

CHAPTER 9

PEACE AND ORDER

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9.01 - DISORDERLY CONDUCT PROHIBITED

No person shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.

9.02 - ISSUANCE OF WORTHLESS CHECKS

- (1) PROHIBITED. No person shall issue any check or other order for the payment of money less than \$500 which, at the time of issuance, he intends should not be paid.
- (2) EVIDENCE DESIGNATED. Any of the following is prima facie evidence that the person, at the time he 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;
 - (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 notice of nonpayment or dishonor to pay the check or other 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 nonpayment or dishonor to pay the check or other order.
- (3) NOTICE. Refusal to accept or failure to receive notice of nonpayment or dishonor mailed by first class mail to such person's last known address or the address shown on the face of the check or other order shall not be a defense to the charge of issuance of a worthless check contrary to this section.
- (4) EXEMPTION. This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

9.03 - ALCOHOL OFFENSES

- (1) DEFINITIONS. As used in this chapter:

Alcohol beverages. Fermented malt beverages and intoxicating liquor.

Club. An organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, and which only sells alcohol beverage incidental to its operation.

Department. The Wisconsin Department of Revenue.

Fermented malt beverages. Any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 5/10% or more of alcohol by volume.

Hotel. A hotel as defined in §254.61(3), Wis. Stats., provided with a restaurant. (Ord. No. 179, Am. #3, § 2, 3-7-95)

Intoxicating liquor. All ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing ½ % or more of alcohol by volume, which are beverages, but does not include fermented malt beverages which contain less than 5% of alcohol by weight.

Legal drinking age. Twenty-one years of age.

License. An authorization to sell alcohol beverages issued by a municipal governing body under Ch. 125, Wis. Stats.

Permit. Any permit issued by the Wisconsin Department of Revenue under Ch. 125, Wis. Stats.

Person. A natural person, sole proprietorship, partnership, corporation or association.

Premises. The area described in a license or permit.

Restaurant. A restaurant as defined in §254.61(5), Wis. Stats. (Ord. No. 179, Am. #3, § 2, 3-7-95)

Sell, sold, sale or selling. Any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme or transaction for obtaining alcohol beverages, including the solicitation of orders for or the sale for future delivery of alcohol beverages.

Underage person. A person who has not attained the legal drinking age.

- (2) **PRESENCE OF UNDERAGE PERSONS IN PLACES OF SALE.** No underage person not accompanied by his parent, guardian or spouse who has attained legal drinking age may enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his 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 section does not apply to:

- (a) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
- (b) Any underage person who enters or is on a Class A retail intoxicating liquor premises for the purpose of purchasing items or beverages other than alcohol beverages may not remain on the premises after the purchase. (Ord. No. 179, Am. #3, § 2, 3-7-95)
- (c) Hotels, drugstores, grocery stores, service stations, bowling alleys, cars operated by any railroad, regularly established athletic fields, stadiums or public facilities, as defined in §125.51(5)(b)1.d., Wis. Stats., which are owned by a county or municipality. (Ord. No. 179, Am. #3, § 2, 3-7-95)
- (d) Concessions authorized on State owned premises in the State parks and State forests, as defined or designated in Chs. 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies. (Ord. No. 179, Am. #3, § 2, 3-7-95)
- (e) Ski chalets, golf clubhouses, golf courses and private tennis clubs. (Ord. No. 179, Am. #3, § 2, 3-7-95)
- (f) Premises operated under both a Class B license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both Class B license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- (g) An underage person who enters or remains on a Class B premises for the purpose of transacting business at an auction or market, as defined in §125.07(3)(a)7., Wis. Stats., if the person does not enter or remain in a room where alcohol beverages are sold or furnished. (Ord. No. 179, Am. #3, § 2, 3-7-95)
- (h) Any underage person who enters or remains in a room on Class B licensed premises separate from any room where alcohol beverages are sold or served, for the purpose of engaging in marching or drilling with a group of other persons if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present. In addition, the Sheriff's Department shall issue to the Class B licensee in question a written authorization permitting underage persons to be present under this paragraph on the date specified in the authorization. Before issuing the authorization, the Sheriff's Department shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises. (Ord. No. 179, Am. #3, § 2, 3-7-95)

- (3) RESTRICTIONS ON SALE TO UNDERAGE PERSONS.
- (a) No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his parent, guardian or spouse who has attained legal drinking age or procure for, sell, dispense or give away any intoxicating liquor to any underage person.
 - (b) No license or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any underage person not accompanied by his parent, guardian or spouse who has attained legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any underage person.
- (4) MISREPRESENTATION OF AGE. (Ord. No. 179, Am. #3, § 2, 3-7-95)
- (a) No person shall falsely represent that he/she is of legal drinking age for the purpose of receiving alcohol beverages from a licensee or permittee.
 - (b) No underage person shall procure or attempt to procure alcohol beverages from a licensee or permittee.
 - (c) No underage person, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, shall possess or consume alcohol beverages on licensed premises.
 - (d) No underage person shall enter, knowingly attempt to enter or be on a licensed premises in violation of §125.07(3)(a), Wis. Stats.
- (5) POSSESSION OF ALCOHOL BEVERAGES, CONSUMPTION IN PUBLIC PLACES. No underage person shall knowingly possess or consume in public any intoxicating liquor and no underage person not accompanied by his guardian or spouse who has attained legal drinking age shall knowingly possess or consume in public any fermented malt beverage.
- (6) POSSESSION ON SCHOOL GROUNDS.
- (a) In this section the following terms shall have the meanings indicated:
 - Motor vehicle.* A motor vehicle owned, rented or consigned to a school.
 - School.* 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.
 - School Administrator.* The person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
 - School premises.* Premises owned, rented or under the control of a school.
 - (b) Except as provided by par. (c) of this section, no person may possess or consume alcohol beverages:
 - (1) On school premises.

- (2) In a motor vehicle if a pupil attending the school is in the motor vehicle or in a school sponsored activity.
 - (3) While participating in a school-sponsored activity. (Ord. No. 179, Am. #3, § 2, 3-7-95)
 - (c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances and school board policies. (Ord. No. 179, Am. #3, § 2, 3-7-95)
- (7) OPEN INTOXICANTS.
- (a) Possession Outside Licensed Premises Prohibited. No person shall consume any alcohol beverages or carry about or possess an open container of alcohol beverages outside of a structure housing a licensed premises or outside of a described licensed premises consisting of a picnic area or beer garden, whether such premises are licensed permanently or temporarily. (Ord. No. 179, Am. #3, § 2, 3-7-95)
 - (b) Possession in Parked Vehicles Prohibited. No person shall consume any alcohol beverages or have in his possession or control any open container of alcohol beverages while in a vehicle parked on a public street, alley park or public or private parking lot held out for use by the public.
 - (c) Open Containers in Vehicles Prohibited. No person shall possess alcohol beverages in any moving vehicle on any public street, alley, park or any public or private parking lot held out for use by the public.
 - (d) Permitting Possession in Vehicles Prohibited. No person shall possess or permit to be possessed in any moving or parked vehicle under his control any open container of alcohol beverages.
- (8) SALES TO INTOXICATED PERSONS PROHIBITED. No fermented malt beverages shall be sold to any intoxicated person.
- (9) HOURS.
- (a) No premises holding a Class B retail license shall remain open between 2 a.m. and 6 a.m. on weekdays and between 2:30 a.m. and 6 a.m. on Saturdays and Sundays. On January 1, premises operating under a Class B license are not required to close. No package, container or bottle sales may be made after midnight. No licensee shall allow the licensed establishment to remain open to the public for any purpose during the prohibited hours.
 - (b) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, bowling alleys, indoor horseshoe pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular

business but shall not sell fermented malt beverages during the hours mentioned.

- (10) EXCEPTIONS. Nothing contained in this section shall be construed as prohibiting or restricting in any way any city, town or village from adopting ordinances regulating the sale of fermented malt beverages within the local municipality and this section shall not be construed in any way as enlarging or broadening the privileges, rights or duties of persons within such municipalities under such ordinances. If any conflict arises between local ordinances and this section, the local ordinance shall control excepting insofar as it may conflict with State statutory provisions.
- (11) PENALTIES. (Ord. No. 179, Am. #3, § 2, 3-7-95)
- (a) With the exception of those specific violations cited at (b), any person found to be in violation of this section shall be subject to a penalty as provided in §25.04 of this Code, except that disposition and proceedings against a person who is under 18 years of age on the date of disposition shall be as provided at §48.344, Wis. Stats.
- (b) Violations of (3) above, shall be subject to the penalties expressed at §125.07(1)(b), Wis. Stats.; violations of (4) above, shall be subject to the penalties expressed at §125.085(bd)—(bt), Wis. Stats.; violations of (5) above, shall be subject to the penalties expressed at §125.07(4)(bs), Wis. Stats.; violations of (6) above, shall be subject to the penalties expressed at §125.09(2)(d), Wis. Stats. The citation procedure established at §25.04(4) of this Code may be utilized with respect to violations subject to this paragraph.
- (12) ORDINANCES NOT TO APPLY IN SPECIFIED MUNICIPALITIES. Those provisions of this section which regulate conduct regulated by §§125.07(4)(a), (b), or (bm), 124.085(3)(b) or 125.09(2), Wis. Stats., shall be inapplicable within any municipality in the County which has adopted an ordinance regulating such conduct under §125.10(2), Wis. Stats.

9.04 - TRUANCY (Rep. & recr. Ord. No. 179, Am. #14, § 2; 12-23-98)

- (1) PROHIBITION OF TRUANCY. A pupil is prohibited from being truant. A pupil is deemed to be truant if absent from school without an acceptable excuse for part or all of any day in which school is held during a school semester.
- (2) PROHIBITION OF HABITUAL TRUANCY. A pupil is prohibited from being a habitual truant. A "habitual truant" shall mean a pupil who is absent from school without an acceptable excuse for part, or all, of five (5) days on which school is held during a semester.
- (3) DEFINITIONS.
- (a) *Acceptable excuse* shall mean an acceptable excuse as defined in §§118.15 and 118.16(4), Wis. Stats.

(4) PENALTY.

- (a) Upon finding a pupil is truant, the Court shall enter an order making one or more of the following dispositions:
- (1) An order for the pupil to attend school;
 - (2) A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of the first. All or part of the forfeiture plus costs may be assessed against the pupil, the parents or guardian of the pupil, or both.
- (b) Upon finding a pupil is a habitual truant, the Court shall enter an order making one or more of the following dispositions:
- (1) Suspension of the pupil's operating privilege for not less than 30 days, nor more than one year;
 - (2) Ordering the pupil to attend school;
 - (3) A forfeiture of not less than \$25.00, nor more than \$500.00 plus cost, all or a portion of which may be assessed against the pupil, the parents or guardians of the pupil, or both;
 - (4) Any other reasonable conditions, including a curfew, restrictions as to going to or remaining on specified premises, and restrictions on associating with other children or adults;
 - (5) An order placing the pupil under formal or informal supervision for up to one year; and
 - (6) An order for the pupil's parent, guardian or legal guardian to participate in counseling at the parents, guardian's or legal custodian's own expense or to attend school with the pupil, or both.

9.05 - CONTRIBUTING TO TRUANCY

- (1) PROHIBITED. (Ord. No. 179, Am. #3, § 2, 3-7-95) Except as provided in sub. (2), any person 18 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy of a child shall be subject to the penalties as provided in §25.04 of this Code of Ordinances.
- (2) EXCEPTIONS. This section does not apply to a person who has under his control a child who has been sanctioned under §49.50(7)(h), Wis. Stats.
- (3) DEFINITIONS. For the purposes of this section:
- Truancy.* Any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil and also means intermittent attendance carried on for the purpose of defeating the intent of §118.15, Wis. Stats.

Contributing to truancy. An act or omission contributed 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.

9.06 - THEFT

- (1) DEFINITIONS. The following terms have the meanings indicated:

Movable property. Property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody, intangible rights and things growing on, affixed to or found in land.

Property. All forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

Property of another. Includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

Value. The market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had a legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

- (2) GENERALLY. Whoever violates the following, when the value of the property does not exceed \$500, is guilty of a violation of this section: intentionally takes and carries away, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of such property.
- (3) STATUTORY PROVISIONS. Any future amendments, revisions or modifications of §§943.20(1)(a) and 943.20(2), Wis. Stats., incorporated herein, are intended to be made part of this chapter as such amendments, revisions, or modifications are made to the Statutes.

9.07 - LITTERING PROHIBITED (Ord. No. 197, Am. #3, § 2, 3-7-95)

No person shall throw or deposit any glass, refuse or waste, filth or other litter [or] solid waste, as defined in accord with §144.01(15), Wis. Stats., upon the streets, alleys, highways, public parks or other property of the County or upon any private property or upon the surface of any body of water within the County.

9.08 - DAMAGE TO PROPERTY

- (1) DEFINITIONS. The following terms shall have the meaning indicated:

Intentionally. The actor either has a purpose to do the thing or cause the result specified or is aware that his or her conduct is practically certain to cause that result. In addition the actor must have knowledge of those facts which are necessary to make his or her conduct a violation of this ordinance and which are set forth after the word "intentionally". (Ord. No. 197, Am. #3, § 2, 3-7-95)

Property of another. The property in which a person other than the actor has a legal interest which the actor has no right to defeat or impair, even though the actor may also have a legal interest in the property.

- (2) GENERALLY. Whoever intentionally causes damage to any physical property of another without the person's consent, if the total property so damaged is reduced in value by not more than \$500, is guilty of a violation of this chapter and shall be penalized as provided in §25.04 of this Code.
- (3) STATUTORY PROVISIONS CONTROLLING. (Ord. No. 197, Am. #3, § 2, 3-7-95) To the extent that after the adoption of this section all or any portions of the definitions and elements of the offense described, as found at §§939.22(28), 939.23(3), 943.01(1) and 943.01(3), Wis. Stats., are amended, said amendments shall supersede the language of this section and shall govern prosecutions hereunder.
- (4) DETERMINATION OF VIOLATION. Where more than one item of property is damaged pursuant to a single intent and design, the damage to all the property may be prosecuted as a single ordinance violation.

9.09 - PUBLIC ORDER (Ord. No. 197, Am. #3, § 2, 3-7-95)

It is unlawful for any person or persons to stand, loiter or congregate in any street or upon any sidewalk, bridge, crossing or other public place so as to obstruct the same, or to hinder, prevent or annoy persons passing or attempting or desiring to pass therein or thereupon or into or out of any building, public or private; nor shall any person make remarks, gestures, noises, signs or the like to disturb, annoy or insult any person being upon or passing along any street, sidewalk, bridge, crossing or other public place, or along, into or out of any public carrier. This section shall not, however, apply to conduct deemed lawful pursuant to §103.53, Wis. Stats.

9.10 - TRESPASSING

- (1) UNLAWFUL ACTS. Whoever does any of the following is guilty of a violation of this section:
 - (a) Enters any enclosed or cultivated land of another with intent to catch or kill any birds, animals or fish on the land or in the water or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities.
 - (b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

- (c) Hunts, shoots, fishes or gathers any product of the soil or water on the premises of another or enters the premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.
 - (d) Enters any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.
 - (e) Enters the dwelling of another without the consent of some person lawfully upon the premises under circumstances tending to create or provoke a breach of the peace.
 - (f) Ties his boat to a boat slip or dock without the permission of the owner thereof.
- (2) NOTICE. A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For property to be posted, a sign at least 11" square shall be placed in at least 2 conspicuous places for every 40 acres to be protected. The sign shall carry an appropriate notice and the name of the person giving the notice followed by the word "owner", if the person giving the notice is the holder of legal title to the land and by the word "occupant", if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected within 6 months prior to the event complained of shall be prima facie proof the premises to be protected were posted as herein provided.
- (3) UNLAWFUL SIGNS. No person shall erect on the land of another signs the same as or similar to those described in sub. (2) above without obtaining the express consent of the lawful occupant of or holder of legal title to such land.
- (4) APPLICABILITY. Nothing in this chapter shall prohibit a representative of a labor union from conferring with any employee, provided such conference is conducted in the living quarters of the employee and with the consent of the employee and with the consent of the employee occupants.
- (5) OCCUPANTS OF EMPLOYER PROVIDED HOUSING. Any authorized occupant of employer provided housing shall have the right to decide who may enter, confer and visit with him in the housing area he occupies.
- (6) STATUTORY PROVISIONS. Any future amendments, revisions or modifications of §§943.13 and 943.14, Wis. Stats., incorporated herein, are intended to be made part of this chapter as such amendments, revisions or modifications are made to the statutes.

9.11 - MISUSE OF PUBLIC ASSISTANCE

- (1) ACTS DESIGNATED. Any person who does any of the following acts shall be subject to the penalty provided in §25.04 of this Code of Ordinances:
- (a) With intent to secure public assistance for himself or for some other person, willfully makes any false representation.

- (b) Willfully does any act designed to interfere with the proper administration of public assistance.
 - (c) A dependent person who sells or exchanges supplies or articles furnished him as assistance or who disposes of such supplies or articles in any other way than as directed, with intent thereby to defraud the County and any person who purchases any article knowing it to have been furnished to another person as assistance.
 - (d) Without legal authority sends, brings, causes to be sent or brings or advises any dependent person to go to the County for the purpose of making him a charge upon the County.
 - (e) A person in charge of public assistance or his assistant who receives or solicits any commission or derives or seeks to obtain any personal financial gain through any purchase, sale, disbursement or contract for supplies or other property used in the administration of public assistance.
 - (f) A person originally eligible for assistance who receives any income, assets or both thereafter, which render that person ineligible for such assistance, and fails to notify the officer or agency granting such assistance of the receipt of such assets within 10 days after such receipt and continues to receive aid.
 - (g) A dependent person who uses money, checks, vouchers or any other thing of value furnished him as relief for purposes other than as directed by the County.
 - (h) Who obtains for himself or any other person or dependents or both assistance under Ch. 49, Wis. Stats., on the basis of facts stated to authorities charged with the responsibility of furnishing assistance and fails to notify such authorities within 10 days of any change in the facts as originally stated which would affect the eligibility of that person for assistance and continues to receive assistance based on the original stated facts.
 - (i) Who accepts a relief voucher granted as relief and fails to tender the commodities authorized by the relief authority to the relief recipient, but in lieu thereof, refunds to the relief recipient cash or substitutes any alcohol beverages or cigarettes not authorized by the relief voucher.
- (2) **PUBLIC ASSISTANCE INCLUDES FOOD STAMP PROGRAM.** Public assistance includes assistance obtained through the food stamp program.
 - (3) **EVIDENCE.** Any person who makes any statement in a written application for aid under Ch. 49, Wis. Stats., shall be considered to have made an admission as to the existence, corrections or validity of any fact stated, which shall be taken as prima facie evidence against the party making it in any action brought for the enforcement of any provision of this section.
 - (4) **INCORPORATION OF AMENDMENTS.** Any future amendments, revisions or modifications of Ch. 49.12, Wis. Stats., incorporated herein, are intended to be

made part of this section as such amendments, revisions or modifications are made to such statute.

9.12 - OBSTRUCTING AN OFFICER

- (1) INCORPORATION OF FUTURE AMENDMENTS. Any future amendments, revisions or modifications of §946.41(l), Wis. Stats., incorporated herein, are intended to be made part of this section as such amendments, revisions or modifications are made to such statute.
- (2) DEFINITIONS. The following terms have the meanings indicated:
Obstructs. Includes, without limitation, knowingly giving false information to the officer with intent to mislead him in the performance of his duty, including the service of any summons or civil process.
Officer. A peace officer or other public officer or public employee having the authority by virtue of his office or employment to take another into custody.
- (3) VIOLATION. No person shall knowingly obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.

9.13 - CAUSING BODILY HARM

- (1) INCORPORATION OF AMENDMENTS. Any future amendments, revisions or modifications of §940.19(1), Wis. Stats., incorporated herein, are intended to be made part of this section as such amendments, revisions or modifications are made to such statutes.
- (2) DEFINITIONS. The following terms have the meanings indicated:
Bodily harm. Physical pain or injury, illness or any impairment of physical condition.
Intent. The mental purpose to cause bodily harm to another human being or a belief that the act, if successful, will cause harm to another even if the defendant does not desire that harm to occur.
- (3) VIOLATION. Whoever causes bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed is guilty of a violation of this chapter and shall be penalized as provided in this chapter.

9.14 - CONCEALED WEAPON

- (1) INCORPORATION OF AMENDMENTS. Any future amendments, revisions or modifications of §941.23(1), Wis. Stats., incorporated herein, are intended to be made part of this section as such amendments, revisions, or modifications are made to such statute.
- (2) DEFINITIONS. (Ord. No. 197, Am. #3, § 2, 3-7-95) The following terms have the meanings indicated:
Concealed. Hidden from ordinary observation.

Dangerous weapon. Any device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, including any loaded or unloaded firearm.

Goes armed. That the weapon must have been either on the defendant's person or that the weapon must have been within the defendant's reach. In addition, the defendant must have been aware of the presence of the weapon.

- (3) VIOLATION. No person, except a peace officer, shall go armed with a concealed and dangerous weapon.

9.15 - POSSESSION OR USE OF MARIJUANA

- (1) DEFINITIONS.

Marijuana means all or part of the plant *Cannabis sativa L.*, whether growing or not; the seeds; the resin extracted from any part of the plant and every compound, manufacture, sale, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any compound, manufacture, sale, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or sterilized seed of the plant which is incapable of germination.

- (2) POSSESSION OR USE PROHIBITED. (Ord. No. 197, Am. #3, § 2, 3-7-95) No person shall possess or use marijuana, except as otherwise authorized by Ch. 161, Wis. Stats. Application of this section shall be limited to situations involving the possession of 25 grams or less of marijuana. Any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in this State shall not be prosecuted under this section.
- (3) APPLICABILITY OF ORDINANCE. (Ord. No. 179, Am. #3, § 2, 3-7-95) This section shall not apply in any city or village in the County which has adopted an ordinance prohibiting the possession of marijuana.

9.16 - PROHIBITING THE SHINING OF ANIMALS FROM PUBLIC HIGHWAYS (Ord. No. 179, Am. #71, 5-21-08)

- (1) DEFINITION. As used in this section:
 - (a) Flashlight means a battery-operated light designed to be carried and held by hand.
 - (b) Light includes flashlights, automobile lights and other lights.
 - (c) Peace officer has the meaning designated under §939.22(22), Wis. Stats.
 - (d) Shining means the casting of rays of light on a field, forest or other area for the purpose of illuminating, locating or attempting to illuminate or locate wild animals.

- (2) PRESUMPTION. A person casting the rays of light on a field, forest or other area which is frequented by wild animals is presumed to be shining wild animals. A person may introduce evidence to rebut this presumption.
- (3) SHINING WILD ANIMALS FROM PUBLIC HIGHWAYS IS PROHIBITED.
 - (a) Prohibition. No person may use or possess with intent to use a light for shining wild animals from a highway, or from a vehicle as defined in §340.01(22), Wis. Stats., located on a highway.
 - (b) Exceptions. This subsection does not apply:
 - 1. To a peace officer on official business, an employee of the Wisconsin Department of Natural Resources on official business or a person authorized by the department to conduct a game census.
 - 2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot; raccoons, foxes, or unprotected wild animals during the open season for the wild animals hunted.
 - 3. To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other wild animals.
 - 4. If rules promulgated by the Wisconsin Department of Natural Resources specifically permit a person to use or possess a light for shining wild animals in a manner otherwise prohibited by this section.
- (4) PENALTIES. A person who violates subsection (3) shall forfeit not more than \$500.00.

9.17 POSSESSION OF DRUG PARAPHERNALIA (Am. #129, 1-28-2021)

- (1) Authority and Purpose. This Ordinance is enacted under of Section 59.03 Wis. Statutes.
- (2) That the Code of Ordinance of the County of Pepin be amended by adding the Section 9.17 as follows:
 - (a) Definitions
 “Drug Paraphernalia” has the same meaning as the definition found in §961.571(1), Wis Stats.
 - (b) Possession or use
 No person may use or possess with the intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, repack, store, contain, conceal, ingest, inhale, or otherwise introduce into the human body, a controlled substance or controlled substance analog in violation of § 961.573 (1), Wis. Stats.

- (c) Determination
In determining whether an object is drug paraphernalia, a court or other authority shall consider the factors stated in § 961.572 Wis. Stats.
- (d) Exemptions
This article does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons as permitted under Chapter 961, Wis. Stats.
- (e) Penalty
Any person who violates this Section 9.17 is subject to penalty under §25.04 of this Code of Ordinances.
- (f) Amendments
Any future amendments, revisions or modifications of Chapter 961, Wis. Stats., or any other statutes referred to in this article are intended to be made part of this article as such amendments, revisions or modifications are made to said statutes.
- (g) Effective Date
This ordinance becomes effective upon the passage by the County Board of Supervisors and publication by the County Clerk as required by § 59.14, Wis. Stats. (*Published 1-28-2021*)

9.20 - PENALTY

Except as otherwise provided, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in §25.04 of this Code of Ordinances.