- (4) Exemptions. The following activities shall be exempt from the noise regulations, prohibitions and limitations under this Section provided that reasonable steps are taken to minimize the noise emitted:

- (a) Construction Sites, Public Utility Projects, Public Works. The limitations, as set forth in Subsection (2) hereof, shall not apply to construction sites, public utilities, and public works projects and operations during daytime hours Monday through Saturday, however, the noise therefrom shall be minimized through proper equipment operations and maintenance; provided, however, that stationary equipment on construction projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.

- (b) Emergency Operations. Emergency short-term operations necessary to protect the health and welfare of the citizens.
 - (c) Noises Required By Law. Any noise required specifically by law for the protection, health, welfare, or safety of people or property.
 - (d) Power Equipment. Power equipment during daytime hours such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment necessary for the maintenance of property, kept in good repair and maintenance, which, when new, would not comply with the standards set forth in this section.
 - (e) Bells and Chimes. Bells, chimes, and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than 15 minutes in any given hour during daytime hours.
 - (f) Warning Device. Any device being used to request assistance or warn against an unsafe condition.
- (5) Variances.
- (a) Special Variance Permits.
 - 1. General. A special variance permit may be issued for an event or circumstance of limited duration, including, but not limited to, special community events.
 - 2. Application. Any person seeking a special variance permit pursuant to this section shall file an application with the Town Clerk, at least 30 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application for a special variance permit must be made in writing and shall contain all information deemed necessary by the Town. A special variance permit may be granted when the Town Board finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare.
 - 3. Issuance. Special variance permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of these special variance permits shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance is granted.
 - (b) Conditional Variances.
 - 1. General. Conditional variances may be issued for ongoing or recurring sources of sound which do not comply with the standards of this ordinance for technical or economic reasons.
 - 2. Application. The Town Board, may grant conditional variances if it finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The application shall be made in writing to the Town Clerk not less than 30 days prior to commencement of sound producing operations.

3. Hearing. The application shall be publicly heard before the Town Board. The applicant may be required to submit such additional information as the Committee reasonably requires.
4. Issuance. Conditional variances shall not be issued until the applicant has agreed, in writing, to the conditions therein.
5. Noncompliance with any condition of a conditional variance shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity.
6. Bonding. The Town Board may require the applicant to post a performance bond prior to issuing the variance.

3.08 SPEED LIMITS

- (1) 45 Mile Per Hour Limit. The following roads shall have a speed limit of 45 miles per hour: All Town Roads are 45 MPH unless posted otherwise.
See APPENDIX "C"
- (2) 35 Mile Per Hour Limit. The following roads shall have a speed limit of 35 miles per hour:
See APPENDIX "C"
- (3) 25 Mile Per Hour Limit. The following roads shall have a speed limit of 25 miles per hour:
See APPENDIX "C"

3.09 Disrupting a Funeral or Memorial Service Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.011(1), (2), and (3)(a) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.10 CAUSING VIOLENCE OR BREACH OF THE PEACE BY DAMAGING OR DESTROYING A U.S. FLAG. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.07 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.11 HAZING. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.51(1), (2), and (3)(a) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.12 FALSE COMPLAINTS OF POLICE MISCONDUCT. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.66 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.13 INTIMIDATION OF WITNESSES. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.42 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.14 INTIMIDATION OF VICTIMS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.44 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.15 DUTY TO AID VICTIM OR REPORT CRIME. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.34 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.16 BATTERY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.19(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.17 ATTEMPTED BATTERY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §939.32(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.18 REFUSING TO AID OFFICER. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.40 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.19 ESCAPE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.42(1), (2), and (4) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.20 IMPERSONATING PEACE OFFICERS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.70(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.21 LOUD AND UNNECESSARY NOISE PROHIBITED.

(1) No person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

(2) No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, excessive acceleration of engine, excessive braking, or by emitting unnecessary and loud muffler noises.

3.22 RESTRICTIONS ON THE USE OF LASER POINTERS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.299 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.23 OBSTRUCTING EMERGENCY OR RESCUE PERSONNEL. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.37(1) and (2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.24 RESISTING OR OBSTRUCTING AN OFFICER. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.41(1), (2), and (3) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.25 NEGLECTING A CHILD. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.21 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.26 PROHIBITING THE HARBORING OF MINORS WITHOUT PARENTAL CONSENT. It shall be unlawful for any owner, tenant, or person in control of a residence or other facility to allow a child under the age of eighteen (18) to loiter, idle, or remain in said residence or upon said property without the consent of the child's parent, guardian, or spouse.

3.27 TATTOOING OF CHILDREN. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.70 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.28 LOITERING/PROWLING.

(1) Loitering or Prowling Prohibited. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impracticable, a police officer or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding

sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) **Obstructing Streets and Sidewalks Prohibited.** No person shall loaf or loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossing or bridges, or in any other public place within the Town in such manner as to prevent, interfere with or obstruct the ordinary free use of the public streets, alleys, sidewalks, street crossings or bridges, or other public places by persons passing along and over the same.

(3) **Loitering in Public Places.** No person shall loiter, lounge, or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly for public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

3.29 LOITERING IN SCHOOL AND PLAYGROUND AREAS PROHIBITED. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in or on any school property within the Town between 7 a.m. and 10 p.m. on official school days.

3.30 POSSESSION OF OLEORESIN OF CAPSICUM BY A FELON. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.26(4)(L) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.31 POSSESSION OF NITROUS OXIDE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.315(2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.32 CONSUMPTION AND POSSESSION OF INTOXICATING LIQUORS OR FERMENTED MALT BEVERAGES ON PUBLIC WAYS AND PUBLIC PROPERTY.

(1) No person shall consume any intoxicating liquor or fermented malt beverage upon the public highways, streets, alleys, sidewalks, street crossings, bridges, public parks or parking lots or premises held out to the public for use of their motor vehicles, whether the premises are publicly or privately owned, in the Town except for approved community functions or events where authorized by specific resolution of the Board.

(2) All purchases of intoxicating liquor or fermented malt beverage by the glass or in open containers shall be consumed on the licensed premises where served, and shall not be removed therefrom to any public highway, street, alley, sidewalk, street crossing, bridge, public park, parking lot, or premises held out to the public for use of their motor vehicles, whether the premises are publicly or privately owned, within the Town.

(3) No person shall bring upon, use, consume, sell or convey any intoxicating liquor or fermented malt beverage in or upon any property, building, or other structure which is owned or under control of the Town except in such places as may be designated by the Town and in accordance with the rules and regulations as may be from time to time adopted by the Board.

3.33 SOLICITATION OF DRINKS PROHIBITED. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.36 are hereby adopted

and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.34 DRINKING IN COMMON CARRIERS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.04 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.35 ABANDONED OR UNATTENDED REFRIGERATORS, ETC. PROHIBITED. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §167.25 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.36 DRUG PARAPHERNALIA. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §961.571, §961.572, §961.573(1) and (2), §961.574(1) and (2), §961.575(1) and (2), and §961.576 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.37 POSSESSION OF MARIJUANA.

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

(2) Definitions. "Marijuana" shall have, for purposes of this section, the same meaning and definition as set forth in the provisions of Wis. Stats. §961.01(14), with the exception set forth in Wis. Stats. §961.41(3g).

(3) Defenses. Authorization of possession of marijuana under Wis. Stats. §961.32 or Wis. Stats. §961.335 shall be a defense to any offense alleged hereunder.

3.38 POSSESSION/USE OF TOBACCO AND VAPOR PRODUCTS BY MINORS.

(1) Statement of Purpose.

(a) The purpose of this section is to protect the public health, safety and welfare of the property and persons in the Town by prohibiting persons under eighteen (21) years of age from possessing tobacco products and vapor products, and prohibiting the sale of tobacco products and vapor products to persons under eighteen (21) years of age.

(b) Persons under age eighteen (21) are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. There are new tobacco-less products, however, commonly referred to as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," which allow the user to simulate cigarette smoking. These products may be purchased by minors and are being marketed without age restrictions or health warnings and come in different flavors that appeal to young people.

(c) E-cigarettes, and similar devices, are a relatively new nicotine delivery system. While devices vary in their appearance and specific method of operation, they have a few basic elements in common. A solution of water, dissolved nicotine, and other ingredients (usually

flavoring) is heated with a heating element (usually battery-powered). This vaporizes the nicotine solution, which passes into a mouthpiece and is inhaled in a manner similar to cigarette smoking. Often, glycerol or propylene glycol is added to the solution to give the appearance of smoke when the solution is vaporized. The concentration of nicotine contained in the solution can be customized by the retailer to the buyer's specifications, and many manufacturers make nicotine-free solutions.

(d) The production and distribution of e-cigarettes is not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration has not completed testing of these products. But, initial studies by the FDA have determined that e-cigarettes can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks.

(e) The use of e-cigarettes and similar devices has increased significantly in recent years.

(f) Existing studies on electronic smoking devices' vapor emissions and cartridge contents have found a number of dangerous substances including:

1. Chemicals known to cause cancer such as formaldehyde, acetaldehyde, lead, nickel and chromium;

2. PM 2.5, acrolein, tin, toluene, and aluminum, which are associated with a range of negative health effects such as skin, eye, and respiratory irritation, neurological effects, damage to reproductive systems, and even premature death from heart attacks and stroke.

(g) Some cartridges used by electronic smoking devices can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine.

(h) Clinical studies about the safety and efficacy of these products have not been submitted to the FDA for the over four hundred (400) brands of electronic smoking devices that are on the market and for this reason, consumers have no way of knowing whether electronic smoking devices are safe, what types of potentially harmful chemicals the products contain, and what dose of nicotine the products deliver.

(i) Electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.

(j) The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverses the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.

(k) It is the intent of the Town Board, in enacting the ordinance codified in this section, to provide for the public health, safety and welfare by facilitating uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; by reducing the potential for children to associate the use of electronic smoking devices with a normative or healthy lifestyle; and by prohibiting the sale or distribution of electronic smoking devices to minors.

(l) Therefore, the Town Board determines that prohibiting the sale, giving, or furnishing of e-cigarettes to minors and prohibiting the purchase, possession, or use of e-cigarettes by minors is in the Town's best interest and will promote public health, safety, and welfare.

(2) Definitions. For the purpose of construction and application of this section, the following definitions shall apply:

(a) *Law Enforcement Officer*. The meaning given in Wis. Stats. §30.50(4s).

(b) *Minor*. Means an individual who is less than twenty-one (21) years of age.

(c) *Person who Sells Tobacco Products at Retail*. Means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to the state sales tax.

(d) *Person who Sells Vapor Products at Retail.* Means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.

(e) *Possession of a Tobacco Product.* Shall mean either actual physical control of the tobacco product without necessarily owning that product, or the right to control the tobacco product even though it is in a different room or place than where the person is physically located.

(f) *Public Place.* Means a public street, sidewalk, or park or any area open to the general public in a publically owned or operated building or premises, or in a public place of business or school.

(g) *Tobacco Product.* Means a product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the Tobacco Products Tax Act, and cigars. Tobacco product does not include a vapor product or a product regulated as a drug or device by the United States Food and Drug Administration. Tobacco product also has the meaning given in Wis. Stats. §139.75(12).

(h) *Use a Tobacco Product or Vapor Product.* Means to smoke, chew, suck, inhale, or otherwise consume a tobacco product or vapor product.

(i) *Vapor Product.* Means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

(3) Prohibited Conduct.

(a) Consistent with Wis. Stats. § 254.92, a minor shall not do any of the following:

1. Purchase or attempt to purchase a tobacco product or vapor product.
2. Possess or attempt to possess a tobacco product or vapor product.
3. Use a tobacco product or vapor product in a public place.
4. Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.

(b) No individual, regardless of age, who is enrolled in secondary school may possess or attempt to possess a tobacco product or vapor product while on school property.

(c) An individual who violates Subsection (1) shall be subject to the civil forfeiture, plus costs.

(d) An individual who violates Subsection (2) shall be subject to the following penalties:

1. For the violation, the person is responsible for a civil infraction punishable by a civil forfeiture, plus costs.

(e) Subsection (1) does not apply to a minor participating in any of the following:

1. An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
2. An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product or vapor product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.

3. Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted with the prior approval of the state police or a local police agency.

(f) As stated in Wis. Stats. §254.92(2)(a), Subsection (1) does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of that minor's employment if employed by a retailer licensed under Wis. Stats. §134.65(1).

(g) This section does not prohibit an individual from being charged with, convicted of or found responsible for, or sentenced for any other violation of law that arises out of the violation of Subsection (1).

(4) Enforcement. A law enforcement officer shall seize any cigarette or tobacco, or vaping product involved in any violation of Section 3.38 (2) committed in his or her presence.

(5) Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §134.66.07 & 101.123 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.39 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO/VAPING PRODUCTS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §134.66 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.40 ISSUANCE OF WORTHLESS CHECKS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.24(1), (3), (4), and (5) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.41 PETTY THEFT. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.20(1), (2), (3)(a) and (4) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.42 ATTEMPTED PETTY THEFT. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §939.32(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.43 RETAIL THEFT. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.50(1), (1m), (3), (3m), (4)(a), and (5) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.44 THEFT OF CELLULAR TELEPHONE SERVICE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.455(1), (2), (4)(a), and (4)(b) are hereby adopted and by reference made part of this chapter as if fully set forth

herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.45 THEFT OF TELEVISION SERVICE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.46(1), (2), (4)(a), and (4)(b) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.46 THEFT OF SATELLITE CABLE PROGRAMMING. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.47(1), (2), (3)(a), and (3)(b) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.47 FRAUDULENT TAPPING OF ELECTRIC WIRES OR GAS OR WATER METERS OR PIPES. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.36 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.48 REMOVAL OF SHOPPING CART. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.55 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.49 RECEIVING PROPERTY FROM A CHILD. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.63 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.50 RECEIVING STOLEN PROPERTY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.34(1)(a) and §943.34(2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.51 FRAUD ON HOTEL OR RESTAURANT KEEPER, RECREATIONAL ATTRACTION, TAXICAB OPERATOR, OR GAS STATION. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.21 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.52 FRAUDULENT RETURN OF MERCHANDISE. It shall be unlawful for any person to return merchandise to a merchant for the purpose of claiming a cash refund or credit if the person intentionally deceives the merchant by doing any of the following: (1) Represents that such person purchased the merchandise when the person did not purchase it.

(2) Represents that the merchandise was purchased from a particular merchant when it was not purchased from that merchant. Represents that the merchandise was purchased for a particular price when it was purchased for a lower price.

(3) Gives the merchant a false name or address.

3.53 TRESPASS TO LAND. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.13 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.54 TRESPASS TO DWELLINGS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.14, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.55 CRIMINAL TRESPASS TO A MEDICAL FACILITY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.145 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.56 ENTRY ONTO A CONSTRUCTION SITE OR INTO A LOCKED BUILDING, DWELLING, OR ROOM. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.15 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.57 ENTRY INTO A LOCKED VEHICLE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.11 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.58 ENTRY INTO LOCKED COIN BOX. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.125 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.59 CRIMINAL DAMAGE TO RAILROADS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.07 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.60 DAMAGE TO PROPERTY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.01(1), (2m), (3), and (4) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.61 GRAFFITI. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.017(1), (4), and (5) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.62 UNLAWFUL USE OF TELEPHONE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.012 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.63 UNLAWFUL USE OF COMPUTERS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.0125 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.64 SENDING OBSCENE OR SEXUALLY EXPLICIT ELECTRONIC MESSAGES. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.25 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.65 TAMPERING WITH PUBLIC RECORDS AND NOTICES. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.72(2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.66 FORNICATION. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.15 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.67 SEXUAL GRATIFICATION. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.17 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.68 LEWD AND LASCIVIOUS BEHAVIOR. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.20 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.69 OBSCENE MATERIAL OR PERFORMANCE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.21(1), (2), (3), (4), and

(6) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.70 MAKING LEWD, OBSCENE, OR INDECENT DRAWINGS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.23 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.71 PROSTITUTION. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.30 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.72 PATRONIZING PROSTITUTES. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.31 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.73 PANDERING. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.33(1) and (3) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.74 HARASSMENT. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.013(1), (1m), (1r), and (2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.
(a) The act occurs while the actor is subject to an order or injunction under Wis. Stats. §813.12, §813.122, or §813.125 that prohibits or limits his or her contact with the victim.

3.75 VAGRANCY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.02 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.76 EXPOSING A CHILD TO HARMFUL MATERIAL OR HARMFUL DESCRIPTIONS OR NARRATIONS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.11(1) and (2)(b) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.77 SEXUAL ASSAULT (FOURTH DEGREE). Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.225(3m), (4), (5), and (6) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.78 INVASION OF PRIVACY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.08 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.79 SMOKING PROHIBITED IN CERTAIN AREAS. It is recognized that smoking is not only hazardous to the health of those who smoke, but also to the health of non-smokers when in the presence of those who are smoking. Therefore the purpose of this ordinance is to protect the public health, comfort, safety and welfare by prohibiting smoking in certain areas.

(1) Definitions. For purposes of this section, the following terms have the meanings indicated:

(a) Bar. Means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to taverns, nightclubs, cocktail lounges, and cabarets.

(b) Business. Means a sole proprietorship, partnership, joint venture, corporation or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered, and private clubs.

(c) With In Ten Feet of Any Concession Area. Means a place where food, drink or other refreshments are purchased directly from a concession stand.

(d) Employee. Means a person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go to work or be at any time in any place of employment, and a person who volunteers his or her services for a non-profit entity.

(e) Employer. Means a person, business, partnership, association, trust, firm, corporation, including a municipal corporation, for-profit or non-profit entity, or governmental agency under the Town's authority that has control over a place of employment.

(f) Enclosed Area. Is defined as a structure or area that has a roof and more than two (2) substantial walls. A "substantial wall" is a wall with no opening or with an opening that either does not allow air in from the outside or that is less than twenty-five percent (25%) of the wall's surface area. All operable windows must be opened to their full extent at all times of occupancy as a smoking area.

(g) Health Care Facility. Means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, psychological conditions, including but not limited to hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, or other similar types places.

- (h) **Place of Employment.** Means any area under the control of an employer including, but not limited to, work areas, private offices, elevators, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, stairways, a lobby, and vehicles. A private residence shall not be considered a place of employment unless it is used as a child care, adult daycare or health care facility.
- (i) **Private Residence.** Means premises owned, rented or leased for temporary or permanent habitation, including lobbies, hallways and other common areas in any apartment building, condominium, retirement facility, nursing home or other multiple-unit residential facility.
- (j) **Public Place.** Means any area into which the public is invited or permitted, regardless of whether a fee is charged, including elevators, reception areas, waiting rooms, cafeterias, restrooms, lobbies, hallways and other common areas in any retail building, mixed-use commercial building, apartment building, condominium, retirement facility, nursing home or other multiple-unit residential facility. A private residence located within a mixed-use commercial building is not public place unless it is used as a child care, adult daycare or health care facility.
- (k) **Service Line.** Means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to ATM lines, concert lines or waiting for public transportation. The term "service line" does not include lines in which people wait in their vehicle such as a drive-through or car wash line.
- (l) **Smoking.** Means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other lighted tobacco product in any manner or in any form.
- (2) **Prohibition of Smoking.**
- (a) **Public Places.** Smoking is prohibited in any enclosed area of a public place, service lines or designated Town property. Nothing in this ordinance shall be interpreted as a limitation on the right of a property owner to prohibit smoking in any area where smoking is not prohibited by the ordinance.
- (b) **Place of Employment.** It shall be unlawful for any person to smoke cigarettes or tobacco products in any enclosed area of a place of employment.
- (c) **Prohibited Areas.** Smoking is prohibited in the following places: concession areas of restaurants, service lines, bus shelters, theatres, daycare centers, educational facilities, restaurants, taverns, private clubs, retail establishments, common areas of multiple unit residential properties, lodging establishments, inpatient health care facilities, government buildings, outdoor seating areas such as stadiums, bleachers or outdoor auditoriums for spectators of sports events, outdoor theaters, amphitheaters, public conveyances (mass transit vehicles and school buses), pavilions, gymnasiums, swimming pools, skating rinks, bowling center, or similar areas used by spectators at other public events. Smoking is prohibited in all enclosed places other than those listed, that are places of employment or public places.

(e) Town Parks. Smoking is prohibited in any enclosed area in Town parks.

(f) Paraphernalia Prohibited. Ashtrays, matches, and other smoking paraphernalia shall not be located in areas where smoking is prohibited.

(3) Exceptions. The following areas shall not be subject to the smoking restrictions of this ordinance:

(a) Private residences are exempt from this ordinance unless they are used as a child care facility, adult care facility, or health care facility.

(b) A room used by only one (1) person in an assisted living facility as his or her residence.

(c) A room in an assisted living facility in which two (2) or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

(4) Posting of Signs.

(a) Every public place, place of employment, or any other area where smoking is prohibited by the ordinance shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment shall post a conspicuous sign likely to be seen by any occupant clearly stating that smoking is prohibited. Use of the international "No Smoking" symbol, a pictorial representation of a burning cigarette in a red circle with a red bar across the cigarette, shall be construed as a clear statement that smoking is prohibited. The posting of signs is an affirmative duty upon the owner or operator of a public place, but failure of the owner or operator of a public place to post signs shall not be a defense to prosecution of a violation of this ordinance. All such signs shall reference this subsection of the Town Code.

(b) Each sign and the language contained therein shall be clearly visible from a distance of at least ten feet (10'). Every vehicle that constitutes a place of employment under this ordinance shall have at least one (1) conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.

(c) It shall be unlawful for any person to remove, deface, or destroy any sign required by this ordinance, or to smoke in any place where any such sign is posted.

(5) Retail Sales of Cigarettes. Nothing in this ordinance shall prohibit retail sales of pre-packaged cigarettes and cigars upon obtaining a license pursuant to the Code of Ordinances.

(6) Enforcement. The Police Department, Fire Department, Town Zoning Administrator or their designee shall have the power, under law, to enter upon the premises named in this ordinance to ascertain whether the premises are in compliance with this ordinance.

(a) The proprietor, employer or other person in charge of premises regulated hereunder, upon either observing or being advised of a violation, shall make reasonable efforts to prevent smoking in prohibited areas by approaching smokers who fail to voluntarily comply with this ordinance and requesting that they extinguish their cigarette or tobacco

product and refrain from smoking. If the person refuses to comply, the proprietor, employer or other person in charge may ask the person to leave the premises, and to contact the law enforcement if the person does not leave after being requested to do so.

(b) Any person who desires to register a complaint under this ordinance may contact the law enforcement.

(c) Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture per violation. Failure or refusal to pay the forfeiture may result in imprisonment for each violation. A separate offense and prohibited. Ashtrays, matches, and other smoking paraphernalia shall not be located in areas where smoking is prohibited.

(7) Exceptions. The following areas shall not be subject to the smoking restrictions of this ordinance:

(a) Private residences are exempt from this ordinance unless they are used as a child care facility, adult care facility, or health care facility.

(b) A room used by only one (1) person in an assisted living facility as his or her residence.

(c) A room in an assisted living facility in which two (2) or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

(8) Posting of Signs.

(a) Every public place, place of employment, or any other area where smoking is prohibited by the ordinance shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment shall post a conspicuous sign likely to be seen by any occupant clearly stating that smoking is prohibited. Use of the international "No Smoking" symbol, a pictorial representation of a burning cigarette in a red circle with a red bar across the cigarette, shall be construed as a clear statement that smoking is prohibited. The posting of signs is an affirmative duty upon the owner or operator of a public place, but failure of the owner or operator of a public place to post signs shall not be a defense to prosecution of a violation of this ordinance. All such signs shall reference this subsection of the Town Code.

(b) Each sign and the language contained therein shall be clearly visible from a distance of at least ten feet (10'). Every vehicle that constitutes a place of employment under this ordinance shall have at least one (1) conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.

(c) It shall be unlawful for any person to remove, deface, or destroy any sign required by this ordinance, or to smoke in any place where any such sign is posted.

(9) Retail Sales of Cigarettes. Nothing in this ordinance shall prohibit retail sales of pre-packaged cigarettes and cigars upon obtaining a license pursuant to Code of Ordinances.

(10) Enforcement. The Police Department, Fire Department, Town Zoning Administrator or their designee shall have the power, under law, to enter upon the premises named in this ordinance to ascertain whether the premises are in compliance with this ordinance.

(a) The proprietor, employer or other person in charge of premises regulated hereunder, upon either observing or being advised of a violation, shall make reasonable efforts to prevent smoking in prohibited areas by approaching smokers who fail to voluntarily comply with this ordinance and requesting that they extinguish their cigarette or tobacco product and refrain from smoking. If the person refuses to comply, the proprietor, employer or other person in charge may ask the person to leave the premises, and to contact the Police Department if the person does not leave after being requested to do so.

(b) Any person who desires to register a complaint under this ordinance may contact the Police Department.

(c) Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture per violation. Failure or refusal to pay the forfeiture may result in imprisonment for each violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

(11) Clean Indoor Air.

(a) Intent and Construction. The Town finds that it is in the interest of the health, safety and welfare of the community to adopt by reference 2009 Wisconsin Act 12, and subsequent amendments, additions and recodifications. This ordinance shall not be construed to mean that progressive discipline of Town employees for violations of laws, rules, and regulations is only authorized where explicitly provided by ordinance.

(b) Penalty. The penalties provided by 2009 Wisconsin Act 12 shall be in addition to the penalties provided for violation of Chapter 11.199 when a person has violated both laws. In addition to the penalties provided by this ordinance and 2009 Wisconsin Act 12, any Town employee who violates any provision of this ordinance or 2009 Wisconsin Act 12, may also be subject to progressive discipline by his or her employer.

3.80 SYNTHETIC CANNABINOID PROHIBITED.

(1) Possession Use and Sale are Illegal. It shall be illegal for any person to possess or attempt to possess a control substances specified in Section 961.14(4)(tb) to (ty) Wisconsin Statutes as further defined in 2011 Wisconsin Act 31.

(2) First Offense Violation Only. Now withstanding the foregoing, any person who is charged with possession of a controlled substances specified in Section 961.14(4)(tb) and (ty) following a conviction for a controlled substance in this state shall not be prosecuted under this ordinance pursuant to Section 66.0107(1)(bn) Wisconsin Statutes.

(3) Penalties. Any person violating this section shall be subject to a forfeiture exclusive of cost and upon failure to pay the same shall be confined in the county jail for not more than ninety (90) days.

3.81 MISUSE OF 911 EMERGENCY TELEPHONE SERVICE.

(1) Purpose. The primary purpose of this ordinance is to prevent the misuse of the emergency 911 number. Further, it is meant to encourage parents or the legal guardian of a minor, to maintain control over the actions of the minor and prevent the misuse of the 911 emergency number.

(2) Misuse. The intentional calling of the 911 emergency number and knowingly giving a false report, or no report, or as a prank when no emergency exists and no valid request is made for emergency services.

(3) General Provisions.

(a) It shall be a violation of this ordinance for anyone to intentionally call the 911 emergency number to knowingly give false information, no information as a prank, or when no valid request for emergency services exist.

b. It shall also be a violation to knowingly encourage, aid or permit another to make a call as defined above.

c. It shall also be a violation of this ordinance for anyone to hook up their alarm system to the 911 number.

(4) Each call shall be considered a separate violation.

(a) A parent or legal guardian of a minor may be found liable for any injury or damage, which may result from the misuse of the 911 number and penalties may be imposed under Wis. Stats. §895.035.

(b) This ordinance does not attempt to restrict emergency calls, but only to prevent the misuse of the 911 number.

(5) Penalty. Any person violating the provisions of this section shall, upon conviction, be subject to a forfeiture, together with the costs of prosecution, and upon default of payment be imprisoned in the county jail not less than 2 days nor more than 90 days.

(a) Parents or a legal guardian may be held liable for the acts of minors subject to the above penalties, if they know or should have known that the absence of control of their minor may or could result in the misuse of 911.

3.82 DEFAMATION. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.01 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

3.83 GIVING FALSE INFORMATION FOR PUBLICATION. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.03 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any

future amendments, revisions, or modifications of the statute incorporated herein are intended to be made part of this chapter.

3.84 OPENING LETTERS. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.05 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statute incorporated herein are intended to be made part of this chapter.

3.86 REPRESENTATION DEPICTING NUDITY. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.09(1), (3m), and (5) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statute incorporated herein are intended to be made part of this chapter.

3.87 USE OF A DRONE. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.10 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statute incorporated herein are intended to be made part of this chapter.

3.199 PENALTY, SEVERABILITY, AND ENFORCEMENT.

(1) Penalty. Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture of not less than twenty-five dollars (\$25) and not more than two thousand five hundred dollars (\$2,500) per violation. Failure or refusal to pay forfeiture may result in imprisonment for a period of not more than ninety (90) days for each offense. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

(2) Severability. If a court of competent jurisdiction deems any provision of this ordinance invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of the same. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the court's decision, portions remaining in the ordinance shall retain the full force and effect thereof.

(3) Enforcement. Enforcement of this chapter shall be the responsibility of the Board or its designee, and/or Police Department.

LITTLE SUAMICO ORDINANCE SUAMICO COURT BOND SCHEDULE (2020) APPENDIX B

ORD #	Chapter 16 Traffic Control	Bond	Forfeiture Range	State Statue
16.1	State Traffic Statutes Adopted	(Bond/Forfeiture per State Bond Schedule)		
16.3(1)	Advertising in Highways Prohibited	\$187.00	\$25-\$100	86.19
16.3(2)	Illegal Signs	\$187.00	\$25-\$2,500	
16.4	Disorderly Conduct w/Motor Vehicle	\$212.20	\$25-\$2,500	
16.5	Negligent Operation of Motor Vehicle	\$250.00	\$0-\$10,000	941.01
16.6	Compression Braking Violations	\$212.20	\$25-\$2,500	
16.8	Heavy Truck Route Violations	\$212.20	\$25-\$2,500	349.17
16.9(1)(a)	Overnight Winter Restrictions	\$86.20	\$25-\$2,500	
16.9(1)(b)	Vehicle over 10,000 lbs on Street	\$86.20	\$25-\$2,500	
16.9(1)(c)	Illegal Boats, Motor Homes, Trailers, etc...	\$86.20	\$25-\$2,500	
16.9(1)(d)	Snow Emergency Parking Violations	\$199.60	\$25-\$2,500	
16.11	Unlicensed Vehicles	\$691.00	\$25-\$2,500	
16.12	Abandoned Motor Vehicles	\$187.00	\$25-\$2,500	
16.13	Junked Vehicles	\$691.00	\$25-\$2,500	
16.14	Permit Violations	\$691.00	\$25-\$2,500	

Chapter 3 Pubic Safety

3.02	Disorderly Conduct	\$691.00	\$0-\$10,000	947.01
3.03(2)	Juvenile Nighttime Curfew	MUST APPEAR	\$0-\$500	-
3.03(5)	Juvenile Daytime Curfew	MUST APPEAR	\$0-\$500	-
3.04	Contributing to Delinquency of a Child	\$691.00	\$0-\$10,000	948.40
3.05	Weapon and Firearms Regulations	MUST APPEAR	\$50-\$500	
3.06(2)	Fireworks Sellers Permit Violations	\$691.00	\$0-\$1000	167.10
3.06(3)	Fireworks Users Permit Violations	\$187.00	\$0-\$1000	167.10
3.07	Excessice Noise	\$376.00	\$25-\$2,500	
3.09	Disrupting a Funeral or Memorial Service	\$691.00	\$0-\$10,000	947.01

Causing Violence or breach of the Peace By

3.10	Damaging or Destroying a U.S. Flag	\$691.00	\$0-\$10,000	947.07
3.11	Hazing	\$691.00	\$0-\$10,000	948.51
3.12	False Complaints of Police Misconduct	\$691.00	\$0-\$10,000	946.66
3.13	Intimidation of a Witnesses	\$691.00	\$0-\$10,000	940.42
3.14	Intimidation of a Victim	\$691.00	\$0-\$10,000	940.44
3.15	Duty to Aid Victim or Report Crime	\$691.00	\$0-\$500	940.34
3.16	Battery	\$691.00	\$0-\$10,000	940.19
3.17	Attempted Battery	\$691.00	\$0-\$10,000	939.32
3.18	Refusing to Aid Officer	\$691.00	\$0-\$500	946.40
3.19	Escape	\$691.00	\$0-\$10,000	946.42
3.20	Impersonating Peace Officers	\$691.00	\$0-\$10,000	946.70
3.21	Loud & Unnescessary Noise Prohibited	\$376.00	\$25-\$2,500	-
3.22	Restrictions on the use of Laser Pointers	\$262.60	\$0-\$1,000	941.30
3.23	Obstructing Emergency or Rescue Personnel	\$262.60	\$0-\$10,000	941.37

3.24	Resisting or Obstructing an Officer	\$691.00	\$0-\$10,000	941.41
3.25	Neglecting a Child	\$691.00	\$0-\$10,000	948.21
	Harboring of Minors without Parental			
3.26	Consent	\$212.20	\$25-\$2,500	-
3.27	Tattooing of Children	\$313.00	\$0-\$200	948.70
3.28	Loitering / Prowling	\$187.00	\$25-\$2,500	-
	Loitering in School & Playground Areas			
3.29	Prohibited	\$187.00	\$25-\$2,500	-
	Possession of Oleoresin of Capsicum by a			
3.30	Felon	\$691.00	\$0-\$10,000	941.26
3.31	Possession of Nitrous Oxide	\$376.00	\$0-\$10,000	941.32
	Consumption & Possession of intoxicating			
	Liquors or Fermented Malt Beverages on			
3.32	Public Ways & Public Property	\$187.00	\$25-\$2,500	-
3.33	Solicitation of Drinks Prohibited	\$187.00	\$0-\$1,000	944.36
3.34	Drinking in Common Carriers	\$187.00	\$0-\$500	947.04
	Abandoned or Unattended Refrigerators,			
3.35	Etc Prohibited	\$124.00	\$0-\$50	167.25
3.36	Drug Paraphernalia			
	17 & Older	MUST APPEAR	\$0-\$500	961.573(1)
	14-16 yrs old	MUST APPEAR	\$0-\$500	961.573(2)
3.37	Possession of Marijuana 25g or less	MUST APPEAR	\$0-\$1,000	961.01(14)
	Possession / Use of Tobacco and Vapor			
3.38	Products by Minors			
3.38(3)(a)4.(b)	21 yrs. & Under	MUST APPEAR	\$10-\$50	254.92
3.38(3)(a)4.(b)	21 yrs. & Under on School Grounds	MUST APPEAR	\$25-\$100	254.92
	Over 21 yrs. & Over on School Grounds	\$187.00	\$25-\$100	254.92
	Restrictions on Sale or Gift of Cigarettes or			
3.39	Tobacco/ Vaping Products	\$212.20	\$0-\$500	-
3.40	Issuance of Worthless Cheks	\$691.00	\$0-\$10,000	943.24
3.41	Petty Theft	See Scale	\$0-\$10,000	943.20
	Value: of Property \$0.01-\$100.00	\$187.00		
	\$100.01-\$2500.00	\$376.00	-	
	\$250.01-\$500.00	\$691.00	-	
	\$500.01-\$1,000.00	\$1,321.00	-	
	\$1,000.01-\$2,000.00	\$2,591.00	-	
	\$2,000.01-\$2,499.99	\$3,226.00	-	
3.42	Attempted Petty Theft	\$376.00	\$0-\$500	939.32
3.43	Retail Theft	See Scale	\$0-\$10,000	943.50
	Value of Property \$0.01 - \$100.00	\$187.00	-	
	\$100.01-\$250.00	\$376.00	-	
	\$250.01-\$500.00	\$691.00	-	
	Over \$500.00	Is a Felony	-	
3.44	Theft of Cellular Telephone Service	\$691.00	\$0-\$500	943.46
3.45	Theft of Television Service	\$691.00	\$0-\$500	943.46

3.46	Theft of Satellite Cable Programming	\$691.00	\$0-\$500	943.47
	Fraudulent Tapping of Electric Wires or Gas			
3.47	or Water Meters or Pipes	\$691.00	\$0-\$500	941.36
3.48	Removal of Shopping Cart	\$124.00	\$0-\$500	943.55
3.49	Receiving Property from a Child	\$691.00	\$0-\$10,000	948.63
3.50	Receiving Stolen Property	\$691.00	\$0-\$10,000	943.34
	Fraud on Hotel or Restaurant Keeper, Recreational Attraction, taxicab Operator			
3.51	or Gas Station	See Scale	\$0-\$10,000	943.21
	Value: \$0.01-\$100.00	\$187.00	-	
	\$100.01-\$2500.00	\$376.00	-	
	\$250.01-\$500.00	\$691.00	-	
	\$500.01-\$1,000.00	\$1,321.00	-	
	\$1,000.01-\$2,000.00	\$2,591.00	-	
	\$2,000.01-\$2,499.99	\$3,226.00	-	
3.52	Fraudulent Return of Merchandise	\$187.00	\$25-\$2,500	-
3.53	Trespass to Land	\$376.00	\$0-\$1,000	943.13
3.54	Trespass to Dwellings	\$691.00	\$0-\$10,000	943.14
3.55	Criminal Trespass to a Medical Facility	\$691.00	\$0-\$10,000	943.15
	Entry into a Construction Site or into a			
3.56	Locked Building, Dwelling or Room	\$691.00	\$0-\$10,000	943.15
3.57	Entry into a Locked Vehicle	\$691.00	\$0-\$10,000	943.11
3.58	Entry into a Locked Coin Box	\$691.00	\$0-\$10,000	943.13
3.59	Criminal Damage to Railroads			
	Throws/shoots stone/brick/missile	\$691.00	\$0-\$1,000	943.07(3)
	Deposits Debris/Waste on/near Track	\$376.00	\$0-\$1,000	943.07(4)
3.60	Damage to Property	\$691.00	\$0-\$10,000	943.01
	DtP- On State Owned Land-DNR	\$376.00	\$0-\$1,000	943.01(2m)
3.61	Graffiti	\$691.00	\$0-\$10,000	943.02
3.62	Unlawful Use of a Telephone	\$691.00	\$0-\$1,000	947.01
3.63	Unlawful Use of a Computer	\$691.00	\$0-\$1,000	947.01
	Sending Obscene or Sexually Explicit			
3.64	Electronic Messages	\$691.00	\$0-\$10,000	944.25
3.65	Tampering with Public Records and Notices	\$691.00	\$0-\$1,000	946.72(2)
3.66	Fornication	\$691.00	\$0-\$10,000	944.15
3.67	Sexual Gratification	\$691.00	\$0-\$10,000	944.17
3.68	Lewd and Lascivious Behavior	\$691.00	\$0-\$10,000	944.20
3.69	Obscene Material or Performance	\$691.00	\$0-\$10,000	944.21
	Making Lewd, Obscene, or Indecent			
3.70	Drawings	\$691.00	\$0-\$500	944.23
3.71	Prostitution	\$691.00	\$0-\$10,000	944.30
3.72	Patronizing Prostitutes	\$691.00	\$0-\$10,000	944.31
3.73	Pandering	\$691.00	\$0-\$10,000	944.33
3.74	Harassment:			
	Physical Contact or Threat of Same	\$376.00	\$0-\$1,000	947.013(1m)
	Fear of Death or Great Bodily Harm	\$691.00	\$0-\$10,000	947.013(1r)
3.75	Vagrancy	\$187.00		947.02

	Exposing a Child to Harmful Material or			
3.76	Harmful Descriptions or Narrations	\$691.00	\$0-\$10,000	948.11
3.77	Sexual Assault (Fourth Degree)	MUST APPEAR	\$0-\$10,000	940.23
3.78	Invasion of Privacy	\$691.00	\$0-\$10,000	942.08
3.79(2)	Smoking Prohibited in Certain Areas	\$187.00	\$25-\$2,500	-
3.79(4)(a)	Posting of Smoking Signage	\$187.00	\$25-\$2,500	-
3.79	Allowing Smoking Where Prohibited	\$187.00	\$25-\$2,500	-
3.80	Synthetic Cannabinoid Prohibited	MUST APPEAR	\$25-\$2,500	-
3.81	Misuse of 911 Emergency Telephone Service	\$691.00	\$25-\$2,500	-
3.82	Defamation	\$691.00	\$0-\$10,000	942.01
3.83	Giving False Information for Publication	\$691.00	\$0-\$10,000	942.03
3.84	Opening Letters	\$691.00	\$0-\$10,000	942.05
3.85	Representation Depicting Nudity	\$691.00	\$0-\$10,000	942.09
3.86	Use of a Drone	\$691.00	\$0-\$10,000	942.10
3.199	Penalty, Severability, and Enforcement			

Town of Little Suamico

ALL-TERRAIN VEHICLE ORDINANCE #01-2021

Town of Little Suamico, Oconto County and for the purpose of establishing the designation of all town roads with exception to all County and State Highways/Roads within the Township for year round usage.

Section I — Intent

The Town of Little Suamico adopts the following all-terrain vehicle (ATV) and Utility Vehicle (UTV) Ordinance/year round route for the operation of DNR currently registered ATVs and UTVs upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weights against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

Section II — Statutory Authority

These routes/town roads is created pursuant to the Town of Little Suamico authority under as authorized by 23.33 (8) (b), Wis. Stats.

The applicable provisions of 23.33 regulating ATV operation pursuant to routes are adopted.

Section III — Routes/Town Roads

The following roads are designates as routes/town roads for year round usage:

- A. All maintained roads within the Town of Little Suamico, Oconto County, which have been posted with appropriate signage, are acceptable travel for DNR currently registered ATVs and UTVs, with exception to all County and State roads within the township. Specifically West & East Brown Road, County Highway J, County Road S, U.S. State Highway 41, and U.S. State Highway 141. The Town Clerk of the Town of Little Suamico shall maintain a copy of the official ATV/UTV route map and will have map available to the public at request or online at www.townoflittlesuamico.com.

Section IV — Conditions

ATV/UTV operation shall be subject to all provisions of Wis. Stats. §23.33, Wis. Stats. §340, and NR 64, which are adopted as part of this ordinance by reference. In addition:

- A. No person may operate an ATV or UTV on town road unless the owner or operator has in effect a liability insurance policy providing coverage consistent with the liability insurance required for automobile operators by the State of Wisconsin and has in his or her immediate possession proof that he or she is in compliance.
- B. Persons 16 years of age or older must possess a valid driver's license to operate an ATV or UTV on a town road.
- C. No one under 12 years of age is allowed to operate an ATV or UTV on a town road and all operators born after January 1, 1988, are required to have an ATV Safety Certificate.
- D. No person under 16 years of age may operate an ATV or UTV on a town road unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian. Anyone accompanying those under 16 years of age must possess a valid driver's license.
- E. No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required in section 347.485(1) (a), Wis. Stats. Unless the person is a least 18 years of age.
- F. All ATVs and UTVs shall display either a Wisconsin registration or a Nonresident Trail Pass while operating on town road. ATV/UTV operators shall not exceed 35 MPH or the posted speed limit, whichever is less, on any town road.

- G. All ATV/UTV operators shall ride in single file on the right hand side of the paved portion of the road, unless otherwise marked for operation on the shoulder or in the right of way.
- H. All ATV/UTV operators are required to display a lighted headlamp and tail lamp while operating on a town road.
- I. No person shall operate an ATV/UTV with tire chains or studded tires on any town road in the town
- J. Open intoxicants are prohibited for ATV/UTV operators or passenger(s) while operating on a town road.
- K. Every ATV/UTV shall be equipped, maintained and operated to prevent excessive or unusual noise. No person shall operate an ATV/UTV on a town road unless such ATV/UTV is equipped with a muffler or other noise suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass or similar device on any ATV/UTV in a manner such that noise emitted by the ATV/UTV increases to a level higher than as originally manufactured.
- L. A golf cart is not an ATV or UTV. Operation of golf carts on town roads is prohibited.

Section V — Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the Town of Little Suamico, Oconto County, Wisconsin, and the State of Wisconsin.

Section VI — Penalties

Wisconsin state All-Terrain Vehicle (ATV/UTV) Penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

Section VII — Severability


The provisions of this ordinance shall be deemed severable and it is expressly declared that County/Town would have passed the other provisions of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected. This ordinance will be reviewed annually.

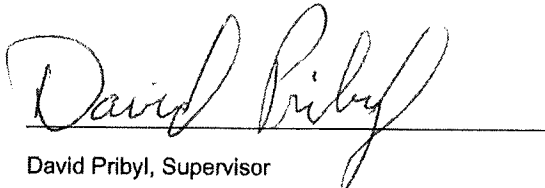
Section VIII — Effective Date

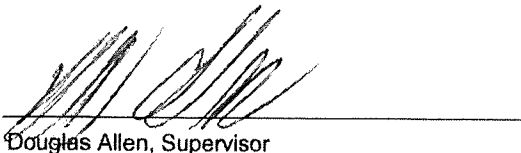
This ordinance becomes effective upon passage and publication.

Passed this 8th day of March, 2021.


Elmer Ragen, Chairman

Attested by: 
Nikki Tolzman, Clerk/Treasurer


David Pribyl, Supervisor


Douglas Allen, Supervisor