

## CHAPTER 18-OFFENSES

### CITY OF FENNIMORE

(\*~~REPEALED AND RECREATED~~ 9/12/11-Ord.#277)

(Updated through Ord#2016-5, 11/14/2016)

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#### 18.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following Statutes following the prefix "18" defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 25.04 of this Code.

18.134.66 Restrictions on sale or gift of cigarettes or tobacco products: Any person who shall violate Section 134.66 shall, upon conviction, be subject to a forfeiture and/or loss of license as described in Section 134.66(4). The bond shall be \$50.00 for any offense described in Section 134.66(4)(a)2.a., \$200 for any offense described in Section 134.66(4)(a)2.b., and \$25 for any offense described in 134.66(4)(b).

18.167.25 Refrigerators and Iceboxes: Any person who shall violate Section 167.25 shall, upon conviction, forfeit not less than \$5.00 nor more than \$50.00.

18.941.01 Negligent Operation of Vehicle: Any person who shall violate Section 941.01

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shall, upon conviction, forfeit not less than \$20.00 nor more than \$500.00.

18.941.10 Negligent Handling of Burning Materials: Any person who shall violate Section 941.10 shall, upon conviction, forfeit not less than \$5.00 nor more than \$200.00.

18.941.12 Interfering With Fire Fighting: Any person who shall violate Section 941.12 shall, upon conviction, forfeit not less than \$5.00 nor more than \$50.00.

18.941.13 False Alarms: Any person who shall violate Section 941.13 shall, upon conviction, forfeit not less than \$50.00 nor more than \$500.00.

18.941.21 Disarming a Peace Officer: Any person who shall violate Section 943.21 shall, upon conviction, forfeit not less than \$100.00 nor more than \$1,000.00.

18.941.24 Possession of Switchblade Knife: Any person who shall violate Section 941.24 shall, upon conviction, forfeit not less than \$10.00 nor more than \$500.00.

18.942.05 Opening Letters: Any person who shall violate Section 942.05 shall, upon conviction, forfeit not less than \$10.00 nor more than \$100.00.

18.943.01 Criminal Damage to Property: Any person who shall violate subsection (1) of Section 943.01 shall, upon conviction, forfeit not less than \$10.00 nor more than \$200.00. Any person who shall violate subsection (2) of Section 943.01 shall, upon conviction, forfeit not less than \$50.00 nor more than \$1,000.00.

18.943.017 Graffiti: Any person who shall violate Section 943.017 shall, upon conviction, forfeit not less than \$20.00 nor more than \$100.00.

18.943.10 Burglary: Any person who shall violate subsection (1m) of Section 943.10 shall, upon conviction, forfeit not less than \$100.00 nor more than \$1,000.00. Any person who shall violate subsection (2) shall, upon conviction, forfeit not less than \$200.00 nor more than \$2,000.

18.943.11 Entry into Locked Vehicle: Any person who shall violate Section 943.11 shall, upon conviction, forfeit not less than \$50.00 nor more than \$1,000.00.

18.943.12 Possession of Burglarious Tools: Any person who shall violate Section 943.12 shall, upon conviction, forfeit not less than \$50.00 nor more than \$100.00.

18.943.13 Criminal Trespass to Land: Any person who shall violate Section 943.13 shall, upon conviction, forfeit not less than \$5.00 nor more than \$50.00.

18.943.14 Criminal Trespass to Dwellings: Any person who shall violate Section 943.14 shall, upon conviction, forfeit not less than \$20.00 nor more than \$200.00.

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18.943.15 Entry onto Construction Site: Any person who shall violate Section 943.15 shall, upon conviction, forfeit not less than \$20.00 nor more than \$200.00.

18.943.20 Theft: Forfeitures for violation of Sections 943.20 shall be as follows:

- (a) If the value of the property does not exceed \$2,500.00 the forfeiture shall be not less than \$20.00 nor more than \$200.00.
- (b) If the value of the property exceeds \$2,500.00 but not more than \$5,000.00 the forfeiture shall be not less than \$50.00 nor more than \$5,000.00.
- (c) If the value of the property exceeds \$5,000.00, the forfeiture shall be not less than \$250.00 nor more than \$5,000.00.

18.943.21 Fraud on Hotel or Restaurant Keeper, Recreational Attraction, Taxicab Operator or Gas Station: Any person who shall violate Section 943.21 shall, upon conviction, forfeit not less than \$20.00 nor more than \$500.00. In addition, the court may order restitution for any violation of Section 943.21 and, in the case of any repeat violation of Section 943.21(1m)(d), may suspend the operating privilege of the violator as provided under Section 943.21(3m).

18.943.22 Use of Cheating Tokens: Any person who shall violate Section 943.22 shall, upon conviction, forfeit not less than \$5.00 nor more than \$50.00.

18.943.23 Operating Vehicle Without Owner's Consent: Any person who shall violate Section 943.23 shall, upon conviction, forfeit not less than \$50.00 nor more than \$1,000.00.

18.943.24 Issue of Worthless Check: Any person who shall violate Section 943.24 shall, upon conviction, forfeit not less than \$50.00 nor more than \$500.00.

18.943.34 Receiving Stolen Property: Any person who shall violate Section 943.34 shall upon conviction, forfeit the following amounts:

- (a) If the value of the property does not exceed \$2,500.00, by a forfeiture of not less than \$20.00 nor more than \$200.00.
- (b) If the value of the property exceeds \$2,500.00 but not more than \$5,000.00, by a forfeiture of not less than \$50.00 nor more than \$5,000.00.
- (c) If the value of the property exceeds \$5000.00, by a forfeiture of not less than \$100.00 nor more than \$5,000.00.

18.943.38 Forgery: Any person who shall violate Section 943.38 shall, upon conviction, forfeit not less than \$50.00 nor more than \$5,000.00.

18.943.50 Retail Theft: Any person who shall violate Section 943.50 shall, upon conviction, forfeit the amounts shown as follows:

- (a) If the value of the merchandise does not exceed \$2,500.00, a fine of not less than \$20.00 nor more than \$200.00.

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- (b) If the value of the merchandise exceeds \$2,500.00 but not \$5,000.00, a fine of not less than \$50.00 nor more than \$5,000.00.
- (c) If the value of the merchandise exceeds \$5,000.00, a fine of not less than \$250.00 nor more than \$5,000.00.

18.946.40 Refusing to Aid Officer: Any person who shall violate Section 946.40 shall, upon conviction, forfeit not less than \$10.00 nor more than \$100.00.

18.946.41 Resisting or Obstructing Officer: Any person who shall violate Section 946.41 shall, upon conviction, forfeit not less than \$25.00 nor more than \$500.00.

18.946.42 Escape: Any person who shall violate Section 946.42 shall, upon conviction, forfeit not less than \$50.00 nor more than \$500.00.

18.946.44 Assisting or Permitting Escape: Any person who shall violate Section 946.44 shall, upon conviction, forfeit not less than \$50.00 nor more than \$500.00.

18.946.70 Impersonating Peace Officers: Any person who shall violate Section 946.70 shall, upon conviction, forfeit not less than \$25.00 nor more than \$500.00.

18.947.01 Disorderly Conduct: Any person who shall violate Section 947.01 shall, upon conviction, forfeit not less than \$20.00 nor more than \$200.00.

18.947.012 Unlawful Use of Telephone: Any person who shall violate Section 947.012 shall, upon conviction, forfeit not less than \$50.00 nor more than \$500.00.

18.947.0125 Unlawful Use of Computerized Communication System: Any person who shall violate Section 947.0125 shall, upon conviction, forfeit not less than \$50.00 nor more than \$500.00.

18.947.013 Harassment: Any person who shall violate Section 947.013 shall, upon conviction, forfeit not less than \$50.00 nor more than \$500.00.

18.947.015 Bomb Scares: Any person who shall violate Section 947.015 shall, upon conviction, forfeit not less than \$100.00 nor more than \$1,000.00.

18.947.06 Unlawful Assemblies and Their Suppression: Any person who shall violate Section 947.06 shall, upon conviction, forfeit not less than \$25.00 nor more than \$500.00.

18.948.40 Contributing to the Delinquency of Children: Any person who shall violate Section 948.40 shall, upon conviction, forfeit not less than \$25.00 nor more than \$500.00.

18.948.60 Possession of a Dangerous Weapon by a Child: Any person who shall violate Section 948.60, shall, upon conviction, forfeit not less than \$120.00 nor more than \$500.00..

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18.948.63 Receiving Property from Children: Any person who shall violate Section 948.63 shall, upon conviction, forfeit not less than \$10.00 nor more than \$100.00.

18.951.02 Mistreating Animals: Any person who shall violate Section 951.02 shall, upon conviction, forfeit not less than \$25.00 nor more than \$500.00.

### 18.015 POSSESSION, SALE AND USE OF FIREWORKS

(1) Definition. In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (a) Fuel or a lubricant.
- (b) A firearm cartridge or shotgun shell.
- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco and a tobacco products.
- (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
- (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
- (m) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- (n) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(2) Sale. No person may sell any fireworks, as that term is defined in sub. (1), within the city limits of the City of Fennimore.

(3) Possession or Use.

- (a) No person may possess or use fireworks without a user's permit from the Common Council. No person may use fireworks or a device listed under sub. (1)(e) to (g) or (i) to (n) while attending a fireworks display for which a permit has been issued to

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a person listed under par. (c) 1. to 5. or under par. (c) 6. if the display is open to the general public.

(b) Paragraph (a) does not apply to:

1. The City, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance.
2. The possession or use of explosives in accordance with rules or general orders of the department of commerce.
3. The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.
4. The possession or use of explosive or combustible materials in any manufacturing process.
5. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
6. A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.
7. Except as provided in par. (bm), the possession of fireworks in any city, town or city while transporting the fireworks to a city, town or city where the possession of the fireworks is authorized by permit or ordinance.

(bm) Paragraph (a) applies to a person transporting fireworks under par. (b) 7. if, in the course of transporting the fireworks through the City, the person remains in the City for a period of at least 12 hours.

(c) A permit under this subsection may be issued only to the following:

1. A public authority.
2. A fair association
3. An amusement park.
4. A park board.
5. A civic organization.
6. Persons sponsoring or participating in a city-wide event.
7. An agricultural producer for the protection of crops from predatory birds or animals.

(d) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection

(e) The Common Council may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the City, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or

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insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the City Clerk.

- (f) A permit under this subsection shall specify all of the following:
  1. The name and address of the permit holder.
  2. The date on and after which fireworks may be purchased.
  3. The kind and quantity of fireworks which may be purchased.
  4. The date and location of permitted use.
  5. Other special conditions prescribed by ordinance.
  
- (g) A copy of a permit under this subsection shall be given to city fire and law enforcement officials at least 2 days before the date of authorized use.
  
- (h) A permit under this subsection may not be issued to a minor.

### (4) Enforcement.

- (a) The City may petition the Circuit Court for Grant County for an order enjoining violations of sub. (2) or (3).
  
- (b) Fireworks stored, handled, sold, possessed or used by a person who violates this section or a court order under par. (a) may be seized and held as evidence of the violation. Except as provided in s. 968.20(4), only the fireworks that are the subject of a violation of this section or a court order under par. (a) may be destroyed after conviction for a violation. Except as provided in s. 968.20(4), fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.

### (5) Penalties.

- (a) A person who violates subs. (2) or (3) shall forfeit not more than \$1,000.
  
- (b) A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit not more than \$1,000.

### 18.02 CURFEW

*(Amended 7/28/2014-Ord #297)*

(1) No child, fifteen years of age or under, shall be, and no parent or guardian shall permit his or her child or ward of such age to be on or upon any of the streets, alleys or public places in the City of Fennimore between the hours of 11:00 p.m. and 5:00 a.m., and no child who has attained the age of sixteen but not attained the age of eighteen shall be, and no parent or guardian shall permit his or her child or ward of such age to be in or upon any of the streets, alleys or public places in the City of Fennimore between the hours of 1:00 a.m. and 5:00 a.m. unless

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such child is accompanied by a parent, guardian or some other person of lawful age having legal custody of such child. This subsection shall not be construed to prohibit such child from performing an errand or duty as directed by his or her parent or guardian of urgent necessity or from pursuing the duties of his or her employment in an expeditious and orderly manner or from going to and from his or her place of employment, school for school activities or approved organizational activities, home or church by the most direct route. The fact that a child is in a motor vehicle shall not exempt the child, or his or her parent or guardian from the provisions of this section.

(2) Any such child shall have reasonable time after school activities, church activities or work, not to exceed one hour after the termination of such activity, to be within the definition of the term "going home."

(3) Any person under the age of 18 who shall violate this section shall, upon conviction, forfeit not more than \$50.00. Any parent or guardian who shall violate this section shall forfeit not more than \$50.00 for the first conviction, not more than \$100.00 for the second conviction, and not more than \$150.00 for the third and any subsequent conviction.

### 18.021 LOITERING OR PROWLING

Whoever does any of the following within the limits of the City of Fennimore shall forfeit not more than \$500.00 together with the costs of prosecution or, upon default of payment thereof, may be imprisoned in the Grant County Jail for not more than 90 days.

(1) Loitering. Loiters or prowls 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 a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it practicable, a peace officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the peace officer did 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 peace officer at the time, would have dispelled the alarm.

(2) Dwelling Areas, Etc. Hides, waits or otherwise loiters 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.

(3) Public Rest Rooms. Loiters 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.

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(4) Schools, Etc. Loiters in or about any school or public place at or near which children or students attend or normally congregate. As used in this subsection "loiter" means to delay, to linger, or to idle in or about any said school or public place without a lawful purpose for being present.

(5) Public Buildings, Etc. Lodges in any building, structure or place whether public or private without the permission of the owner or person entitled to possession or in control thereof.

(6) Restaurants, Tavern, Etc. 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 adjacent thereto after being asked to leave by the owner or person entitled to possession of in control thereof.

### 18.03 DOGS AND CATS, LICENSING AND REGULATION OF

(1) License Required. Every person who resides in the City of Fennimore who owns a cat which is more than five months of age shall annually, at the time and in the manner prescribed for by law for the payment of personal property taxes, obtain a license therefore. If the cat shall become five months of age after July 1 of the license year, fees below described shall be one half of the yearly license fee. The license year shall commence on January 1 of each year and end on the December 31 of that year.

(2) Fees. The owner of each cat shall pay to the City annually \$3.00 for each neutered male cat or spayed female cat and \$8.00 for each unneutered male cat or each unspayed female. cat.

(3) Issuance of License. Upon payment to the City Clerk of the above named fee required under Chapter 174 of the Wisconsin Statutes and presentation of the below described rabies vaccination certificate, the City Clerk shall issue to an owner a license to keep the dog or cat for one year. The owner shall, upon receipt of the license, place upon a dog or cat the tag furnished by the City Clerk.

(4) Dogs and Cats not to Run at Large: It shall be unlawful for the owner or keeper of any dog or cat, licensed or unlicensed, to permit the same to run at large in the City of Fennimore. A dog or cat shall be deemed to be at large unless under the control of a person by means of a chain, rope or cord of sufficient strength to control the action of such dog or cat while off premises owned or occupied by the owner or keeper. At all times, the dog or cat shall wear a collar with the above described license tag and below described rabies vaccination tag.

(5) Harboring Certain Dogs and Cats Prohibited: No person shall own, harbor, keep or feed any dog or cat which:

(a) Habitually pursues any vehicles upon any public street, alley or highway.

Updated  
9/14/15-  
Ord#312  
18.03 (4)

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- (b) Assaults or attacks any person.
- (c) Is vicious. A showing that a dog or cat has bitten, attacked or injured any person shall constitute a prima fascia showing that such dog or cat is vicious.
- (d) Habitually barks, howls or meows upon the complaint of any two or more persons, one whom may be a police officer.

Updated  
10/14/13-  
Ord#288  
18.03 (5) (d)

(6) Dog Kennels Prohibited: No person shall operate or maintain a dog kennel within the City limits. The term "Dog Kennel" as used herein means any establishment wherein dogs are kept for sale, breeding or sporting purposes. An establishment is presumed to be a kennel if more than three dogs are kept or maintained therein except that veterinary offices or clinics shall be excluded from this provision.

(7) Limitation on Number. No person shall keep more than a total of three dogs or cats, or combination of dogs and cats, over five months of age on any premises within the City of Fennimore.

(8) Control of Rabies.

(a) Observation required if rabies is suspected. Any person who has in his or her possession a dog or cat which is suspected of having rabies or which has bitten any person shall, upon demand of the City of Fennimore Police Department, produce and surrender such dog or cat to the Police Department for observation and treatment for a period of ten days. If it is found that such dog or cat has rabies, it shall be disposed of in the manner provided below.

(b) Vaccination of Dogs and Cats Required.

1. Every dog owner shall have his or her dog inoculated with a rabies vaccine by a veterinarian every two calendar years and shall be provided with a tag and certificate to be shown to the City Clerk indicating that the inoculation has been performed. Every cat owner shall have his or her cat inoculated with a rabies vaccine by a veterinarian every calendar year and shall be provided with a tag and certificate to be shown to the City Clerk indicating that the inoculation has been performed. Dogs and cats born or acquired after July 1 of any calendar year that have not been previously inoculated in accordance with the provisions of this section need not be inoculated until the succeeding calendar year.
2. The certificate shall contain provisions for inserting the following information; The name and address of the owner of the dog or cat, the date of vaccination, the number of the tag, the breed, age, color and sex of the dog or cat and such other information as may be required. The Veterinarian or City Clerk shall also provide a corresponding tag of durable material to be attached to the collar or harness of the dog or cat as evidence of such

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inoculation, and such tag shall be numbered and shall contain the year of issuance. The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of the certificate of rabies vaccination and the delivery of a rabies vaccination tag.

3. The owner shall present the certificate of rabies vaccination prepared by the veterinarian vaccinating the dog or cat to the City Clerk as a precondition for the issuance of the above described dog or cat license except that dogs or cats born or acquired after July .1 of any calendar year that have not been previously inoculated need not be inoculated until the succeeding calendar year.
4. The owner shall attach the rabies vaccination tag to the collar or harness of the dog or cat, which tag shall be worn by the dog or cat at all times.
5. No person shall own, harbor, feed or keep any dog or cat which does not carry the rabies vaccination above provided for.
6. In addition to the penalties herein provided for violation of this chapter, any police officer or the City may seize and restrain any dog or cat which does not carry the rabies vaccination tag above provided for; and, notice of such seizure shall be given in the manner provided below. Such dog or cat shall not be released until proof has been furnished to the City of Fennimore Police department that the dog or cat has been inoculated with rabies vaccination in accordance with the teams of this section. After such dog or cat has been restrained for a period of seven days without having been reclaimed by its owner or anyone in behalf of such owner, such dog or cat may be disposed of in the manner provided below.

### (9) Enforcement.

- (a) Any police officer within the City of Fennimore may seize, impound or restrain any dog or cat running at large in accordance with the following provisions. If the dog or cat is an unlicensed dog or cat, such dog or cat shall be held in accordance with Chapter 174, Wisconsin Statutes. If the dog or cat is a licensed dog or cat, the officer to whom the dog or cat is delivered or has control of the impounding shall notify the owner personally. If the officer cannot locate such owner, then the officer shall post written notice in three public places in the City giving a description of the dog or cat and the license information stating where it is impounded and the condition for its release. If the owner within seven days after receiving notice does not claim such dog or cat or within seven days after posting such notice such officer shall dispose of the dog or cat in a proper and humane manner.
- (b) In addition to seizing and impounding any dog or cat, the City of Fennimore may prosecute the owner or keeper of any dog or cat running at large in violation of this chapter or unlicensed or without a rabies vaccination tag in violation of this chapter.

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- (c) Any police officer within the City of Fennimore may immediately destroy and dispose of any dog or cat which is believed to be diseased, sick or severely injured.

(10) Conditions of Release. The conditions of release for any licensed dog or cat shall be the payment to the City Clerk-Treasurer the sum of \$20.00 plus the actual amount incurred by the City for care and food for the dog or cat. The conditions for the release of any unlicensed dog or cat shall be the purchase of a license plus the sum of \$20.00 plus the sum of the amount actually incurred by the City for care and food for the dog or cat.

(11) Penalties.

- (a) Any person who shall violate any of the provisions of this section shall, upon conviction of such violation be subject to a forfeiture of not less than \$10.00 nor more than \$500.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 5 days. Except that, if said dog or cat is an unlicensed dog or cat or an unvaccinated dog or cat, then the forfeiture shall be not less than \$15.00 nor more than \$500.00 plus the costs of the license or vaccination together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 30 days.
- (b) Continued violations. Each violation and each day of violation it continues or occurs shall constitute a separate offense. Nothing in this code shall preclude the City of Fennimore from maintaining any appropriate action to prevent a violation or remove a dog or cat kept in violation of any provision of this code.

### 18.035 SMOKING PROHIBITED

(1) Adoption of State Law. The City adopts the provisions of s. 101.123, Wis. Stats., regulating smoking except as otherwise provided in City ordinance provisions not in conflict with s. 101.123, Wis. Stats., or other state statutes or administrative rules.

(2) Definition. For purposes of enforcing the smoking ban in the City of Fennimore, the following definition shall apply instead of the definition found in state statutes. In this section:.

"Enclosed place" means all space between a floor and ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

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(3) Inspection and Enforcement. The Police Department shall have the power to enter any premises subject to the smoking ban under state law to ascertain whether the premises are in compliance with this section and take appropriate enforcement action pursuant to Wis. Stat. §101.123.

(4) City Pool. No person may smoke tobacco products or possess a lit cigarette, cigar, pipe or use any other tobacco product on the City Pool property at any time.

(5) Penalties.

(a) Any person violating this ordinance incorporating the state prohibition against smoking in enclosed places or upon those unenclosed spaces identified in s. 101.123(d) and (e), Wis. Stats., shall be subject to a forfeiture of not less than \$100 nor more than \$250, and upon failure to pay the forfeiture, may be subject to confinement in the county jail. The bond amount shall be \$100.00, together with court costs and assessments.

(b) Any person in charge of property as defined in s. 101.123(1)(d) Wis. Stats., who violates the provisions of this ordinance incorporating s. 101.123 (2m)(b) to (d), Wis. Stats., shall be subject to a forfeiture of \$100 and, upon failure to pay the forfeiture, may be confined in the county jail. No person may be held subject to more than \$100 total forfeiture for violations occurring on the same calendar day. For violations subject to the forfeiture provided in this paragraph, no citation shall be issued to a person in charge who has not received a prior written warning notice.

(c) Any person violating Section (4) of this ordinance shall be subject to a forfeiture of \$10.00.

(6) Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance.

### 18.04 ALCOHOL BEVERAGES IN PUBLIC PLACES

*(Amended 2018-04-09, Ord #2018-05)*

(1) Definitions in this section:

(a) “Alcohol Beverages” means fermented malt beverages and intoxicating liquor.

(b) “All-terrain (ATV) manes a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by

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the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

- (c) “Fermented malt beverages” means 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 0.5 percent or more of alcohol by volume.
- (d) “Intoxicating liquor” means all ardent, spirituous, distilled or vinous liquors, liquids, or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5 percent or more of alcohol by volume, which are beverages, but does not include “fermented malt beverages”.
- (e) “Utility terrain vehicle” (UTV) means any of the following:
  - 1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low speed vehicle, dune buggy, mini-trick, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
    - a. A weight, without fluids, of 2,000 pounds or less.
    - b. Four or more low-pressure tires or non-pneumatic tires.
    - c. A steering wheel.
    - d. A tail light.
    - e. A brake light.
    - f. Two headlights.
    - g. A width of not more than 65 inches
    - h. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
    - i. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
  - 2. A commercially designed and manufactured motor driven device to which all of the following applies:
    - a. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
    - b. It has a width of 50 inches or less.
    - c. It is equipped with a seat designed to be straddled by the operator.
    - d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

(2) Open Containers. Except as provided for in (4). No person shall possess any open container containing any alcohol beverages on any public street or right-of-way,

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sidewalk, public place or private property held open to the public or inside any vehicle which is parked on a public street or right-of-way, sidewalk, public place or private property held open to the public within the City of Fennimore.

(3) Consumption. Except as provided in (4)(a) through (f). No person shall consume any alcohol beverages on any public street or right-of-way, sidewalk, public place or private property held open to the public or inside any vehicle which is parked on a public street or right-of-way, sidewalk, public place or private property held open to the public within the City of Fennimore.

(4) Exceptions. This section shall not apply to:

(a) Any place or premises which is licensed for the sale and consumption of alcohol beverages or event at which the consumption of alcohol beverages has been sanctioned by the Common Council by permit.

(b) Marsden Park

(c) Arborvitae Park

(d) Oakwood Park

(e) The athletic field complex adjacent to the corner of LaFollette Street and Bronson Boulevard.

(f) The Municipal Pool.

(g) The storage or placement of open containers of alcohol beverages inside or upon a(n) ATV or UTV in a manner such that the container meets one of the following:

1. Is not visible to non-occupants of that ATV or UTV.

2. Is not visually identifiable as an alcohol beverage to non-occupants of that ATV or UTV.

(5) Penalty Provisions. Any person found guilty of violating this section shall, upon conviction, pay a forfeiture of not less than \$5.00 nor more than \$50.00, together with the cost of prosecution.

### 18.041 LITTERING

*(Created 2018-04-09, Ord #2018-05)*

(1) No person may deposit or discharge any solid waste on any public or private property in the City of Fennimore.

(2) Subsection (1) does not apply to a person who places solid waste in a receptacle designed for solid waste storage or disposal.

(3) Any person violating this section shall, upon conviction, forfeit not more than \$500.00, together with the costs of prosecution.

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### 18.045 PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY CHILDREN PROHIBITED

- (1) Definitions. In this section:
  - (a) "Cigarette" means any roll of tobacco wrapped in paper or any substance other than tobacco.
  - (b) "Child" means a person under 18 years of age.
  - (c) "Tobacco products" means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco products" does not include cigarettes.
- (2) Except as provided in sub. (3), no child may do any of the following:
  - (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 child 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 properly licensed retailer.
- (4) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of sub. (2) committed in his or her presence.
- (5) Penalty. Any child violating this section shall be subject to disposition as provided under Wis. Stat. Secs. 938.343 and any amendments thereto.

### 18.05 RETURN AND POSSESSION OF LIBRARY MATERIALS

- (1) Definitions:
  - (a) "Library" shall mean the Dwight T. Parker Public Library of the City of Fennimore.

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- (b) "Library Material" includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, and equipment belonging to or loaned to or otherwise in the custody of the library.
- (c) "Due Date" shall mean the date upon which the library material issued to a person is required to be returned to the library.

### (2) Prohibitions:

- (a) No person shall intentionally take or carry away, transfer, conceal or retain possession of any library material without the consent of the library official, agent or employee and without intent to deprive the library of possession of the material.
- (b) No person shall knowingly possess any library material issued to such person by the library after the due date.
- (c) No person shall knowingly transfer possession of library material issued to such person to any third party. Incidental transfers between family members or persons residing in the same household shall not constitute a violation of this subsection.

(3) Proof of Notice - Effect: Proof that a person failed within 5 days after receiving notice of the overdue library material to return the same to the library shall be prima facie evidence that the person knowingly failed to return such material by the due date and knowingly possessed the same beyond the due date.

(4) Penalty Provisions: Any person who shall violate any provision of this section shall be subject to the penalty provided in section 18.07 of this chapter.

## 18.055 PARK REGULATIONS

(1) Definition: The term "park" as used in this section shall include all grounds and structures which are or may be located within any area dedicated to public use as a park, parkway, recreation facility, playground or swimming pool owned, leased or operated by the City and shall also include Marsden Park.

(2) Specific Regulations.

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- (a) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
- (b) Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Common Council or, in the case of Marsden Park, from the Park Board of Trustees or designated caretaker.
- (c) Bill Posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object on any park except park regulations and other signs authorized by the Common Council or Marsden Park Board of Trustees or caretaker.
- (d) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.
- (e) Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park unless authorized by the Common Council or the Marsden Park Board of Trustees or caretaker.
- (f) Making of Fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (g) Protection of Park Property.
  - i. No person shall kill, injure, trap or disturb or attempt to kill, injure, trap or disturb birds or animals, wild or domestic within any park. No person shall climb any tree or remove any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, in whole or in part, or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park. No person shall remove any device for the protection of trees or shrubs. No person shall climb on any structure within any park except playground equipment specifically designed for that purpose.
  - ii. No person shall deface, by throwing stones, pebbles or other debris in any of the toilets, water fountains or other sanitary facilities located in any park; or deface by drawing with crayon, chalk, paint or anything else any of the buildings or equipment at any park; or deface such buildings or equipment by means of a sharp instrument.

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- (h) Motorized Vehicles. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have permission of the Common Council or the Marsden Park Board of Trustees or caretaker for shows, rides or exhibits.
  - (i) Snowmobiles. No person shall operate a snowmobile in any park except on designated trails unless otherwise posted.
  - (j) Speed Limit. No person shall operate a vehicle in any park in excess of 15 miles per hour. Unless otherwise posted.
  - (k) Reckless Driving. No person shall operate a vehicle in a reckless manner in any park.
  - (l) Parking. No person shall park a motor vehicle in any park except in designated areas.
  - (m) Horse and Carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths without permission from the Common Council or Marsden Park Board of Trustees or caretaker. It shall be unlawful for any person to ride a horse or drive a horse-drawn vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during daylight hours. Horses may not be bridled in any park.
  - (n) Pets. Pets shall not be permitted to run at large in any park. Any person bringing a pet or other animal to or through any park property shall be responsible for removing waste deposited by the animal on park property.
  - (o) Vendors Restricted. No person shall sell or vend any article of merchandise in any City park without the consent of the Common Council. Such consent may be granted on an individual basis or for events or activities in which the vendor is authorized to participate. The sale or vending of any article of merchandise in Marsden Park is prohibited at all times.
  - (p) Camping. No overnight camping in City parks is permitted except upon approval by the Common Council. Overnight camping in Marsden Park is prohibited.
- (3) Park Hours

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- (a) Hours Established. All parks shall be closed between the hours of 10:30 p.m; and 6:00 a.m. of the following day. Any law enforcement officer may clear all persons from parks during closing hours.
- (b) Exceptions. The established hours do not apply to persons or groups who have permission of the Common Council or Marsden Park Board of Trustees or caretaker to remain in a park during closing hours on specific days for specific purposes or to individuals attending events for which permission has been granted provided during the events and no later than 30 minutes after the ending time of the event..

### **18.06 TRUANCY AND HABITUAL TRUANCY PROHIBITED**

*(Amended 11/14/2016, Ord. No. 2016-5)*

- (1) DEFINITIONS. In this section:
  - (a) "Dropout" has the meaning given in Wis. Stat. sec. 118.153(1)(b).
  - (b) "Habitual truant" means a pupil who is absent from school without an acceptable excuse under Wis. Stat. secs. 118.15 and 118.16(4) for part or all of 5 or more days on which school is held during a school semester.
  - (c) "Operating privilege" has the meaning given in Wis. Stat. sec. 340.01.
  - (d) "Truancy" means 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 s. 118.15.
- (2) Upon finding that a person under 18 years of age is a truant, the Court shall enter an order providing one or more of the following dispositions:
  - (a) An order for the person to attend school
  - (b) A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stat. sec. 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

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- (c) An order for the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in Wis. Stat. sec. 938.342(1d)(c).
- (3) Upon finding that a person under 18 years of age is a habitual truant, the Court shall enter an order providing one or more of the following dispositions:
- (a) Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.
  - (b) An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. sec. 938.34(5g). The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both.
  - (c) An order for the person to remain at home except during hours in which the person 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 person to leave his or her home if the person is accompanied by a parent or guardian.
  - (d) An order for the person to attend an educational program as described in Wis. Stat. sec. 938.34(7d).
  - (e) An order for the department of workforce development to revoke, under Wis. Stat. sec. 103.72, a permit under Wis. Stat. sec. 103.70 authorizing the employment of the person.
  - (f) An order for the person to be placed in a teen court program as described in Wis. Stat. sec. 938.342(1g)(f).
  - (g) An order for the person to attend school.
  - (h) A forfeiture of not more than \$500 plus costs, subject to Wis. Stat. sec. 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
  - (i) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

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- (j) An order placing the person under formal or informal supervision, as described in Wis. Stat. sec. 938.34(2), for up to one year.
  - (k) An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's guardian's or legal custodian's own expense or to attend school with the person, or both.
  - (l) An order for the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in Wis. Stat. sec. 938.342(1g)(k).
- (3) Upon finding that a person who is at least 16 years of age but less than 18 years of age is a dropout, the Court may suspend the person's operating privilege until the person reaches the age of 18. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.
- (5) Responsibility of Parent or Guardian.
- (a) Except as provided under Wis. Stat. sec. 118.15(1)(b) to (d) and (g) and Wis. Stat. sec. 118.15(4), unless the child is excused under Wis. Stat. sec. 118.15(3) or has graduated from high school, any person having under his or her control a child who is between the ages of 6 and 18 years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public, private, or tribal school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes 18 years of age.
  - (b) Except as provided under Wis. Stat. sec. 118.15(1)(d), unless the child is excused under Wis. Stat. sec. 118.15(3), any person having under his or her control a child who is enrolled in 5-year-old kindergarten shall cause the child to attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session at the public or private school in which the child is enrolled until the end of the school term.
  - (c) Except as provided under par. (d) or if a person has been found guilty of a misdemeanor under Wis. Stat. sec. 948.45, whoever violates this section may be penalized as follows, if evidence has been provided by the school attendance officer that the activities under Wis. Stat. sec. 118.16(5) have been completed or were not required to be completed as provided in Wis. Stat. sec. 118.16(5m):
    - 1. For the first offense, by a forfeiture of not more than \$500.

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2. For a 2nd or subsequent offense, by a forfeiture of not more than \$1,000.

3. The court may require a person who is subject to par. (a) to perform community service work for a public agency or a nonprofit charitable organization in lieu of the penalties specified under paragraph (c)1. or (c)2. Any organization or agency to which a defendant is assigned pursuant to an order under this subdivision acting in good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting on the defendant.

4. The court may order any person who violates this section to participate in counseling at the person's own expense or to attend school with his or her child, or both.

(d) Paragraph (c) does not apply to a person who has under his or her control a child who has been sanctioned under Wis. Stat. sec. 49.26(1)(h).

(e) In a prosecution under par. (c), if the defendant proves that he or she is unable to comply with the law because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under chs. 48 and 938 of the Wisconsin Statutes.

(6) Subject to Wis. Stat. sec. 938.37 and to the maximum cumulative forfeiture amounts set forth in subsection (2)(b), the forfeiture deposit schedule for violations of this section are as provided in section 18.07 of this Code.

### **18.061 MARIJUANA, POSSESSION, DELIVERY AND USE PROHIBITED.**

*(Created 7/28/2014-Ord. #298)*

(1) **DEFINITION.** "Marijuana" means all parts of the plants of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. "Marijuana" does include the mature stalks if mixed with other parts of the plant, but does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

(2) **POSSESSION, DELIVERY AND USE PROHIBITED.** It shall be unlawful for any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.

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(3) EXCEPTION. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.

PENALTY. Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$300.00.

### 18.062 DRUG PARAPHERNALIA

*(Created 7/28/2014-Ord. #298)*

- (1) DEFINITIONS. The definitions set forth in § 961.571, Wis. Stats., are hereby adopted by reference and made apart hereof.
- (2) DETERMINATION. The factors set forth in § 961.572, Wis. Stats., are hereby adopted by reference and made a part hereof as factors a court or other authority shall consider in making the determinations referred to in § 961.572, Wis. Stats.
- (3) POSSESSION OF DRUG PARAPHERNALIA. (a) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this subsection. Any person who shall violate any provision of this subsection shall, upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$300.00.  
  
(b) Any person who violates this subsection who is under 17 years of age is subject to a disposition under §938.344(2e), Wis. Stats.
- (4) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA. (a) No person may deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this subsection. Any person who shall violate any provision of this subsection shall, upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$300.00.  
  
(b) Any person who violates this subsection who is under 17 years of age is subject to a disposition under §48.344(2e), Wis. Stats.

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- (5) DELIVERY OF DRUG PARAPHERNALIA TO A MINOR. (a) Any person 17 years of age or over who violates sub. (4) above by delivering drug paraphernalia to a person under 17 years of age who is at least 3 years younger than the violator shall, upon conviction, be subject to a forfeiture of not less than \$100.00 nor more than \$500.00.
- (b) Any person who violates this subsection who is under 17 years of age is subject to a disposition under §938.344(2e), Wis. Stats.

### 18.063 PUBLIC URINATION AND DEFECATION

*(Created 7/28/2014-Ord. #296)*

- (1) It is unlawful for any person to urinate or defecate in public, other than when using a toilet, urinal or commode located in a restroom, bathroom or other structure enclosed from public view.
- (2) The provisions of this ordinance shall not apply to the following individuals who may not be able to adequately control the bodily functions that control urination or defecation:
- (a) Children five (5) years of age or younger;
- (b) Persons of any age who violate this ordinance due to a verified medical condition.
- (3) Any person who violates the provisions of this ordinance who does not meet an exception listed in subsection (2) shall be subject to a forfeiture of not less than \$50.00 nor more than \$200.00.

### 18.065 PROHIBIT THE CARRYING OF WEAPONS IN PUBLIC BUILDINGS

*(Created 11/14/2011 – Ord. #278)*

- (1) Definitions. The following definitions shall apply to the terms used in this ordinance:
- (a) "Public building" shall mean any building owned, occupied or controlled by the City of Fennimore.
- (b) "Special event" means an event that is open to the public, is organized by the City of Fennimore duration of not more than 3 weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.

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- (c) "Weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon, as defined in Wis. Stat. sec. 941.295(1c)(a); or any other 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 knife with a blade length of greater than three (3) inches.
- (2) Prohibitions. Other than as provided in sub. (4), it shall be unlawful for any person:
- (a) While carrying a weapon, to enter or remain at a special event organized by the City if the City has notified the actor not to enter or remain at the special event while carrying a weapon.
  - (b) To enter or remain in any part of a public building, if the City has notified the actor not to enter or remain in the building while carrying a weapon.
- (3) Notice and Signs.
- (a) For the purposes of this section, the City has notified an individual not to enter or remain in a part of the public building while carrying a weapon if the City has posted a sign that is located in a prominent place near all of the entrances to the public building and any individual entering the building can be reasonably expected to see the sign.
  - (b) For the purposes of this section, the City has notified an individual not to enter or remain at the special event organized by the City while carrying a weapon if the City has posted a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign.
  - (c) Signs shall be not less than five inches by seven inches in size and shall state that weapons are prohibited in the building or at the special event.
- (4) Exceptions. The prohibitions in sub. (2) do not apply to the following:
- (a) A law enforcement officer as defined under Wis. Stat. sec. 175.49(1)(g); or
  - (b) A peace officer other than a commission warden who is not a state-certified commission warden; or
  - (c) A person engaged in food preparation or other activity (e.g., Civil War reenactment, dramatic production) authorized by the Council if the weapon (such as a knife) is a reasonably necessary tool or prop for the person engaged in such food preparation or other activity authorized by the Council or the Council's designee.

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- (d) To a person who leases residential or business premises in a public building or, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the building used as a parking facility.
- (e) To a person attending a special event, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the special event grounds or building used as a parking facility.
- (f) To a person who rents all or part of a public building for the purpose of holding an auction or estate sale and who is auctioning or selling the personal property of a household or decedent, provided that any weapon or firearm sold is removed from the premises promptly after sale and, in the case of any firearm, said firearm is at all times unloaded.

(5) Penalty Provision. Any person who violates this section shall be subject to a forfeiture of not less than \$25.00 nor more than \$250.00. The bond amount shall be \$50.00.

### **18.07 PENALTIES**

*(Updated 7/28/2014, Ord. # 296, #297 and #298)(Updated 11/14/16, Ord. #2016-5)*

- (1) The penalty for the violation of any provision of this Chapter for which a specific penalty is not enumerated shall be that provided in Section 25.04 of this Code. A separate offense shall be deemed committed for each day or part thereof during which the violation occurs or continues.
- (2) Any person under the age of 18 years who violates any provisions of Chapter 18 of this Code is subject to a forfeiture as provided by Section 48.17 and 48.343, as those sections may be amended or changed, except that disposition and proceeding against a person who is under 18 years of age on the date of disposition shall be as provided by Section 48.344, Wisconsin Statutes, as that Section may be amended or changed.

## CHAPTER 18-OFFENSES

### CHAPTER 18 SCHEDULE OF DEPOSITS

(Amended 2018-04-09, Ord #2018-05)

ORDINANCE NO. 18.01 ADOPTING THE FOLLOWING STATE STATUTE	OFFENSE	FORFEITURE TO WHICH IS ADDED A REQUIRED PENALTY ASSESSMENT AND OTHER COURT COSTS
167.25	Refrigerators & Iceboxes	\$ 30.00
941.01	Negligent operation of vehicle	\$ 100.00
941.10	Negligent handling of burning material	\$ 100.00
941.12	Interfering with fire fighting	\$ 25.00
941.13	False alarms	\$ 250.00
941.21	Disarming a police officer	\$ 500.00
941.24	Possession of switchblade knife	\$ 250.00
942.05	Opening letters	\$ 50.00
943.01(1)	Criminal damage to property	\$ 100.00
943.01(2)	Criminal damage to property	\$ 150.00
943.017	Graffiti	\$ 50.00
943.10(1m)	Burglary	\$ 200.00
943.10(2)	Burglary	\$ 500.00
943.11	Entry into locked vehicle	\$ 200.00
943.12	Possession of burglarious tools	\$ 100.00
943.13	Criminal trespass to land	\$ 30.00
943.14	Criminal trespass to dwellings	\$ 100.00
943.15	Entry onto construction site	\$ 100.00
943.20(a)	Theft	\$ 50.00
943.20(b)	Theft	\$ 100.00
943.20(c)	Theft	\$ 250.00
943.12	Fraud on Hotel or Restaurant keeper, Recreational attraction, taxicab operator or gas station	\$ 100.00
943.22	Use of Cheating tokens	\$ 50.00
943.23	Operating vehicle without the owner's consent	\$ 200.00
943.24	Issuing worthless check	\$ 100.00
943.34(a)	Receiving stolen property	\$ 100.00
943.34(b)	Receiving stolen property	\$ 150.00
943.34(c)	Receiving stolen property	\$ 250.00
943.38	Forgery	\$ 250.00
943.50(a)	Retail theft	\$ 50.00
943.50(b)	Retail theft	\$ 100.00
943.50(c)	Retail theft	\$ 250.00

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946.40	Refusing to aid officer	\$ 50.00
946.41	Resisting or obstructing officer	\$ 200.00
946.42	Escape	\$ 200.00
946.44	Assisting or permitting escape	\$ 150.00
946.70	Impersonating an officer	\$ 200.00
947.01	Disorderly conduct	\$ 100.00
947.012	Unlawful use of telephone	\$ 100.00
947.012	Unlawful use of computerized communication system	\$ 100.00
947.013	Harassment	\$ 100.00
947.015	Bomb scares	\$ 500.00
947.06	Unlawful assemblies	\$ 250.00
948.40	Contributing to delinquency of children	\$ 200.00
948.60	Possession of a dangerous weapon by child	\$ 100.00
948.63	Receiving property from children	\$ 50.00
951.02	Mistreating animals	\$ 150.00

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ORDINANCE NO.		FORFEITURE TO WHICH IS ADDED A REQUIRED PENALTY ASSESSMENT AND OTHER COURT COSTS
18.015(2) and (3)	Possession, sale and use of fireworks	\$ 200.00
18.015(2) and (3)	Possession, sale and use of fireworks (parent or guardian allowing violation by minor)	\$ 200.00
18.02	Curfew-Persons Under 18	\$ 50.00
18.02	Curfew-Parents or Guardians (1 <sup>st</sup> offense)	\$ 50.00
18.02	Curfew-Parents or Guardians (2 <sup>nd</sup> offense)	\$ 100.00
18.02	Curfew-Parents or Guardians (3 <sup>rd</sup> offense)	\$ 150.00
18.021	Loitering or prowling	\$ 100.00
18.03	Dogs and cats regulations	\$ 50.00
18.03	Dogs and cats regulations (unvaccinated)	\$ 100.00
18.035(1)-(3)	Smoking prohibited	\$ 100.00
18.035(4)	Smoking prohibited (pool)	\$ 10.00
18.04	Alcohol Beverages in public places	\$ 20.00
18.041	Littering	\$ 20.00
18.045	Purchase or possession of tobacco products by children	\$ 20.00
18.05	Return and possession of library materials (1 <sup>st</sup> offense)	\$ 20.00
	(2 <sup>nd</sup> and subsequent offenses)	\$ 50.00
18.055	Park regulations (1 <sup>st</sup> offense)	\$ 20.00
	(2 <sup>nd</sup> and subsequent offenses)	\$ 50.00
18.06(2)	Truancy and habitual truancy (1 <sup>st</sup> offense)	\$ 50.00
	(2 <sup>nd</sup> and subsequent offenses)	\$ 100.00
18.06(3)	Dropouts	\$ 300.00
18.06(5)	Parental or guardian responsibility for truancy and habitual truancy (1 <sup>st</sup> offense)	\$ 50.00
	(2 <sup>nd</sup> and subsequent offenses)	\$ 100.00
18.061	Possession, delivery or use of marijuana	\$ 200.00
18.062	Drug paraphernalia	\$ 200.00
	Persons 17 years of age or older	\$ 200.00
	Persons under 17 per §938.344(2e), Wis. Stats 1 <sup>st</sup> offense (minimum 6 mo. driver license suspension)	\$ 50.00
	2 <sup>nd</sup> offense w/i 12 mos. (minimum 6 mo. driver license suspension)	\$ 100.00
	Additional offense w/i 12 mos.of 1 <sup>st</sup> 2 violations (minimum 6 mo. driver license suspension)	\$ 300.00
18.063	Public urination and defecation	\$ 100.00