

## CHAPTER VIII

### GENERAL REGULATIONS

#### 8.01 REGULATION OF ASSEMBLAGE OF LARGE NUMBERS OF PEOPLE

##### 8.011 Intent.

(1) It is the purpose of the Board of Supervisors of Ozaukee County, Wisconsin to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in Ozaukee County, in order that the health, safety and welfare of all persons in Ozaukee County, residents and visitors alike, may be protected.

(2) It is the intent of the Board of Supervisors of Ozaukee County, Wisconsin that all sections and provisions of this ordinance have an independent existence, and, should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Board of Supervisors of Ozaukee County, Wisconsin that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of the ordinance.

##### 8.012 License Required.

(1) No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 2,000 or more people which continues or can reasonably be expected to continue for 18 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the Board of Supervisors of Ozaukee County, Wisconsin, application for which must be made at least 30 days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

(2) As used in this legislation:

(a) Person means any individual natural human being, partnership, corporation, firm, company, association, society or group.

(b) Assembly means a company of persons gathered together at any location at any single time for any purpose.

(3) A separate license shall be required for each day and each location in which 2,000 or more people assemble or can reasonably be anticipated to assemble; the fee for each license shall be \$100.00.

(4) A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

(5) The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(6) This ordinance shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

(7) This ordinance shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of Ozaukee County.

8.013 Conditions for Issuing License. Before he or she may be issued a license, the applicant shall first:

(1) Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the county.

(2) Provide proof that he or she will furnish at his or her own expense before the assembly commences:

(a) A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass.

(b) Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least 10 gallons per person per day.

(c) Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located through the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.

- (d) A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight lids and personnel to perform the task.
- (e) Physicians and nurses licensed to practice in Wisconsin sufficient to provide the average medical care enjoyed by residents of Wisconsin for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times.
- (f) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
- (g) A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.
- (h) Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons.
- (i) If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of this county sufficient to provide camping accommodations for the maximum number of people to be assembled.
- (j) Security guards, either regularly employed, duly sworn, off duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people.
- (k) Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this county and sufficient emergency personnel to efficiently operate the required equipment.
- (l) All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(m) A bond, filed with the Clerk of Ozaukee County, Wisconsin, either in cash or underwritten by a surety company licensed to do business in Wisconsin at the rate of \$1.00 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless this county or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

8.014 Application.

(1) Application for a license to hold an actual anticipated assembly of 2,000 or more persons shall be made in writing to the governing body of this county at least 30 days in advance of such assembly.

(2) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural, human being by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.

(3) The application shall contain and disclose:

(a) The name, age, residence and mailing address of all persons required to sign the application under Section 8.014 (2) and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock of said corporation.

(b) The address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all such property.

(c) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for an assembly of 2,000 or more persons.

(d) The nature or purpose of the assembly.

(e) The total number of days and/or hours during which the assembly is to last.

(f) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the municipality if the assembly is to continue overnight.

(g) The maximum number of tickets to be sold, if any.

- (h) The plans of the applicant to limit the maximum number of people permitted to assemble.
- (i) The plans for fencing the location of the assembly and the gates contained in such fence.
- (j) The plans for supplying potable water including the source, amount available and location of outlets.
- (k) The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of waste deposited.
- (l) The plans for holding, collection and disposing of solid waste material.
- (m) The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service.
- (n) The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps.
- (o) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots.
- (p) The plans for telephone service including the source, number and location of telephones.
- (q) The plans for camping facilities, if any, including facilities available and their locations.
- (r) The plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability.
- (s) The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.
- (t) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.
- (u) The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers.
- (4) The application shall include the bond required in Section 8.013 (2) (m), and the license fee.

8.015 Issuance. The application for a license shall be processed within 20 days of receipt and shall be issued if all conditions are complied with.

8.016 Revocation. The license may be revoked by the governing body of this municipality at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

8.017 Enforcement.

- (1) The provisions of this legislation may be enforced by injunction in any court of competent jurisdiction.
- (2) The holding of an assembly in violation of any provision or condition contained in this legislation shall be deemed a public nuisance and may be abated as such.
- (3) Any person who violates Section 8.012 (1) or who violates any condition upon which he or she is granted a license may, upon conviction thereof, forfeit not less than \$1,000.00 nor more than \$10,000.00. Each day of violation shall be considered a separate offense.

## 8.02 DISORDERLY CONDUCT

- (1) Whoever does any of the following shall upon conviction be required to forfeit not more than \$200.00, together with the costs of prosecution, and in default of payment thereof, shall be imprisoned in the county jail for a period not to exceed 90 days.
  - (a) In a public or private place engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct in which such conduct tends to cause or provoke a disturbance.
  - (b) With intent to annoy another, makes a telephone call whether or not conversation ensues.

## 8.03 TRESPASS TO LAND

- (1) DEFINITIONS. The definitions used in this ordinance are those contained in Wisconsin Statutes Section 943.13 (1e).
- (2) It is unlawful for anyone to enter any enclosed, cultivated or undeveloped land of another, or any land of another that is occupied by a structure used for agricultural purposes, without the express or implied consent of the owner or occupant.
- (3) It is unlawful for any person to enter or remain on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.
- (4) It is unlawful to enter or remain on the following lands after having been notified by the owner or occupant not to enter or remain on the land:
  - (a) Undeveloped land that is an inholding of another, after having been notified by the owner or occupant not to enter or remain on the land.
  - (b) Enter undeveloped private land from an abutting parcel of land that is owned by the United States, the State of Wisconsin or a local governmental unit, or remains on such land, after having been notified by the owner or occupant not to enter or remain on the land.

- (5) It is unlawful for motorized vehicles other than snowmobiles to be operated on any portion of a marked snowmobile trail that is held open for public use. This prohibition does not include vehicles operated by the property owner, authorized vehicles engaged in the actual maintenance of the snowmobile trail or vehicles used by law enforcement, the Wisconsin Department of Natural Resources or other emergency service vehicles engaged in official duties.
- (6) In determining whether a person has implied consent to enter the land of another, a trier of fact shall consider all of the circumstances existing at the time the person entered the land, including all of the following:
- (a) Whether the owner or occupant acquiesced to previous entries by the person or by other persons under similar circumstances.
  - (b) The customary use, if any, of the land by other persons.
  - (c) Whether the owner or occupant represented to the public that the land may be entered for particular purposes.
  - (d) The general arrangement or design of any improvements or structures on the land.
- (7) A person has received notice from the owner or occupant within the meaning of subsection (3), (4)(a) or (4)(b), if he or she has been notified personally, either orally or in writing, or if the land is posted pursuant to the procedures set forth in Wisconsin Statutes Section 943.13 (2)(a) or (b).
- (8) It is a violation of this ordinance for any person to erect on the land of another signs which are the same as or similar to those described in Wisconsin Statutes Section 943.13 (2)(a) or (b) without obtaining the express consent of the lawful occupant of or holder of legal title to such land.
- (9) An owner or occupant may give express consent to enter or to remain on the land for a specific purpose or subject to specified conditions and it is a violation of subsections (2) and (3) of this ordinance for a person who received that consent to enter or remain on the land for another purpose or contrary to the specified conditions.
- (10) This ordinance does not apply to the following:
- (a) A person entering the land, other than the residence or other buildings or the curtilage of the residences or other buildings, of another for the purpose of removing a wild animal as authorized under Section 29 of the Wisconsin State Statutes.
  - (b) A hunter entering land that is required to be opened for hunting under Section 29 of the Wisconsin State Statutes.
- (11) Whoever is convicted of violating this ordinance shall upon conviction be required to forfeit not more than \$50, together with the costs of prosecution, and in default of payment thereof, shall be imprisoned in the county jail for a period not to exceed 30 days.

## 8.05 UNLAWFUL ASSEMBLIES PROHIBITED

(1) An unlawful assembly is an assembly which consists of three (3) or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or property unless it is immediately dispersed. Such unlawful assembly includes, without limitation, an assembly of persons who assembly for the purpose of blocking or obstructing the lawful use by any other person, or persons, of any private or public thoroughfare, property or of any positions of access or exit to or from any private building or dwelling place or any portion thereof and which assembly does in fact so block or obstruct the lawful use by any other person, or persons, from any such private or public thoroughfare, property or any position of access to or exit to or from any private or public building or dwelling place or portion thereof.

(a) Whoever intentionally fails or refuses to withdraw from an unlawful assembly which he or she knows has been ordered to disperse by the Sheriff or a Deputy Sheriff of Ozaukee County shall, upon conviction, be required to forfeit not more than Five Hundred Dollars (\$500.00), and in default of payment thereof shall be imprisoned in the county jail for a period not to exceed one (1) year.

## 8.06 ASSIGNMENT OF SPECIAL DEPUTY SHERIFFS

### (1) Definitions

(a) "Special Deputy" shall mean a person appointed as deputy sheriff by the Sheriff of Ozaukee County pursuant to the authority of Wisconsin Statute 59.21 (1)(c) and (2).

(b) "Public Dance" shall include without limitation any place or location where the management provides patrons with dancing space and musical accompaniment, whether live or recorded.

(c) "Place of Amusement or Entertainment" shall include without limitation any place or location where the management provides its patrons with entertainment as a usual incident to the normal operation of such place of business.

(2) Conditions Under Which Special Deputies are to be Considered Ozaukee County Employees.

(a) It is the intent of this section to set forth those circumstances under which special deputies are to be considered part-time County employees.

1. No person shall be employed under this section unless they have had their name placed on file in the office of County Clerk of Ozaukee County.
2. Except in emergency situations certified by the Administrative Committee of Ozaukee County, no person shall be entitled to compensation under this section for a period in excess of 600 hours per year.
3. No person shall be entitled to compensation from any source as a special deputy except as provided in this ordinance.
4. All special deputies shall be required to satisfy the 400 hours mandatory training program prescribed by the state Law Enforcement Standards Board within three (3) years of first employment.

(b) Special deputies shall be assigned to duty by the Sheriff of Ozaukee County under the following conditions:

1. General duty under the supervision of a full-time deputy when emergency or special event circumstances require additional personnel.
2. Upon request of a dance hall or place of amusement, provided said establishment has complied with the provisions of Section 4 of this ordinance.
3. Special circumstances approved by the Ozaukee County Public Safety Committee.

(3) Compensation

(a) Special deputies shall be compensated on an hourly basis at a rate established by the Ozaukee County Board of Supervisors.

(b) The Sheriff shall certify the hours each deputy has worked to the County Clerk upon the completion of service within each pay period.

(4) Procedure for Application for the Services of a Special Deputy.

(a) Persons, establishments and organizations must comply with the provisions of this section prior to the assignment of a special deputy to maintain peace and order exclusive on the premises controlled by any said person, establishment or organization. The following conditions must be met before a special deputy is assigned to said premises:

1. A written application must be filed with the Sheriff setting forth the expected hours a special deputy will be required during each calendar week and the number of deputies required.
  2. The applicant shall pay a fee of \$14.00 per hour for each hour each special deputy is upon said premises.
  3. Advance payment of the above fee may be required.
  4. Each applicant must agree to hold Ozaukee County, its agents and employees harmless in the event any lawsuit is brought against Ozaukee County by reason of said special deputy being upon said premises.
- (b) A special deputy may be denied to those persons and organizations if assignment of said deputy would not be in the best interests of Ozaukee County.

## 8.07 REGULATION OF DOGS

### (1) Definitions.

- (a) "AT LARGE" means that a dog is off the premises of its owner and upon any public street, highway or grounds or upon any private property without the permission of the owner of the property, provided however, a dog shall not be deemed to be at large if:
1. It is attached to a leash not more than ten feet in length which is of sufficient strength to restrain the dog, and the leash is held by a person competent to govern the dog and prevent it from annoying or worrying pedestrians and cyclists or trespassing on private property or trespassing on public property where such dogs are forbidden, or
  2. It is properly restrained in the automobile of its owner for the purpose of transportation from place to place, or
  3. It is being used for hunting on lands for which written permission has been granted by the owner or lessee and if said dog is under the proficient control of the owner by either audio, sonic or visual means, or
  4. It has temporarily escaped from the custody of its owner and its owner is in the process of returning it to his or her custody.
- (b) "DOG" shall mean all domesticated members of canis familiars, male or female.
- (c) "OWNER" shall mean any person, firm, corporation, or their agent owning, harboring, sheltering or keeping any domesticated dog. The occupant of any premises on which a domesticated dog remains or to which it customarily returns shall be considered to be the owner, harborer or keeper of the dog within the meaning of this Ordinance.
- (d) "PERSON" shall mean any individual, firm or corporation.

(e) "VICIOUS" shall mean given to or characterized by aggressive actions which result in attacking, chasing or biting persons, livestock, dogs and cats. A dog that has on two or more occasions attacked, chased or bitten any person, livestock, dog or cat is deemed vicious.

(f) "IMPOUNDMENT FEE" shall mean that fee established by the Ozaukee County Board of Supervisors which shall be paid to the pound to which the dog was delivered before said dog may be released. All impoundment fees shall be paid to the County Treasurer and credited to the dog license fund each month.

(g) "BOARDING FEE" shall mean that fee established by the pound to which the dog is delivered and which shall be paid to the pound to which the dog was delivered for each day or fraction of a day that the dog is impounded. The fee may not exceed the actual average daily costs for boarding and caring for the dog. Boarding fees may be retained by the operator of said pound to pay expenses incurred by said pound.

(h) "LIVESTOCK" means any horse, bovine, sheep, goat, pig, domestic rabbit or domestic fowl, including game fowl raised in captivity.

(2) Regulation of Dogs.

(a) It shall be unlawful for the owner of any dog to permit or suffer a dog to be at large.

1. Any adult alone or together with other adults may seek relief from any dog at large by a complaint to the Sheriff of Ozaukee County setting forth the following:

- a. The name and address of complainant,
- b. Description of dog and address of owner,
- c. Dates and times violations were noted,
- d. Date reported to Sheriff, and
- e. Statement that complainant would be willing to sign a complaint and testify in court.

(b) It shall be unlawful for any person to permit a dog to run at large by opening any door or gate or loosening any restraining device or otherwise do anything to entice any dog to leave any place of confinement.

(c) Any dog that is astray, the owner of which is not known, shall be seized by the Sheriff or his/her deputies and impounded in a proper place designated by the Ozaukee County Board by its Public Safety Committee. The officer in charge of the place of impoundment shall ascertain, with reasonable effort and in accordance with Wisconsin Statute 174.046 (3), the ownership of said dog, and if the owner is not found within a period of seven (7) days, said dog shall be adopted out, retained by the pound, released pursuant to Wisconsin Statute 174.13 or disposed of in a proper and humane manner. If the Sheriff is unable to seize and impound a straying dog for a period of one (1) week, and the owner is unknown, the Sheriff shall destroy said dog.

- (d) Release of Dog.
1. To Owner. The pound to which a dog is delivered may release the dog to its owner or a representative of the owner only if:
    - a. The owner or representative gives his or her name and address,
    - b. The owner or representative presents evidence that the dog is licensed and presents evidence that the dog is vaccinated against rabies or a receipt from a licensed veterinarian for prepayment of a rabies inoculation, and.
    - c. The owner or representative pays the boarding fees and impoundment fee for the dog.
  2. To Person Other Than Owner. The pound to which the dog is delivered may release the dog to a person other than the dog's owner only if:
    - a. The owner is unknown or does not claim the dog within seven (7) days after the dog is delivered to the pound.
    - b. The person to whom the dog is released gives his or her name and address.
    - c. The person to whom the dog is released signs a statement agreeing to license the dog and to have the dog vaccinated against rabies, unless evidence is presented that the dog is licensed and vaccinated, and
    - d. The person to whom the dog is released pays the boarding fees for the dog.
- (e) Vicious Animals.
1. A vicious dog as that is defined in this ordinance shall be deemed a public nuisance and the County may commence a civil action to obtain a judgment from a court ordering an officer to kill such a dog. A court may grant the judgment if the court finds both of the following:
    - a. The dog caused injury to a person, livestock, dog or cat on two separate occasions off the owner's property without reasonable cause, and
    - b. The owner of the dog was notified, or knew prior to the second injury, that the dog caused the first injury.
  2. Any officer enforcing a judgment under this subsection shall kill the dog in a proper and humane manner.
- (f) Every owner of a dog trained to guard a premises shall be required to post or place in a conspicuous place, so it can easily be seen at the regular and auxiliary entrances to his or her premises, a notice or sign reading, "Beware of Dog." A dog trained to and acting in a defensive manner within a premises so posted or signed should not be considered a vicious animal.

(g) Any person who shall suspect that any dog in the County is infected with rabies or hydrophobia shall report his or her suspicion to the Sheriff, describing the dog, its location and the name of the owner, if known.

(h) The Sheriff of Ozaukee County may seize any dog suspected of being infected with the disease known as hydrophobia or rabies and hold it at the owner's expense. If it then is determined by a veterinarian licensed by the State of Wisconsin that said dog is infected with said disease, it shall be destroyed by the Sheriff of Ozaukee County.

(i) No owner shall keep any dog that barks or howls so that peace and quiet of the neighborhood is disturbed.

(j) **Records and Reports.** The operator of the pound to whom a dog is delivered shall keep a record of each dog, giving a description of the dog, the dates of impoundment, if any, and the disposition of the dog. If the dog is kept by or released to a person, the record shall include the name, address and date of delivery of the dog, together with a record of boarding fees and impoundment fee paid. Receipts shall be given for all fees collected. Each year, on or before January 31, the operator of the county pound shall file an annual report with the County Clerk, indicating the number of dogs impounded, dogs released to owners, dogs released to persons other than owners, dogs destroyed, total dog impoundment days, total boarding fees collected, total cost to operate pound, and total impoundment fees collected.

(3) Penalties.

(a) Any person violating any provision of Sections 8.07 (2)(a), 8.07 (2)(b), 8.07 (2)(f) or 8.07 (2)(i) and who shall fail, omit, neglect or refuse to obey any order issued pursuant to these sections shall, upon conviction, be subject to a forfeiture of not less than twenty-five (\$25.00) nor more than two hundred dollars (\$200.00) for each offense together with the cost of prosecution, and in default of the payment of such forfeiture and costs, shall be imprisoned in the County Jail of Ozaukee County until said forfeiture and costs, together with subsequent costs, are paid, but in any event not to exceed thirty (30) days.

(4) Exemptions.

(a) All cities, villages and towns within Ozaukee County which now have ordinances in force or shall hereinafter enact ordinances concerning the subject matter of this ordinance shall be exempted from this ordinance, unless by appropriate resolution or ordinance, the governing body of said city, village or town elects that this ordinance shall apply within its boundaries.

## 8.09 POSSESSION OR SALE OF ALCOHOLIC BEVERAGES

- (1) Any underage person who does any of the following is guilty of a violation of this ordinance:
  - (a) Procures or attempts to procure alcoholic beverages from a licensee or permittee.
  - (b) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcoholic beverages on licensed premises.
  - (c) Enters, knowingly attempts to enter or is on a licensed premises without being accompanied by his or her parent, guardian or spouse who has attained the legal drinking age for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This subsection shall not apply to underage persons who qualify for the exceptions specified under Sections 125.07 (3)(a)1. through 11., Wisconsin Statutes.
  - (d) Falsely represents his or her age for the purpose of receiving alcoholic beverages from a licensee or permittee.
- (2) It is a violation of this ordinance for any underage person who is not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age to knowingly possess or consume alcoholic beverages, except that this subsection shall not apply to an underage person who possesses alcoholic beverages in the course of employment during his or her working hours if employed by: 1) a brewer; 2) a fermented malt beverages wholesaler; 3) a permittee other than a Class "B" or Class "B" permittee; 4) a facility for the production of alcohol fuel; 5) a retail licensee or permittee under the conditions specified in Wisconsin Statutes Section 125.32 (2) or Wisconsin Statutes Section 125.68 (2) or for delivery of unopened containers to the home or vehicle of a customer; 6) a campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.
- (3) No person may possess or consume alcoholic beverages on school premises; or in a motor vehicle, if a pupil attending the school is in the motor vehicle; or while participating in a school sponsored activity, except 1) when alcoholic beverages are possessed or consumed on school premises, in motor vehicles or by participants in school sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws, ordinances, and school board policies.
- (4) No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

- (5) No licensee or permittee may sell, vend, deal or traffic any alcoholic beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
- (6) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.
- (7) No adult may intentionally encourage or contribute to procurement or attempts to procure alcohol beverages for an underage person, knowingly allow an underage person to enter or remain on a licensed premises, allow an underage person to falsely represent their age for the purposes of obtaining alcoholic beverages from a licensee or permittee, nor allow an underage person to knowingly possess or consume alcoholic beverages.
- (8) Definitions. For purposes of this ordinance, the following definitions shall apply, where no definitions are set forth the definitions set forth in Wisconsin Statutes Section 125 shall apply.
- (a) "Motor vehicle" means a motor vehicle owned, rented or consigned to a school.
- (b) "School" means a public, parochial or private school which provides an educational program for one or more grades between grades one and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
- (c) "School administrator" means the person designated by the governing body of the school as ultimately responsible for the ordinary operations of a school.
- (d) "School premises" means premises owned, rented, or under the control of the school.
- (e) "Campus" has the meaning given under Wisconsin Statutes Section 36.05 (3).
- (f) "Legal drinking age" means 21 years of age.
- (g) "Underage person" means a person who has not attained the legal drinking age.
- (9) Penalties.
- (a) The penalties for violations of paragraph (1) of this ordinance are to be those currently existing and as may be from time to time be amended in Wisconsin Statutes Sections 125.07 (4)(bs)1. through 4. as are set forth in Section 8.18 of this Code.
- (b) Penalties for violations of subsection (2) of this ordinance shall be as currently exist or as may from time to time be amended in Wisconsin Statutes Sections 125.07 (4)(c)1. through 4., (cd), (cg), (cm) and (d) as those penalties are set forth in Section 8.18 of this Code.
- (c) The penalties for violation of subsection (3) of this ordinance are those as currently exist or as may be from time to time amended in Section 125.09 (2)(d) of the Wisconsin Statutes as those penalties are expressed in Section 8.18 of this Code.
- (d) The penalties for violation of subsections (4), (5) (6) and (7) of this ordinance are those as currently exist or as may be from time to time amended in Section 125.07 (1)(b) of the Wisconsin Statutes as those penalties are expressed in Section 8.18 of this Code.

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## 8.10 HARASSMENT

- (1) Whoever, with intent to harass or intimidate another person, does any of the following is subject to a forfeiture not to exceed \$1,000.00:
  - (a) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.
  - (b) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.
- (2) This section does not prohibit any person from participating in lawful conduct in labor disputes under Section 103.53, Wisconsin Statutes.

## 8.16 INSTALLATION AND OPERATION OF EMERGENCY ALARM SYSTEM

- (1) Definitions
  - (a) "ALARM SYSTEM" shall mean any device designed for the detection of an unauthorized entry on premises or for alerting others to the commission of an unlawful act or both, or for the detection of a fire, which when activated produces a signal, visual, or audible or both at said premises, or which signal is caused to be transmitted by said system to the Ozaukee County Sheriff's Department, or which signal is caused to be transmitted by said system to another agency, public or private, to be relayed by said agency to the Ozaukee County Sheriff's Department. "Alarm system" does not include any system which when activated produces only a visual and/or audible signal within the premises. Additionally, "alarm system" does not include any system which when activated produces only a visual and/or audible signal at said premises, if said premises is located in the Cities of Mequon, Cedarburg or Port Washington, or in the Villages of Grafton and Saukville.
  - (b) "FALSE ALARM" shall mean any directly transmitted alarm signal, relayed report of automatically transmitted alarm signal, or report of a premises visual or audible alarm signal to the Ozaukee County Sheriff's Department necessitating response by the Ozaukee County Sheriff's Department when an actual emergency situation does not exist.

(2) Permits and Fees.

(a) Permit Required. No alarm system shall be installed in any building, unless the property owner has been issued a permit by the Sheriff of Ozaukee County in accordance with the provisions of this Ordinance.

1. All owners of alarm systems connected directly to the Ozaukee County Sheriff's Department prior to the effective date of this Ordinance must obtain a permit within ninety (90) days after the effective date of this Ordinance.

2. All owners of alarm systems are responsible to make themselves, or an agent designated in writing, available to the Sheriff or his/her deputies within a reasonable period of time for the purpose of resetting any alarm system installed in accordance with the provisions of this Ordinance.

3. No person shall connect or operate an alarm system that, when activated, automatically dials the Ozaukee County Sheriff's Department and transmits a recorded message unless the use of said alarm system has been specifically approved by the Sheriff of Ozaukee County, and a permit issued. The owner of any such dialer that is in operation on the effective date of this Ordinance shall cause said system to be in compliance with the terms of this section within sixty (60) days after said effective date.

4. The installation, operation and maintenance of any alarm system directly connected by private line to the Ozaukee County Sheriff's Department, including all components located in the Sheriff's Department office, shall be at the expense of the property owner. Such alarms shall have a separate line to the department, maintained at the property owner's expense, and shall not be connected to existing telephone numbers except as provided in Subsection (2)(a)3.

5. An alarm system installed or existing at a premises, which produces a visual and/or audible signal at said premises requires a permit under this section. All owners of such alarm systems must obtain a permit for that system within sixty (60) days after the effective date of this ordinance subsection.

(b) Permit Fee. A permit fee of \$25.00 shall be paid when the alarm system application is filed with the Sheriff's Department. (04-1)

(3) Penalties.

(a) Any alarm system connected by direct private line or by automatic dialing to the Ozaukee County Sheriff's Department which activates in excess of five (5) false alarms within any calendar year may be disconnected from the Ozaukee County Sheriff's Department by order of the Sheriff upon thirty (30) days written notice, except that newly installed systems shall not be subject to this provision for the first sixty (60) days after connection to the department. (04-1)

(b) Any property owner who violates subsection (2)(a)1., (2)(a)2., (2)(a)3. or (2)(a)5. or fails to pay the fee under (5)(c) of this Ordinance shall be upon conviction, subject to a forfeiture of not less than \$25.00 nor more than \$200.00, and in default of payment of said amount shall be imprisoned in the Ozaukee County Jail for a period not to exceed thirty (30) days. Each violation of this Ordinance shall constitute a separate offense.

(c) Fees for False Alarms: Alarm system owners shall be charged a fee for each false alarm that is received by the Sheriff’s Department, in accordance with the following calendar year schedule:

- 1. First two false alarms ..... No Charge
- 2. Third false alarm..... \$50.00
- 3. Fourth false alarm..... \$75.00
- 4. Fifth and subsequent false alarms..... \$100.00

- a. The fee schedule becomes effective sixty (60) days after new installations.
- b. Fees must be paid within thirty (30) days of date of written notification from the Sheriff’s Department.
- c. Failure to pay the fee within thirty (30) days of written notification will result in issuance of a warning letter requiring payment within fifteen (15) days of the date of the warning letter, if payment is not received within fifteen (15) days of the warning letter, a citation will be issued.

(4) Right to Appeal.

(a) Any person who has had their alarm system disconnected or response terminated by order of the Sheriff of Ozaukee County, shall have the right to appeal that revocation to the Ozaukee County Public Safety Committee.

8.17 CITATION FOR ORDINANCE VIOLATIONS

The Wisconsin Uniform Municipal Court Citation forms are adopted for use in bringing action for violation of any Ozaukee County Chapter VIII ordinances.

8.18 FORFEITURE DEPOSIT SCHEDULE

- (1) Any individual arrested for violation of an Ozaukee County Ordinance for which there is a statutory equivalent,
  - (a) May obtain release from custody by making a deposit as specified in Subsection (3), or
  - (b) If released from custody by order of a magistrate, may make a deposit as specified in Subsection (3).
  - (c) If an individual has made a deposit and fails to appear at the time set for hearing, the court may consider such failure to appear to be a plea of no contest and order the deposit forfeited.
- (2) The court does not have to accept the plea and deposit forfeiture specified in Subparagraph (1). If it does not accept it, the charged individual shall be required to appear in court by issuance of a summons.

5/13/2004

## (3) Deposit Schedule. (09-6)

<u>SECTION NUMBER</u>		<u>DEPOSIT</u>	<u>PENALTY ASSESSMENT</u>	<u>OTHER COSTS</u>	<u>TOTAL DEPOSIT</u>
3.011	Illegal Parking/Posted Signs	\$15.00	\$0.00	\$119.50	\$134.50
3.012	Disorderly Conduct with a Motor Vehicle	50.00	13.00	137.50	200.50
3.04	Abandoned Auto	25.00	6.50	137.50	169.00
3.05	Intoxicants in Motor Vehicles	50.00	13.00	137.50	200.50
3.08	Park and Ride Lots Parking	50.00	.00	119.50	169.50
5.01	County Park Ordinance (All Violations)	30.00	7.80	137.50	175.30
5.03	County Administration Center and Justice Center Parking Lots	10.00	.00	119.50	129.50
5.05	Access (05-17) (All Violations)	50.00	13.00	137.50	200.50
5.08	Ozaukee Interurban Trail (All Violations)	30.00	7.80	137.50	175.30
8.02	Disorderly Conduct	50.00	13.00	137.50	200.50
8.03	Trespass to Land	20.00	5.20	137.50	162.70
8.05	Unlawful Assemblies	100.00	26.00	137.50	263.50
8.07	Dog at Large	20.00	5.20	137.50	162.70
8.09	Underage drinking violations - procures or attempts to procure - under 17 years:				
	1st violation	250.00	65.00	137.50	452.50
	2nd violation within 1 year	300.00	78.00	137.50	515.50
	3rd and subsequent violations within 1 year	500.00	130.00	137.50	767.50
	Underage drinking violations - procures or attempts to procure - 17-20 years:				
	1st violation	250.00	65.00	137.50	452.50
	2nd violation within 1 year	300.00	78.00	137.50	515.50
	3rd violation within 1 year	500.00	130.00	137.50	767.50
	4th and subsequent violations within 1 year	750.00	195.00	137.50	1,082.50

9/2/2009

<u>SECTION NUMBER</u>	<u>DEPOSIT</u>	<u>PENALTY ASSESSMENT</u>	<u>OTHER COSTS</u>	<u>TOTAL DEPOSIT</u>
Underage drinking violations - possesses or consumes - under 17 years:				
1st violation	\$30.00	\$7.80	\$137.50	\$175.30
2nd violation within 1 year	60.00	15.60	137.50	213.10
3rd and subsequent violations within 1 year	100.00	26.00	137.50	263.50
Underage drinking violations - possesses or consumes - 17-20 years:				
1st violation	100.00	26.00	137.50	263.50
2nd violation within 1 year	200.00	52.00	137.50	389.50
3rd violation within 1 year	300.00	78.00	137.50	515.50
4th and subsequent violations within 1 year	500.00	130.00	137.50	767.50
Identification card violations - under 17 years:				
1st violation within 1 year	200.00	52.00	137.50	389.50
2nd violation within 1 year	300.00	78.00	137.50	515.50
3rd and subsequent violations within 1 year	500.00	130.00	137.50	767.50
Identification card violations - 17-20 years:				
1st violation within 1 year	100.00	26.00	137.50	263.50
2nd violation within 1 year	200.00	52.00	137.50	389.50
3rd violation within 1 year	300.00	78.00	137.50	515.50
4th and subsequent violations within 1 year	500.00	130.00	137.50	767.50
School - related possession of alcohol beverages - under 21 years:				

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<u>SECTION NUMBER</u>	<u>DEPOSIT</u>	<u>PENALTY ASSESSMENT</u>	<u>OTHER COSTS</u>	<u>TOTAL DEPOSIT</u>	
	1st violation	\$30.00	\$7.80	\$137.50	\$175.30
	2nd violation within 1 year	60.00	15.60	137.50	213.10
	3rd and subsequent violations within 1 year	100.00	26.00	137.50	263.50
	School - related - possession of alcohol beverages - 21 years or older	100.00	26.00	137.50	263.50
8.09	(4) thru (7)	250.00	65.00	137.50	452.50
8.10	Harassment	50.00	13.00	137.50	200.50
8.16	Alarm System (false)	25.00	6.50	137.50	169.00
8.16 (2)(a)	Alarm Permit Required	25.00	6.50	137.50	169.00
8.19	Loitering or Prowling	50.00	13.00	137.50	200.50
8.24	Littering	50.00	13.00	137.50	200.50
8.25	Misuse of E911 Telephone System	100.00	26.00	137.50	263.50
8.26	Possession of Switch blade Knife	100.00	26.00	137.50	263.50
8.27	Retail Theft/Shoplifting	50.00	13.00	137.50	200.50
8.28	Issue of Worthless Check	50.00	13.00	137.50	200.50
8.29	Criminal Damage to Property	100.00	26.00	137.50	263.50
8.30	Resisting or Obstructing Officer	100.00	26.00	137.50	263.50
8.31	Carrying a Concealed Weapon	100.00	26.00	137.50	263.50
8.32	Purchase or Possession of Tobacco Products	25.00	6.50	137.50	169.00
8.33	Sale or Gift of Cigarettes or Tobacco Products				
	1st violation	200.00	52.00	137.50	389.50
	2nd violation	400.00	104.00	137.50	641.50
8.34	Theft	50.00	13.00	137.50	200.50
8.35	Smoking Prohibited <sup>(11-1)</sup>	25.00	6.50	137.50	169.00

(4) Disposition in proceedings against a person under 17 years of age shall be provided by Section 938.237, Wisconsin Statutes. Deposits for juveniles convicted of a violation of a civil law or ordinance shall not exceed the maximum forfeiture that may be imposed on an adult for committing that same violation.

## 8.19 LOITERING OR PROWLING

(1) It shall be unlawful for anyone to 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 actor takes flight upon appearance of the sheriff, refuses to identify himself/herself, or manifestly endeavors to conceal himself/

herself or any object. Unless flight by the actor or other circumstances makes it impracticable, the sheriff shall, prior to any arrest for an offense under this subsection, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this sub-section if the sheriff did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true, and, if believed by the sheriff at the time, would have dispelled the alarm.

(2) It shall be unlawful for any person or persons to stand, assemble or loiter upon any sidewalk, street public ground or public way in this county so as to obstruct, hinder or impede free passage upon or along same or obstruct, hinder or impede free ingress or egress to an from any place of business, institution or public building or property; no person or persons so assembled shall refuse or neglect to move or depart or give free passage after being requested so to do by the owner, lessee, tenant, manager or occupant of such premises obstructed as aforesaid, or upon order of the sheriff in the County of Ozaukee.

(3) It shall be unlawful for any person to hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.

(4) It shall be unlawful for any person to loiter in or about any toilet open to the public, for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.

(5) It shall be unlawful for any person to lodge in any building structure or place whether public or private without the permission of the owner or person in possession or in control thereof.

(6) It shall be unlawful for any person to loiter in or about a restaurant, tavern or other public building. As used in this subsection, "loiter" means to, without just cause, remain in a restaurant, tavern, or public building, or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof or by the sheriff.

(7) Upon conviction under any of the above Subsections, a person shall forfeit a penalty of and be fined not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00), in the discretion of the court, together with the costs of the action to collect the same, and in default of payment thereof, shall be imprisoned in the Ozaukee County Jail for not less than ten (10) nor more than ninety (90) days, in the discretion of the court.

## 8.20 TRUANCY

(1) Authority.

(a) Wisconsin Statutes Section 118.163 (2) authorizes Ozaukee County to adopt a municipal truancy ordinance based on Juvenile Code Sections 48.02 (9m), 48.13 (6), 48.17 (2)(a), 48.17 (2)(d), 48.17 (2)(g) and 48.342, Wisconsin Statutes.

- (2) Definitions. For purposes of this ordinance:
- (a) "Habitual Truant" means a pupil who is absent from school without an acceptable excuse for either of the following:
1. Part or all of five or more days out of 10 consecutive days in which school is held during a school semester.
  2. Part or all of 10 or more days on which school is held during a school semester.
- (b) "Acceptable Excuse" has the meaning as defined in Sections 118.15 and 118.16 (4), Wisconsin Statutes.
- (3) Citation of Truants. The County of Ozaukee by this ordinance does prohibit any student within its jurisdiction from being a habitual truant as that term is defined in this ordinance. The Ozaukee County Sheriff's Department is authorized to issue a county citation to any such student found within its jurisdiction who is determined to be habitually truant under the terms of this ordinance.
- (a) Prior to the issuance of any citation, the law enforcement personnel shall determine whether the school officials have done the following; a) met with or attempted to meet with the child's parent or guardian to discuss the child's truancy; b) provided an opportunity for educational counseling to the child and considered curriculum modifications; c) evaluated the child to determine whether learning problems are a cause of the truancy and, if so, taken steps to overcome the learning problems; d) conducted an evaluation to determine whether social problems are the cause of the child's truancy and, if so, taken appropriate action or made appropriate referrals.
- (b) Any citation issued shall be returnable in the Circuit Court of Ozaukee County in the same manner as all ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation.
- (4) Disposition. Upon finding the child habitually truant, the Circuit Court of Ozaukee County shall impose one or more of the following dispositions:
- (a) Suspend the child's operating privileges as defined in Section 340.01 (40), Wisconsin Statutes, for not less than 30 nor more than 90 days. The judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice setting forth the reason for and duration of the suspension.
- (b) Order the child to participate in counseling, community service or a supervised work program under Section 48.34 (9), Wisconsin Statutes.
- (c) Order the child to remain at home except for the hours in which the child is attending religious worship or a school program including travel time required to get to and from the school program or place of worship. The order may permit a child to leave the home if the child is accompanied by a parent or guardian.

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- (d) Order the child to attend an educational program as set forth in Section 48.34 (12), Wisconsin Statutes.
- (5) References to statutes.
  - (a) References to specific statutory sections whenever used in this ordinance shall mean the Wisconsin Statutes of 1987-88 as from time to time are amended, modified, repealed or otherwise altered by the state legislature.
- (6) Severability.
  - (a) If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

## 8.21 REQUIRED SCHOOL ATTENDANCE

- (1) Authority.
  - (a) Wisconsin Statutes Section 59.56 (7) authorizes Ozaukee County to adopt an ordinance requiring certain persons to ensure that a child attends school.
- (2) Required School Attendance.
  - (a) Any person who has a child under his or her control, which child is between the age of 6 and 17 years old and which child attends school in Ozaukee County, is required by Ozaukee County to ensure that the child attends school according to the provisions of Section 118.15 of the Wisconsin Statutes (Compulsory School Attendance Law).
- (3) Exceptions.
  - (a) A person will not be found in violation of this ordinance if that person proves that he or she is unable to comply with this ordinance because of the disobedience of the child under that person's control, if the person is unable to comply with this ordinance due to the disobedience of the child, no action will be undertaken pursuant to this ordinance and the child will be referred to the juvenile court;
  - (b) This ordinance does not apply to a person who has a child under his or her control if the child has been sanctioned under Section 49.50 (7)(h) of the Wisconsin Statutes.
- (4) Penalty.
  - (a) Before a person may be found guilty of violating this ordinance the school attendance officer must present evidence to the court that the activities under Section 118.16 (5) of the Wisconsin Statutes have been completed by the school system, if that evidence is presented to the court and if the court finds a person guilty of violating this ordinance, a forfeiture of not more than \$500 shall be imposed against that person.
- (5) Reference to Statutes.
  - (a) References to specific statutory sections whenever used in this ordinance shall mean the Wisconsin Statutes of 1995-96 as those are from time to time amended, modified, repealed or otherwise altered by the state legislature.

## 8.22 CONTRIBUTING TO TRUANCY

(1) Authority.

(a) Wisconsin Statutes Section 59.04 (22) authorizes Ozaukee County to adopt an ordinance prohibiting contribution to truancy, as that is defined in Section 947.16, Wisconsin Statutes, and to further provide for a forfeiture for a violation of this ordinance.

(2) Contribution to Truancy.

(a) County of Ozaukee by this ordinance does hereby prohibit any person 17 years of age or older from performing any act or omission which act or omission knowingly encourages or contributes to the child's truancy from school.

(3) Definitions.

(a) "Habitual Truant" means a pupil who is absent from school without an acceptable excuse for either of the following:

1. Part or all of five or more days out of ten consecutive days in which school is held during a school semester.
2. Part or all of ten or more days on which school is held during a school semester.

(b) "Acceptable Excuse" has the meaning as defined in Sections 118.15 and 118.16 (4), Wisconsin Statutes.

(c) "Act or Omission" means anything that contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

(4) Exceptions.

(a) This ordinance does not apply to a person who has under his or her control a child who has been sanctioned under Section 49.50 (7)(h), Wisconsin Statutes.

(5) Penalty.

(a) Any person found guilty of violating this ordinance shall forfeit not more than \$500.

(6) References to Statutes.

(a) References to specific statutory sections whenever used in this ordinance shall mean the Wisconsin Statutes of 1987-88 as from time to time may be amended, modified, repealed or otherwise altered by the state legislature.

## 8.23 ENHANCED 9-1-1 TELEPHONE SERVICE SYSTEM.

(1) An enhanced 9-1-1 telephone service system for Ozaukee County is hereby created.

- (2) The County Board Chairperson and the County Clerk are authorized to execute an agreement whereby Ozaukee County will release, indemnify, defend and hold harmless the Public Service Commission and the State of Wisconsin for any injuries or damages arising out of the E-9-1-1 system.
- (3) Ozaukee County will provide for the receiving of emergency calls from telecommunication devices for the deaf (TDD) for deaf users.
- (4) An E-9-1-1 plan of operation, to include the following subjects, will be maintained by the 9-1-1 Coordinator (County Clerk).
  - (a) Service area.
  - (b) Public safety answering points.
  - (c) Public safety answering point alerting methods.
  - (d) List of responding agencies.
  - (e) Advanced features.
  - (f) Non-emergency telephone numbers.
- (5) Ozaukee County authorizes the levy of a charge on all service users in Ozaukee County to finance the costs related to the establishment of an E-9-1-1 system, including nonrecurring and recurring charges, in Ozaukee County, with the charge to be determined pursuant to the procedure set forth in Section 146.70 (3) Wisconsin Statutes.
- (6) The County Board Chairperson and the County Clerk are authorized to enter into a contract with Wisconsin Bell, and any other appropriate independent telephone company in Ozaukee County, for the installation and maintenance of an enhanced 9-1-1 system for a basic period of five (5) years, with automatic one year extensions.

#### 8.24 LITTERING

- (1) It shall be unlawful for any person to litter in Ozaukee County as that is defined in this ordinance. This ordinance is adopted under authority of Section 59.54 (22) of the Wisconsin Statutes and is in conformity with Section 287.81 of the Wisconsin Statutes.
- (2) Definitions.
  - (a) "Highway" is defined as all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in state, county or municipal parks which have been open to the use of the public for the purpose of vehicular travel and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways.
  - (b) "Vehicle" is defined as every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains.

- (c) "Waters of the county" is defined as including those portions of Lake Michigan within the boundaries of Ozaukee County and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water- courses, drainage systems and other surface water or ground water natural or artificial, public or private, within the county or its jurisdiction.
- (d) "Solid waste" is defined as any garbage, refuse, sludge from a waste treatment plan, water supply treatment plant or air pollution control facility and other discarded or salvageable materials.
- (3) It is a violation of this ordinance for any person to do any of the following acts:
  - (a) Deposit or discharge any solid waste on or along any highway, in any water of the county, on the ice of any waters of the county or on any other public or private property within the County or within county jurisdiction.
  - (b) Permit any solid waste to be thrown from a vehicle operated by any person.
  - (c) Fail to remove within 30 days or otherwise abandons any automobile, boat or other vehicle in the waters of the County or within County jurisdiction.
- (4) Whoever violates any provision of this ordinance may be required to forfeit not more than \$200.00, together with the costs of prosecution of this action, and in default of payment thereof, shall be imprisoned in the County Jail for a period not to exceed 90 days.
- (5) Exceptions:
  - (a) This ordinance shall not apply to any person who places solid waste in receptacles designed for solid waste storage that are located along the highway or on other public or private property.
  - (b) This ordinance shall not apply to a person who deposits or discharges solid waste in conformance with Wisconsin Statutes sections 30, 31, 144 or 147, or a permit, license or other approval issued by the department under those statutory sections.

## 8.25 MISUSE OF E911 TELEPHONE SYSTEM

- (1) No person shall utilize the E911 telephone system for any purpose other than to report an emergency.
- (2) It shall be unlawful to report an alleged emergency knowing that the situation being reported does not exist.
- (3) An "emergency" under this section exists when the person reasonably believes that immediate response by public safety personnel is essential due to the risk or actual occurrence of:
  - (a) Death or great bodily harm
  - (b) Property damage.

- (c) Any other situation which mandates the immediate response of public safety personnel.
- (4) Any person violating this section shall, upon conviction, be subject to a forfeiture of not more than \$200, together with the costs of prosecution.

#### 8.26 POSSESSION OF SWITCHBLADE KNIFE

- (1) No person may manufacture, sell or offer to sell, transport, purchase, possess or go armed with any knife having a blade which opens by pressing a button, spring or other device in the handle, or by gravity or by a thrust or movement.
- (2) Any person violating this section shall, upon conviction, be subject to a forfeiture of not more than \$200, together with the costs of prosecution.

#### 8.27 RETAIL THEFT/SHOPLIFTING

- (1) No person may intentionally alter indicia of price or value of any merchandise, nor may any person take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant or property of the merchant without his or her consent and with intent to deprive the merchant permanently of possession or the full purchase price of the merchandise.
- (2) No person may intentionally conceal unpurchased merchandise from one floor to another or beyond the last station for receiving payments in a merchant's store, such intentional concealment is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of a person or concealed by a person upon the person or among the belongs of another is evidence of intentional concealment on the part of the person so concealing such goods.
- (3) Definitions.
  - (a) Merchant includes any merchant as defined in Wisconsin Statutes Section 402.104 (3) or any innkeeper, motelkeeper or hotelkeeper.
  - (b) Value of merchandise means:
    - 1. For property of the merchant, the value of the properties; and
    - 2. For merchandise held for resale, the merchant's stated price of the merchandise or, in the event of altering, transferring or removing a price marking causing a cash register or other sales device to reflect less than the merchant's stated price, the difference between the merchant's stated price of the merchandise and the altered price.
- (4) Any person violating this section shall, upon conviction, be subject to a forfeiture of not more than \$100, together with the costs of prosecution.

## 8.28 ISSUE OF WORTHLESS CHECK

- (1) No person may issue any check or other order for the payment of not more than \$500 which, at the time of issuance, he or she intends not to be paid.
- (2) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for the payment of money intended it should not be paid.
  - (a) Proof that, at the time of issuance, the person did not have an account with the drawee; or
  - (b) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within 5 days after receiving check or other notice of non-payment or dishonor to pay the order; or
  - (c) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within 5 days after receiving notice of non-payment or dishonor to pay the check or other order.
- (3) This section does not apply to a post dated check or to a check given for a past consideration, except a payroll check.
- (4) Any person violating this section shall, upon conviction, be subject to a forfeiture of not more than \$100, together with the costs of prosecution.

## 8.29 CRIMINAL DAMAGE TO PROPERTY

- (1) No person may intentionally cause damage to any physical property of another without that person's consent.
- (2) Any person violating this section shall, upon conviction, be subject to a forfeiture of not more than \$200, together with the costs of prosecution.

## 8.30 RESISTING OR OBSTRUCTING OFFICER

- (1) No person may knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.
- (2) Definitions.
  - (a) "Obstructs" includes without limitation knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty, including the service of any summons or civil process.
  - (b) "Officer" means a peace officer or other public officer or public employee having the authority by virtue of their office or employment to take another into custody.
- (3) Any person violating this section shall, upon conviction, be subject to a forfeiture of not more than \$200, together with the costs of prosecution.

## 8.31 CARRYING A CONCEALED WEAPON

- (1) No person except a peace officer may go armed with a concealed and dangerous weapon.
- (2) Any person violating this section shall, upon conviction, be subject to a forfeiture of not more than \$200, together with the costs of prosecution.

## 8.32 PURCHASE OR POSSESSION OF TOBACCO PRODUCTS

- (1) In this section:
  - (a) "Cigarette" has the meaning given in Section 139.30 (1), Wisconsin Statutes.
  - (b) "Law enforcement officer" has the meaning given in Section 30.50 (4s), Wisconsin Statutes.
  - (c) "Tobacco products" has the meaning given in Section 139.75 (12), Wisconsin Statutes.
- (2) Except as provided in subsection (3), no person under 18 years of age may do any of the following: (09-13)
  - (a) Buy or attempt to buy any cigarette or tobacco product.
  - (b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
  - (c) Possess any cigarette or tobacco product.
- (3) A person under 18 years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.65 (1), Wisconsin Statutes. (09-13)
- (4) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of subsection (2) committed in his or her presence.
- (5) A court may impose a forfeiture of not to exceed \$25 against any child violating this section.
- (6) This ordinance is adopted under the authority granted by Section 254.92 (4), Wisconsin Statutes. (09-13)

## 8.33 SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS

- (1) It shall be unlawful to sell or give cigarettes or tobacco products to any person under the age of 18 years pursuant to this ordinance. (09-13)
- (2) This ordinance is adopted pursuant to the authority of Section 134.66 (5), Wisconsin Statutes
- (3) The definitions that apply to this ordinance are those set forth in Section 134.66 (1), Wisconsin Statutes.
- (4) Restrictions.
  - (a) No retailer, manufacturer or distributor may sell or give cigarettes or tobacco products to any person under the age of 18, except as provided in Section 254.92 (2), Wisconsin Statutes and Section 8.32, Ozaukee County Code of Ordinances. A vending machine operator is not liable under this paragraph for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.
  - (b)
    1. A retailer shall post a sign in areas within his or her premises, where cigarettes or tobacco products are sold to consumers, stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under Section 254.92, Wisconsin Statutes and Section 8.32, Ozaukee County Code of Ordinances. (09-13)
    2. A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under Section 254.92, Wisconsin Statutes and Section 8.32, Ozaukee County Code of Ordinances and that the purchaser is subject to a forfeiture of not to exceed \$25. (09-13)
  - (c)
    1. Under no circumstances may a retailer place a vending machine within 500 feet of a school.
    2. No retailer may keep a vending machine in any public place that is open to persons under the age of 18 unless all of the following apply:
      - a. The vending machine is in a place where it is ordinarily in the immediate vicinity, plain view and control of an employee.
      - b. The vending machine is in a place where it is inaccessible to the public when the premises are closed.

3. The person who ultimately controls, governs or directs the activities within the premises where the vending machine is located shall ensure that an employee of the retailer remains in the immediate vicinity, plain view and control of the vending machine whenever the premises are open.
4. A vending machine operator shall remove all of his or her vending machines which are located in any place prohibited by this ordinance.
  - (d) No manufacturer, distributor, jobber, subjobber or retailer, or their employees or agents, may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of 18.
  - (e) No retailer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under Section 139.32 (1), Wisconsin Statutes.
- (5) DEFENSE OF RETAILER, MANUFACTURER AND DISTRIBUTOR. Proof of all of the following facts by a retailer, manufacturer or distributor who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of this ordinance.
  - (a) That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.
  - (b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.
  - (c) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.
- (6) PENALTIES.
  - (a) Violations of Sections (4)(a), (4)(c)1., (4)(c)2., (4)(d) and (4)(e) of this section shall be subject to the following forfeitures:
    1. Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or
    2. Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.
  - (b) A court shall suspend any license or permit issued under Sections 134.65, 139.34 or 139.79, Wisconsin Statutes to a person for:
    1. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
    2. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations, or

3. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.

(c) The court shall promptly mail notice of a suspension under subsection (b) to the State Department of Revenue and to the clerk of each municipality which has issued a license or permit to the person.

(d) Whoever violates subsection (4)(b) shall forfeit not more than \$25.

#### 8.34 THEFT

(1) No person may intentionally take and carry away, use, transfer, conceal or retain possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.

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

(2) No person may intentionally obtain or attempt to obtain telecommunications service by any of the following means :

(a) Charging such service to an existing telephone number or credit card number without the consent of the subscriber thereto or the legitimate holder thereof.

(b) Rearranging, tampering with or making connection with any facilities or equipment.

(c) Using any other contrivance, device or means to avoid payment of the lawful charges, in whole or in part, for such service.

(d) "Telecommunications service" means the offering for sale of the conveyance of voice, data or other information at any frequency over any part of the electromagnetic spectrum, including the sale of service for collection, storage, forwarding, switching and delivery incidental to such communication and including the regulated sale of customer premises equipment. "Telecommunications service" does not include cable television service or broadcast service.

#### 8.35 SMOKING <sup>(11-1)</sup>

(1) Smoking Prohibited

(a) Except as provided in subsection (3) no person may smoke in any of the following enclosed places:

1. Residence halls or dormitories owned or operated by college or university
2. Child care centers
3. Educational facilities
4. Inpatient health care facilities

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5. Theaters
  6. Correctional facilities
  7. State institutions
  8. Restaurants
  9. Taverns
  10. Private clubs
  11. Retail establishments
  12. Common areas of multiple/unit residential units
  13. Lodging establishments
  14. State, county, city or town buildings
  15. All enclosed places other than those listed in subsections 1 through 13 that are places of employment or that are public places.
- (b) No person may smoke in any of the following outdoor locations:
1. Anywhere on the premises of a child care center when children who are receiving child care services are present
  2. Any location that is 25 feet or less from a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System
- (c) No person may smoke in any of the following:
1. A sports arena
  2. A bus shelter
  3. A public conveyance
- (2) Responsibility of Persons in Charge
- (a) No person in charge may allow any person to smoke in violation of this ordinance at a location that is under the control or direction of the person in charge.
- (b) The person in charge may not provide matches, ash trays or other equipment for smoking in the location where smoking is prohibited
- (c) The person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all the following:
1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition
  2. Refusing to serve a person, if the person is smoking in a restaurant, tavern or private club. If a person refuses to leave the location after being requested to do so the person in charge shall immediately notify an appropriate law enforcement agency of the violation.
  3. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.

4. A person in charge may take measures in addition to those listed above to prevent persons from being exposed to others who are smoking or to further ensure compliance with this section.

(3) Exceptions

(a) The prohibition against smoking in this ordinance does not apply to the following:

1. A private residence.
2. A room used only by one person in an assisted living facility as his or her residence.
3. A room in an assisted living facility in which two 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. A retail tobacco store that is in existence on June 3<sup>rd</sup>, 2009 and in which only the smoking of cigars and pipes is allowed.
5. A tobacco bar that is in existence on June 3<sup>rd</sup>, 2009 and in which only the smoking of cigars and pipes is allowed.

(4) Local Authority

This ordinance is passed and authorized under the authority of Wisconsin Statute Section 101.123 (4m)

(5) Definitions

(a) Definitions to be applied in this section are those stated under Section 101.123(1) of the Wisconsin Statutes and in addition include the following:

1. “Enclosed Place” means a structure or area that has all of the following:
  - a. A roof
  - b. More than two substantial walls
2. “Person in Charge” means a person, or his or her agent, ultimately controls, governs or directs activities a board, a public conveyance or the location where smoking is prohibited or regulated under this section.
3. “Place of Employment” means any enclosed place that employees normally frequent during the course of employment, including an office, a work area, and elevator, an employee lounge, a restroom, a conference room, a meeting room, a class room, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.
4. “Public Conveyance” means a mass transit vehicle as defined Section 340.01(28m), school bus as defined in Section 340.01(56), or any other device by which persons are transported, for hire, by highway or by rail, water, air, or guide wire, within this state, but does not include such device while providing transportation and interstate commerce.
5. “Public Place” means any enclosed place that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.

6. “Restaurant” means an establishment as defined in Wisconsin Statute Section 254.61(5).
7. “Retail Establishment” means any store, shop in which retail sales is the principal business conducted.
8. “Smoking” means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:
  - a. A lighted cigar
  - b. A lighted cigarette
  - c. A lighted pipe
  - d. Any other lighted smoking equipment
9. “Substantial Wall” means a wall with no opening or with an opening that does not allow air in from the outside or is less than 25% of a wall’s surface area.
10. “Tavern” means an establishment, other than a restaurant, that holds a “Class B” intoxicating liquor license or “Class B” fermented malt beverages license.

(6) Reasonable Distance Smoking Allowed

A person in charge of a restaurant, tavern, private club, or retail establishment subject to this ordinance may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club or retail establishment may smoke.

(7) Penalties

(a) Any person who violates subsection 1 of this ordinance shall be subject to forfeiture of not less than \$10.00, no more than \$200.00 for each violation.

1. Except as provided below any person in charge who violates subsection 2 of this ordinance shall be subject to a forfeiture of \$100.00 for each violation except as follows:

a. For violations subject to a forfeiture under this subsection if the person in charge has not previously received a warning notice for a violation of subsection 2 the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation; and

b. No person in charge may be required under this paragraph to forfeit more than \$100.00 in total for all violations of subsection 2 occurring on a single day.

(b) Injunction, County officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this ordinance.