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### GENERAL OFFENSES

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### GENERAL OFFENSES

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10.940.19 to 10.951.14 *OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.*  
**(Cr. #128-88; Am. #74-93; #61-2003; #66-2008)**

The following statutes following the prefix "10", describing and defining certain prohibited acts constituting misdemeanor offenses, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

10.940.19	Battery
10.941.01	Negligent Operation of Vehicle
10.941.10	Negligent Handling of Burning Materials
10.941.12(2),(3)	Interfering With Fire Fighting
10.941.13	False Alarms
10.941.20	Reckless Use of Weapon
10.941.23	Carrying Concealed Weapon
10.941.24	Possession of Switch Blade Knife
10.941.35	Emergency Telephone Calls
10.941.36	Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
10.943.01	Criminal Damage to Property
10.943.07	Criminal Damage to Railroad
10.943.11	Entry Into Locked Vehicle
10.943.125	Entry Into Locked Coin Box
10.943.13	Trespass to Land
10.943.14	Criminal Trespass to Dwellings
10.943.20	Theft (\$1,000 or Less)

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10.943.21	Fraud on Hotel or Restaurant Keeper (\$1,000 or Less)
10.943.22	Use of Cheating Tokens
10.943.23	Operating of Motor Vehicle Without Owner's Consent and Abandoning the Same in an Undamaged Condition Within 24 Hours
10.943.24	Issuing of Worthless Check (\$1,000 or Less)
10.943.34	Receiving Stolen Property (\$1,000 or Less)
10.943.37	Alteration of Property Identification Marks
10.943.41(2),(3) (a-d) or (4)(b)	Credit Card Crime
10.943.45	Obtaining Telecommunication Service by Fraud
10.943.50	Retail Theft (Shoplifting) (\$1,000 or Less)
10.943.55	Removal of Shopping Cart
10.946.40	Refusing to Aid Officer
10.946.41	Resisting or Obstructing Officer
10.946.42(2)	Escape
10.946.70	Impersonating Peace Officer
10.948.40	Contributing to the Delinquency of a Child
10.948.45	Contributing to Truancy
10.951.02	Mistreating Animals
10.951.13	Providing Proper Food and Shelter to Confined Animals
10.951.14	Providing Proper Shelter

**10.01 PEDDLING AND SOLICITING. (Cr. #60-83; Am. #31-2000)**

No person shall peddle or solicit any business or charity, distribute handbills or other advertising matter, post unauthorized signs or decorative matter in or on any County facility, structure or property as a base of commercial operations for soliciting, conducting business or charity operation or peddling or providing services within or outside such facilities, structures or property unless first authorized by the Buildings and Grounds and Insurance Committee (Highway Committee for Highway Department facilities, structures or properties) or its authorized agent.

**FAIR HOUSING. (Cr. #108-84; Am. MSC '90)**

(1) POLICY. It is the policy of the County to provide, within constitutional limitations, for fair housing throughout the County.

(2) DEFINITIONS. As used in this section:

*Discriminatory Housing Practice.* (Am. #125-87)

1. To refuse to sell or rent after making a bona fide offer, to refuse to negotiate for the sale or rental of, or make unavailable or deny a dwelling to any person because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry.
2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry.
3. To make, print, publish or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry.
4. To represent to any person because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.
5. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving or maintaining a dwelling, or to discriminate against him/her in the fixing of the amount, interest rate, duration, terms or conditions of such loan or other financial assistance because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry of such person.
6. To deny any person access to, participation or membership in any multiple listing service, real estate broker's organization or other service organization, or facility relating to the business of selling or renting dwellings or to discriminate against him/her in the terms or conditions of such access, membership or participation on account of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry.

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*Dwelling.* Any building, structure or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.

*Family.* One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.

*Person.* A single individual.

*To rent.* Lease, sublease, to let and otherwise grant for a consideration the right to occupy premises not owned by the occupant.

### (3) DISCRIMINATION PROHIBITED.

(a) No person shall discriminate in the sale or rental of housing or commit any discriminatory housing practice, except that this section shall not apply to any of the following:

1. Any single family house sold or rented by an owner; provided that in case of the sale of any such single family house by a private individual owner not residing in such house at the time of such sale, the exemption granted by this subsection shall apply only with respect to one such sale within a 24 month period; provided further that the sale or rental of any such single family house shall be excepted from the applications of this section only if such house is sold or rented without the use of any real estate broker, agent or salesman and without the publication, posting or mailing of any advertisement in violation of par. (2)(e) and this subsection; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors or title companies to perfect or transfer title.
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than 4 families living independent of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.
3. To a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry.

(b) Nor shall anything in this section prohibit a private club not open to the public which, as an incident to its primary purpose or purposes, provides lodging which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of such lodgings to its members.

### (4) FAIR HOUSING AUTHORITY.

(a) The County Board Chairman, subject to County Board confirmation, shall appoint a Fair Housing Authority consisting of 5 members. The Fair Housing Authority shall be the same body and shall consist of the same membership as is set forth at §1.58 of this General Code and shall be entitled to the same compensation.

(b) The Authority shall have the power and duty to study the existence, character, cause and extent of the denial of equal opportunities because of sex, race, color, sexual orientation, handicap, religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry in the County. It shall receive complaints alleging violation of this section arising from bona fide transactions and attempt to eliminate or remedy any violation by means of conciliation, persuasion, education or any other means. In cases where the Authority obtains compliance with this section or the Authority finds the complaint is without foundation, no public disclosure shall be made by the Authority of the person or persons named in the complaint.

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The Authority may adopt such rules and regulations as may be necessary to carry out the provisions of this section. (Am. #125-87)

- (5) **PROCEDURE.** (Cr. #125-87) Any person aggrieved by an unlawful practice prohibited by this section may file a complaint with the Fair Housing Authority 30 days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than 60 days after the alleged unlawful practice has occurred. The Fair Housing Authority shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this section shall cause the chairman of the Fair Housing Authority to forward the complaint and findings to appropriate State and federal agencies.

### **10.03 CONTROLLED SUBSTANCES. (Cr. Res. #145-80)**

- (1) **FINDINGS OF FACT.** It is hereby found and determined that the use of illegal controlled substances is harmful and unsafe for human consumption. The drug paraphernalia industry by selling and promoting certain devices and instruments designed for the use of controlled substances facilitates and glamorizes drug use and abuse.
- (2) **DEFINITIONS.** The following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning and includes the meanings expressly referred to in various chapters of the Wisconsin Statutes:

*Controlled substance.* Any substance named or described in Schedules 1 through 5 of the Uniform Control Substances Act found in Ch. 161, Wis. Stats., and as such schedules as may from time to time be amended.

*Controlled substance, consuming a.* Includes, for the purpose of this section, the planting, propagating, cultivating, growing or harvesting, manufacturing, compounding, converting, producing, processing, comparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Ch. 161, Wis. Stats.

*Personal possession.* The knowing, storing or keeping the substance or item in a place under the dominion or control of the defendant. It need not be shown that the defendant had sole or exclusive possession.

- (3) **PROCEDURE TO DETERMINE INTENTION OF DESIGN OF DEVICE OR INSTRUMENTALITY.** In attempting to determine whether or not an object is intended, designed or adapted for use of consuming a controlled substance, a person, court or any other authority should consider, in addition to all other logically relevant factors, the following enumeration of devices or instrumentalities of which are commonly involved with the consuming of controlled substances:
  - (a) Kits or items used, intended or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plants which is a controlled substance or from which a controlled substance can be derived.
  - (b) Kits or items used, intended or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
  - (c) Devices used, intended or designed for use in increasing the potency of any species of plant which is a controlled substance.
  - (d) Testing equipment used, intended or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances.
  - (e) Scales and balances used, intended or designed for use in weighing or measuring controlled substances.
  - (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended or designed for use in the cutting or processing of controlled substances.

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- (g) Separation gins or sifters used, intended or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
  - (h) Blenders, bowls, containers, spoons and mixing devices used, intended or designed for use in compounding controlled substances.
  - (i) Capsules, balloons, baggies, envelopes and other containers used, intended or designed for use in packaging small quantities of controlled substances.
  - (j) Containers and other objects used, intended or designed for use in storing or concealing controlled substances.
  - (k) Hypodermic syringes, needles and other objects used, intended or designed for use in parenterally injecting controlled substances into the human body.
  - (l) Objects used, intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
    - 1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
    - 2. Water pipes.
    - 3. Carburetion tubes and devices.
    - 4. Smoking and carburetion masks.
    - 5. Roach clips: meaning objects used to hold burning material, such as marijuana cigarettes, that will become or has become too short to be held in the hand.
    - 6. Miniature cocaine spoons and vials.
    - 7. Chamber pipes.
    - 8. Carburetor pipes.
    - 9. Electric pipes.
    - 10. Air driven pipes.
    - 11. Chillums.
    - 12. Bongs.
    - 13. Ice pipes or chillers.
- (4) CIVIL FORFEITURE. Any vessel, vehicle, aircraft or device or instrumentality which is found to have been intended, designated or adapted for the use of consuming a controlled substance and which is subject to forfeiture under §161.55, Wis. Stats., and which has been or is being used in violation of this chapter may be seized and forfeited as provided by §161.55, Wis. Stats.
- (5) OFFENSES AND PENALTY.
- (a) Whoever has in personal possession any device or instrumentality intended, designed or adapted for use in consuming a controlled substance with intent to use such device or instrumentality for consumption of a controlled substance is guilty of a civil forfeiture, the penalty for which is forfeiture of not less than \$100 nor more than \$1,000.
  - (b) Whoever sells or delivers any device or instrumentality intended, designed or adapted for use in consuming a controlled substance with intent at the time of the sale or delivery that the device or instrumentality be used for the purposes of consuming a controlled substance is guilty of a civil forfeiture, the penalty for which is forfeiture of not less than \$100 nor more than \$1,000.



**10.04 DISORDERLY CONDUCT. (Cr. #33-87; Ren. #128-88)**

Whoever does any of the following shall be subject to a forfeiture of not more than \$200, together with the costs of prosecution, and in default of the payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeitures and costs are paid, but not to exceed 90 days:

- (1) In a public or private place engages 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.
- (2) With intent solely to harass any person at the called number makes repeated telephone calls, whether or not conversation ensues.
- (3) Makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to abuse, threaten or harass any person at the called number.
- (4) Operates a motor vehicle, motorcycle, minibike, snowmobile or all-terrain vehicle on public or private property in a manner which would tend to cause or provoke a disturbance or annoy any person by causing any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another including, but not limited to, one or more of the following: squealing of tires, blowing the horn, causing the engine to race excessively or backfire or causing such vehicle while commencing to move or in motion to raise its wheels or skis off the ground. (Cr. #52-87)
- (5) No person shall intentionally resist, obstruct, incite or interfere with any police dog while the dog is in pursuit of police duties. Before police dogs are used by or placed under the control of the Sheriff's Department for police duties, the Department shall have on file valid written certification that the dog and his trainer have successfully completed a training school for police dogs and the dog is properly vaccinated against rabies. Any police dog shall be exempt from the County rabies control program, including quarantine periods after a bite, while on duty. (Cr. #17-90)

**10.045 COUNTY, SCHOOL AND MUNICIPAL BUILDING SECURITY. (Cr. #82-2013)**

(1) DEFINITIONS.

- (a) ENTRY CONTROL POINT means a location and associated facilities and/or personnel established to screen persons and articles entering the security area or any physical barrier intended to restrict access.
- (b) SECURITY AREA means all portions of a County, school or municipal facility that have been designated as requiring additional security or the screening of persons entering therein for the safety and security of the public and employees, posted with sufficient signage to alert the public of its presence, whether or not any security officers are present or any particular post is manned.

(2) NO PERSON SHALL:

- (a) Disobey the lawful order of any security or law enforcement officer.
- (b) Bypass or attempt to bypass any security measure, including, but not limited to, posted or locked doors, entry control points, or signage restricting the movement of persons.
- (c) Aid or abet another person in any attempt to bypass any security measure.
- (d) Fail to comply with any lawfully posted sign or placard.
- (e) Attempt to disable, bypass, tamper with, or otherwise affect the proper operation of any security device, sign, placard, or physical barrier.
- (f) Attempt to gain unlawful access to a security area, or remain in a security area without permission.

(3) PENALTY: Any person who violates any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$50.

**10.05 ILLEGAL TRANSPORT OF AQUATIC PLANTS AND INVASIVE ANIMALS. (Cr. #41-2008)**

- (1) **PURPOSE AND STATUTORY AUTHORITY.** The purpose of this ordinance is to prevent the spread of aquatic invasive species in Oneida County and surrounding water bodies in order to protect property values and the property tax base and ensure quality recreational opportunities. This ordinance is adopted under authority of Section 59.03 of the Wisconsin Statutes.
- (2) **DEFINITION OF AQUATIC PLANTS AND INVASIVE ANIMALS.**
  - (a) "Aquatic plant" means a non-woody submergent, emergent, free-floating, or floating-leaf plant that normally grows in or near water and includes any part thereof. "Aquatic plant" does not mean wild rice when being harvested with a permit issued under NR 19.09 or any rights proffered by the Treaty of 1838.
  - (b) "Invasive animal" means all vertebrate and invertebrate species including zebra mussel, quagga mussel, rusty crayfish, spiny water flea, or any other aquatic invasive animal prohibited by the state.
- (3) **PROHIBITED TRANSPORT OF AQUATIC PLANTS AND INVASIVE ANIMALS.** No person may operate a vehicle or transport any boat, boat trailer, personal watercraft and its associated trailer, canoe, kayak, or boating equipment, fishing equipment, hunting and/or trapping equipment including but not limited to personal floatation devices, nets, anchors, fishing lines, decoys, and waders, from navigable waters onto any roadway open to the public if aquatic plants or invasive animals are attached.

All aquatic plants or invasive animals shall be removed before entering a roadway open to the public or before launching a boat or equipment or trailer in navigable water.

If in the course of removing a boat from water, the temporary existence of a boat and trailer creates a safety hazard if not immediately transported along a public roadway, a person may transport without violation of this ordinance to the first suitable and safe location and there clean and remove any remaining aquatic plants or invasive animals consistent with this ordinance.

- (4) **EXCEPTIONS TO TRANSPORT OF AQUATIC PLANTS AND INVASIVE ANIMALS.** Unless otherwise prohibited by law, a person may transport aquatic plants:
  - (a) for disposal as part of a harvest or control activity conducted under an aquatic plant management permit issued under ch. NR 109.
  - (b) when transporting commercial aquatic plant harvesting equipment away from any water body to a suitable location for purposes of cleaning any remaining aquatic plants or animals.
  - (c) when conducting an aquatic plant study for the purposes of vouchering specimen or conducting an educational workshop and in a closed container.
  - (d) when harvested for personal or commercial use, such as to be used as compost or mulch, and in a closed container.
  - (e) for purposes of shooting or observation blinds for waterfowl hunting during the waterfowl season, if the aquatic plants used for these blinds are emergent, cut above the waterline, and contain no aquatic invasive species. All other equipment shall have aquatic plants and invasive animals removed before entering a roadway open to the public.
- (5) **CITATION AND ENFORCEMENT.**
  - (a) Any person who violates a provision of this ordinance shall be subject to a forfeiture of not less than \$200 and not more than \$500 for the first offense and each subsequent offense. Said person shall be also subject to court costs for such violation.
  - (b) Each violation shall be considered a separate offense.

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- (c) Legal action may be initiated against a violator by the issuance of a citation pursuant to Sec. 66.0113(1)(a)(2005). Said citation may be issued by a law enforcement officer of Oneida County.
- (d) The citation shall contain the following:
  - i. The first, middle, and last name, address, and date of birth of the alleged violator.
  - ii. Factual allegations describing the alleged violation.
  - iii. The date, time and place of the offense.
  - iv. The ordinance and section of the violation.
  - v. A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
  - vi. The date and time at which the alleged violator may appear in court.
  - vii. A statement which, in essence, informs the alleged violator:
    - (a) That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
    - (b) That if a deposit is made, no appearance in court is necessary unless subsequently summoned.
    - (c) That if a cash deposit is made and the alleged violator does not appear in court, they will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding them to appear in court to answer the complaint.
    - (d) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
    - (e) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Paragraph D.(7), above, has been read. Such statement shall be brought with the cash deposit.
    - (f) Such other information as the County deems necessary.
- (e) Section 66.0113(3), Wis. Stats. relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

### **10.055 REGULATION OF DRY HYDRANTS. (Cr. #103-2008)**

- (1) **PURPOSE AND STATUTORY AUTHORITY.** The purpose of this section is to prevent the spread of aquatic invasive species in Oneida County and surrounding lakes, rivers, tributaries, or ponds in order to protect property values, the property tax base, and ensure quality recreational opportunities without unduly hindering fire departments in the exercise of their duties and functions. This section is adopted under authority of §59.03 of the Wis. Stats.
- (2) **DEFINITIONS.**
  - (a) The term "aquatic plants" has the meaning as set forth in Oneida County Ordinance §10.05 and is incorporated herein by reference.
  - (b) The terms "animal" and "aquatic animal" are identical and have the meaning as set forth for "invasive animal" in Oneida County Ordinance §10.05 and is incorporated herein by reference. "Animal" shall also include any vertebrate or invertebrate, wild or domestic, that is dependent on an aquatic environment, freshwater or saline, for part or all of its life cycle.

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- (c) "Pathogen" means an infectious organism that is a potential contributing environmental factor to disease. These include bacteria, viruses (such as viral hemorrhagic septicemia (VHS)), and fungi.
  - (d) "Container" means a vessel, receptacle, or other compartment, enclosed or open, permanently affixed or portable, and capable of holding liquid contents during a journey by one or several means of transport. "Container" shall include, but is not limited to: a portable pump, tank truck, fire suppression transport bucket, tank, and fire bucket.
  - (e) "Dry hydrant" means a non-pressurized pipe system permanently installed in lakes, rivers, tributaries, or ponds for the purpose of providing a suction supply of water to a fire department tank truck.
  - (f) "Disinfect" means to treat water in a container by mixing household chlorine bleach (sodium hypochlorite) with the water in that container to produce a concentration of 200 parts per million (0.5 oz chlorine per gallon or one tablespoon chlorine per gallon of water (e.g. 3.5 gallons of household chlorine bleach per 1,000 gallons of water)), and ensuring that the chlorine bleach has a contact duration of not less than ten minutes.
  - (g) "Neutralize" means to treat previously disinfected water in a container by mixing sodium thiosulfate with the water in that container to produce a concentration of three grams of sodium thiosulfate per gallon of water and ensuring that the sodium thiosulfate is circulated within the container for not less than three minutes (e.g. connecting the output and input valves of the container and circulating the water within the container using a high volume pump).
  - (h) "Permeable" means the capacity of porous rock, sediment, or soil to transmit water including, but not limited to, an area of a vehicular use area paved with material that permits rapid water penetration into the soil. Permeable pavement may consist of any porous surface materials which are installed, laid or poured.
  - (i) "Person" means a natural person and includes any corporate, statutory, or municipal entity.
- (3) PROHIBITED TRANSPORT OF AQUATIC PLANTS, ANIMALS, OR PATHOGENS. No person may transport, in a container any water containing an aquatic plant, animal, or pathogens from any lake, river, tributary, or pond, which was removed through a dry hydrant or any other means, onto any roadway open to the public except as set forth in paragraph (5) below.
- (4) PROHIBITED TRANSFER OR RELEASE OF WATER CONTAINING AQUATIC PLANTS, ANIMALS, OR PATHOGENS. No person may remove any water containing an aquatic plant, animal, or pathogen from any lake, river, tributary, or pond through a dry hydrant, or other means, except as provided for in this ordinance. Any water containing an aquatic plant, animal, or pathogen shall, if returned to an aquatic environment, be discharged only into the same water source in the same location from whence the water containing the aquatic plant, animal, or pathogen was removed.
- (5) EXCEPTIONS TO THE TRANSPORT OF AQUATIC PLANTS ANIMALS AND PATHOGENS.
- (a) Fire departments shall be exempt from the prohibitions contained herein while actively engaged in fire suppression.
  - (b) For disposal as part of a harvest or control activity conducted under an aquatic plant management permit issued under ch. NR 109.
  - (c) A person may transport to a permeable surface to disinfect, neutralize, and/or discharge the contents of the container.
- (6) EXCEPTIONS TO DRY HYDRANT FLUSHING PROHIBITIONS. Unless otherwise prohibited by law, a person may utilize dry hydrants as follows:
- (a) Fire departments shall be exempt from the prohibitions contained herein while actively engaged in fire suppression.
  - (b) A person may utilize a high-volume portable pump adjacent to a dry hydrant site by inserting the pump intake into the lake, river, tributary, or pond and flushing the lake, river, tributary, or pond water through the hydrant. The portable pump and hoses shall be disinfected prior to use at a

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new dry hydrant site by flushing 200 parts per million (0.5 oz per gallon or one tablespoon per gallon) chlorine through the portable pump and discharging the mixture onto a permeable surface, to prevent the disinfected water from entering a lake, river, tributary, or pond and without damaging vegetation.

- (c) A person may pump water from a lake, river, tributary or pond to flush a dry hydrant without prior disinfection only if the water is from that same dry hydrant location. The container shall then be transported empty to the next dry hydrant site. Any residual water in the container shall be disinfected and neutralized. The disinfected and neutralized water shall then be discharged onto a permeable surface, to prevent the disinfected and neutralized water from entering a lake, river, tributary, or pond. This protocol does not require a permit from the Wisconsin Department of Natural Resources.
- (d) A person may remove water from a dry hydrant and disinfect water in the container prior to discharge at a separate dry hydrant site. Fire departments may not discharge this water into a lake, river, tributary, pond or at a dry hydrant site prior to completing disinfection and neutralization. This protocol will require a permit from the Wisconsin Department of Natural Resources if the discharged amount of the chlorinated solution exceeds four parts per million.
- (e) In order to complete above (a)-(d), a person may transport to a permeable surface to disinfect, neutralize, and/or discharge the contents of the container.

### (7) CITATION AND ENFORCEMENT.

- (a) Any person who violates a provision of this section shall be subject to a forfeiture of not less than \$500 and not more than \$1,000 for each violation. Said person shall be also subject to court costs for such violation.
- (b) Each violation shall be considered a separate offense.
- (c) As to any violation of this section, no natural person who in the course and scope of that person's role with a fire department as a volunteer, an agent of, or an employee shall receive a citation. Should a violation occur, a citation shall be issued to the municipal entity (e.g. city, village, town, or township) for whom the person violating this section: volunteers, is an agent of, or is employed by.
- (d) Legal action may be initiated against a violator by the issuance of a citation pursuant to §66.0113, Wis. Stats. Said citation may be issued by a law enforcement officer of Oneida County.
- (e) The citation shall contain the following:
  - i. The identity of the municipal entity (e.g. city, village, town, or township) for whom the person violating this section: volunteers, is an agent of, or is employed by.
  - ii. Factual allegations describing the alleged violation.
  - iii. The date, time and place of the offense.
  - iv. The ordinance and section of the violation.
  - v. A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
  - vi. The date and time at which the alleged violator may appear in court.
  - vii. A statement which, in essence, informs the alleged violator:
    - a. That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
    - b. That if a deposit is made, no appearance in court is necessary unless subsequently summoned.

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- c. That if a cash deposit is made and the alleged violator does not appear in court, they will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding them to appear in court to answer the complaint.
- d. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect any forfeiture.
- e. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Paragraph (7)(d) vii., above, has been read. Such statement shall be returned with the cash deposit.
- f. Such other information as the County deems necessary.
- g. Section 66.0113(3), Wis. Stats, relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

### 10.06 SMOKING PROHIBITED. (Rep. & recr. #52-2010)

- (1) **PURPOSE AND AUTHORITY.** The County of Oneida finds that smoking contributes to health problems of its employees and of members of the public, both directly through deliberate use of smoking materials and indirectly, to nonsmokers, through involuntary inhalation of smoke in the air. This section is enacted to reduce that risk as much as possible in enclosed places, places of employment, and public places as well as in County buildings and vehicles. This section is enacted under the authority of Wis. Stats. §§ 59.07 and 101.123, and Federal Public Law 103-227.

- (2) **DEFINITIONS.** As used in this section, the following words have the meanings indicated:

*Assisted living facility* means a community-based residential facility, a residential care apartment complex, or an adult family home.

*Correctional facility* means a state prison, a juvenile detention facility, a juvenile correctional facility, or a jail.

*County building* means any building owned, leased, contracted or operated by the County. County building does include space leased to the County in a building which has other tenants, but the regulations set forth in this section shall apply only to that part of the leased space which is partitioned off from the remaining space, including common areas, by floor-to-ceiling walls. County building does not include any building which is both owned by the County and completely leased to another party.

*County vehicle* means all self-propelled vehicles owned or leased by Oneida County.

*Educational facility* means any building used principally for educational purposes in which a school is located or course of instruction or training program is offered that has been approved or licensed by a state agency or board.

*Enclosed place* means a structure or area that has all of the following: a roof and more than two substantial walls. The definition of substantial wall is a wall with no opening or with an opening that either does allow air in from the outside or that is less than 25 percent or more of the wall's surface area.

*Inpatient health care facility* means a hospital, a County home, a County infirmary, a nursing home, a hospice, a Wisconsin veterans' home, or a treatment facility.

*Joint use building* means a building which is owned by Oneida County, part of which is leased to another party.

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*Lodging establishment* means a bed and breakfast establishment, a hotel, motel, or a tourist rooming house.

*Person in charge* means the person or his or her agent who ultimately controls, governs, or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated.

*Place of employment* means any enclosed place that employees normally frequent during the course of employment, including an office, work areas, employee lounge, restroom, conference room, meeting room, classroom, elevator, stairway, lobby, common area, vehicle, cafeteria, or hallway.

*Private club* means a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.

*Public conveyance* means a mass transit vehicle, a school bus, or any other device by which persons are transported, for hire, on a highway or by rail, water, air, or guide wire within this state, but does not include such a device while providing transportation in interstate commerce.

*Public place* means any enclosed place that is open to the public regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.

*Retail establishment* means any store or shop in which retail sales is the principal business conducted.

*Retail tobacco store* means a retail establishment that does not have a "Class B" intoxicating liquor license or a "Class B" fermented malt beverages license and that generates 75 percent or more of its gross annual income from the retail sale of tobacco products and accessories.

*Smoking* has the meaning set forth in Wis. Stats. § 101.123(1)(h),

*Sports arena* means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.

*Tavern* means an establishment, other than a restaurant, that holds a "Class B" intoxicating liquor license or "Class B" fermented malt beverages license.

*Tobacco bar* means a tavern that generates 15 percent or more of its annual gross income from the sale on the tavern premises, other than from a vending machine, of cigars and tobacco for pipes.

### (3) PROHIBITED CONDUCT.

(a) It shall be unlawful and a violation of this section for any person, whether employed by Oneida County or a member of the public, to smoke in enclosed public places, places of employment, in any County building, County vehicle or joint use building. Those areas specifically prohibited in [Wis. Stats. §] 101.123(2). No person may smoke in any of the following enclosed places:

1. The state capitol.
2. Residence halls or dormitories owned or operated by a college or university.
3. Day care centers.
4. Educational facilities.
5. Inpatient health care facilities.
6. Theaters.
7. Correctional facilities.
8. State institutions.
9. Restaurants.
10. Taverns.

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11. Private clubs.
12. Retail establishments.
13. Common areas of multiple-unit residential properties.
14. Lodging establishments.
15. State, county, city, village, or town buildings.
16. All enclosed places, other than those listed in subsections 1. to 15., that are public places.

No person may smoke at any of the following outdoor locations:

- a. In the immediate vicinity of the state capitol.
- b. Anywhere on the premises of a day care center when children who are receiving day care services are present.
- c. A location that is 25 feet or less from a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System.

No person may smoke in any of the following:

- a. A sports arena.
- b. A bus shelter.
- c. A public conveyance.

- (b) No person in charge may allow any person to smoke in violation of (2) [subsection b.2.] at a location that is under the control or direction of the person in charge. A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited. A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:

1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
2. Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.
3. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.
  - a. If a person refuses to leave a location after being requested to do so as provided in subsection 3. [above], the person in charge shall immediately notify an appropriate law enforcement agency of the violation.

- (4) EXCEPTIONS. The prohibition against smoking in [subsection (3)(b)]3.a. does not apply to the following:

- (a) A private residence.
- (b) A room used by only one person in an assisted living facility as his or her residence.
- (c) A room in an assisted living facility in which two or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.
- (d) A retail tobacco store that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.
- (e) A tobacco bar that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.

- (5) PENALTIES.



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- (a) Any person who violates subsection (3)(b)3.a. [will] be subject to a forfeiture of not less than \$100.00 nor more than \$250.00 for each violation.
  - (b) A violation of this section does not constitute negligence as a matter of law.
  - (c) Except as provided in subsections (5)(d) or (e), any person in charge who violates subsections (3)(b)1. to 3. shall be subject to a forfeiture of \$100.00 for each violation.
  - (d) For violations subject to the forfeiture under subsection (c) [above], if the person in charge has not previously received a warning notice for a violation of subsection (3)(b)1. to 3., the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
  - (e) No person in charge may be required under subsection (c), [above], to forfeit more than \$100.00 in total for all violations of subsections (3)(b)1. to 3. occurring on a single day.
  - (f) Second and subsequent violations within one year shall be subject to a forfeiture of \$250.00 for each violation.
  - (g) Any County employee found in violation of this section shall be subject to the County's positive disciplinary process.
- (6) INJUNCTION. Notwithstanding Wis. Stats. § 165.60, state or local officials or any affected party may institute an action in Oneida County Circuit Court to enjoin such conduct where a person has been subject to penalties, as set forth above, on two or more occasions.

### **10.07 CONCEALED CARRY OF WEAPONS PROHIBITED. (Rn. #83-2011)**

- (1) PREAMBLE. This policy was prompted, in significant part, by 2011 Wisconsin Act 35. It is intended to preserve and promote public protection and safety, public peace and good, and workplace safety and health.
- (2) DEFINITIONS.
  - A. "Law Enforcement Officer" means a Wisconsin law enforcement officer, as defined in §175.46(1)(g) Wis. Stats. or a federal law enforcement officer, as defined in §175.40(7)(a)1 Wis. Stats.
  - B. "Licensee" means an individual holding a valid license to carry a concealed weapon under §175.60 Wis. Stats. or an out-of-state licensee per §175.60(1)(f) 1.-2. Wis. Stats.
  - C. "Motor Vehicle" means a vehicle which is self-propelled, including but not limited to a passenger car, truck, and van, bus, taxi, commercial motor vehicle, motorcycle, moped, motor bicycle, snowmobile, and all-terrain vehicle.
  - D. "Placard" means a small card or plaque.
  - E. "Sign" means a sign that states a restriction imposed hereunder and that is at least 5 inches by 7 inches.
  - F. "Special Event" means an event that is open to the public, is for a duration of not more than three (3) weeks, and either has designated entrances to and from the event that is locked when the event is closed or requires an admission.
  - G. "Weapon" includes, without limitation, any firearm (including a handgun), an electric weapon (as defined in §941.295(1c)(a) Wis. Stats.), a knife (except a pocket knife with a blade less than 2.5 inches), a switchblade (as defined in §941.24(1) Wis. Stats.), a billy club, oleoresin capsicum (OC) spray devices (also known as pepper spray or pepper mace), Metallic knuckles, nunchaku, shuriken, cestus, manrikigusari, or any device designed or used as a weapon and capable of producing great bodily harm or death.
- (3) PROHIBITIONS.

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- A. No person may, while carrying or possessing a weapon, enter or remain in any part of a building that is owned, occupied, or controlled by the County.
  - 1. This prohibition does not apply to:
    - (a) Certified law enforcement officers, entitled to carry a weapon, while acting in their official capacity and with lawful authority.
    - (b) A person who leases residential or business premises in the building.
    - (c) A person if a firearm is in a vehicle driven or parked in the parking facility, or to any part of the building used as a parking facility.
    - (d) A judge who is a licensee, a district attorney or assistant district attorney who is a licensee, or any other licensee given written permission by a judge to carry a concealed weapon in a courthouse or courtroom.
- B. Organizers of any "special event" may prohibit any persons carrying or possessing a weapon from entering or remaining at the "special event".
  - 1. This prohibition does not apply to:
    - (a) Certified law enforcement officers, entitled to carry a weapon, while acting in their official capacity and with lawful authority.
    - (b) If the firearm is in a vehicle driven or parked in the parking facility, or to any part of the special event grounds or building used as a parking facility.

### (4) NOTICE.

- A. For purposes of (3) PROHIBITIONS A. above:
  - 1. A sign will be posted that is located in a prominent place near all of the entrances to any building to which the restrictions apply, where any individual entering the building can be reasonably expected to see the sign.
  - 2. Suggested language for a sign:  
"PURSUANT TO WISCONSIN STATE STATUTE WEAPONS ARE PROHIBITED IN THIS FACILITY."
- B. For purposes of (3) PROHIBITIONS B. above:
  - 1. A sign will be posted that is located in a prominent place near all of the entrances to the special event, such that any individual attending the special event can be reasonably expected to see the sign.
  - 2. Suggested language for a sign:  
"NO PERSON MAY ATTEND THIS INSERT NAME OF SPECIAL EVENT WHILE CARRYING OR POSSESSING A FIREARM OR OTHER WEAPON."

### (5) MISCELLANEOUS PROVISIONS.

- A. This policy is intended to be consistent with, and cannot supersede, state law/or federal law.
- B. If any provision or clause of this policy or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this policy that can be given effect without the invalid provision or application, and to this end the provisions of this policy are severable.
- C. Reference to the Wisconsin Statutes herein include as such statutes now exist or are hereafter amended.

### (6) PENALTIES FOR VIOLATION.

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- A. If applicable, referral to law enforcement or the district attorney for prosecution under Wisconsin Statutes, including §943.13 Wis. Stats.; and/or
- B. If applicable, a County Citation for violation of Code Section 10.943.13 if a firearm is carried on a premises where the owner has posted that the carrying of firearms is prohibited.
- C. If applicable, a County Citation for a Violation of Code Section 10.07 for carrying any Weapon in a County Building.

### **10.08 INSTALLATION AND OPERATION OF EMERGENCY ALARM SYSTEMS.**

#### (1) DEFINITIONS.

*Alarm system:* Any mechanical or electrical equipment arranged to signal the occurrence of a fire, burglary or robbery alarm requiring immediate police or fire department notification, including local alarms which are audible or visible upon the exterior of a structure which give notice to the general public.

*Alarm monitoring service:* An alarm business which provides service to alarm users, answering recorded signaling from alarm systems that indicate an activation of a fire, burglary, or robbery alarm and relaying of the alarm message by voice contact with the Department. An alarm monitoring service may be located within the state of Wisconsin or at locations outside this state.

*Alarm system user:* The owner, occupant or person in control of any building, structure, or facility in which an alarm system has been installed and is in operation.

*Department:* The Oneida County sheriff's Department.

*False alarm:* An alarm notification summoning the sheriff's department deputies or fire department to the location of an alarm activation, when the responding officer finds no evidence of a criminal offense or fire. "False Alarm" does not include an alarm activation signal caused by extraordinary extremes of weather such as high winds, thunder and lightning storms or the disruption of the telephone circuits beyond the control of the alarm user. Unintentional activation of alarm by alarm user or activation of alarm by mechanical failure or malfunction caused by improper maintenance of the alarm system are considered to be "False Alarms."

#### (2) INSTALLATION AND OPERATION OF ALARM SYSTEMS. No receiver to be used for the reception of signals from alarm systems shall be installed in the Department unless, and until, the following conditions have been met:

- (a) The Sheriff has approved the installation of the receiver.
- (b) No alarm system shall be connected to a receiver located in the Department building unless the user has paid the connection fee.
- (c) No connection fee shall be collected from any alarm system user for any alarm system already connected to a receiver located in the Department.

#### (3) PROHIBITED SYSTEMS.

- (a) No alarm system may be used, operated or programmed that will upon activation either mechanically, electronically or by any other automatic means initiate and deliver a prerecorded message to the Department directly by telephone without prior approval from the Sheriff of Oneida County.
- (b) No alarm system may be operated or programmed to initiate, transmit, or deliver by automatic means to the Department, an alarm notification described as panic, disturbance, police alert, medical emergency, or other miscellaneous incidents distinguished from the specific burglary, robbery or fire alarms.

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- (c) No person, firm, or business shall use or install an alarm system which upon activation shall emit an audible alarm unless such system shall automatically shut off within 15 minutes after being activated.
- (4) REQUIREMENTS OF ALARM MONITORING SERVICE(S) OR BUSINESS(ES). Any alarm monitoring service or business shall:
- (a) Provide pertinent information to the Department at the time of telephone notification of the activation of any alarm, which shall:
    - 1. Include the alarm users name; address and telephone number;
    - 2. Include the location of the activated alarm and identification of the type of alarm.
  - (b) Maintain an active list of representatives (key holders) for all alarm users and promptly notify the affected representative as may be requested by the Department to undertake such immediate action as may be requested by the Department.
  - (c) Maintain currently valid written contracts with each alarm user whose alarm system is monitored by them. A copy of this contract, dated and signed, will be made available immediately upon request to the Department. The contract shall identify the services to be provided by the alarm monitoring service, including the provision that if either the Department or a fire department receive 2 false alarms within any period of 12 consecutive months, the alarm user shall be required to pay a forfeiture to Oneida County as provided in this Ordinance for each false alarm received thereafter during the period of 12 consecutive months next following the month during which the most recent false alarm was received. The contract shall also provide notice that the Oneida County Sheriff, at his/her discretion, may order disconnection of any alarm system which accumulates six or more false alarms within any period of 12 consecutive months, as provided in this Ordinance.
- (5) PROHIBITIONS. No person owning, using or possessing an alarm system or transmitting information regarding an alarm system shall cause or permit the giving of a false alarm, whether intentional, accidental, or otherwise.
- (6) PENALTIES. Penalties for violation of prohibitions shall be as follows:
- (a) For the first and second false alarm within any period of 12 consecutive months, resulting in the dispatching of Oneida County Sheriff's Deputies or fire personnel, the alarm system user shall receive a warning.
  - (b) For the third and fourth false alarms within any period of 12 consecutive months, the alarm system user shall pay a forfeiture of \$25.00 plus court costs for each false alarm.
  - (c) For the fifth false alarm within any period of 12 consecutive months, the alarm user shall pay a forfeiture of \$50.00 plus court costs for each false alarm.
  - (d) For the sixth and subsequent false alarms within any period of 12 consecutive months, it shall be deemed the alarm user is a habitually violator of this ordinance and he/she shall be subject to a forfeiture of \$500.00, plus court costs, for each false alarm. The Sheriff, at his discretion, may order disconnection of any system which accumulates six or more false alarms within any period of 12 consecutive months.
  - (e) No false alarms of authorized alarm systems shall be counted for purposes of this section during the first 60 days following installation and connection of the system.
  - (f) If the alarm user is not the owner of the property, a copy of the invoice or citation provided for herein shall also be mailed to the owner of the property.
- (7) CITATION METHOD OF ENFORCEMENT. Citations may be issued for violations of this General Code, including ordinances for which a statutory counter-part exists. The form of such citation shall comply with §6.119(1)(b), Wis. Stats. Issuance of citations is expressly limited to personnel deputized by the Sheriff. Cash deposits from citations issued shall be paid at the Sheriff's Department, Clerk of

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Circuit Court's Office or by mailing the same to the Clerk of Circuit Court's Office, P.O. Box 400, Rhinelander, WI 54501. The person receiving the deposit shall issue a receipt for the same.

### **10.09 PENALTY. (Rep. & Cr. #128-88; Ren. MSC '91; #6-95)**

- (1) The penalty for violation of any provisions of §§10.940.19 to 10.948.14 shall be a forfeiture as hereafter provided, together with costs under §778.25, Wis. Stats., and a penalty assessment, where applicable, as required under §165.87(2), Wis. Stats.
- (2) Any forfeiture for violation of §§10.940.19 to 10.948.14 shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.
- (3) Any forfeiture for violation of §10.04 of this subchapter shall conform to the forfeiture permitted to be imposed for violation of §947.01, Wis. Stats., as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.
- (4) For a child who is subject to the provisions of §§10.940.19 to 10.948.14 and 10.04 of this subchapter, any disposition, forfeiture or suspension of the child's operating privileges shall be governed by the provisions of §§48.17, 48.343 and 48.344, Wis. Stats., and for such child aged 14 or older who is a first time or early offender, the law enforcement officer may at his discretion include in the citation the requirement of a mandatory appearance before the Oneida County Circuit Court for referral and participation to the "Second Chance Program" operated by the Criminal Justice Institute of the University of Wisconsin, Milwaukee Division of Outreach and Continuing Education, for which the child may be required to pay a program fee as determined by the court.
- (5) For a child who is subject to the provisions of §10.05 of this subchapter, any disposition permitted by §48.342, Wis. Stats., shall be permitted by this section.

## **ALCOHOL BEVERAGE OFFENSES**

[10.10 LOITERING AT TAVERNS BY UNDERAGE PERSONS PROHIBITED. \(Ren. #148-85\)](#)

[10.11 Restrictions on sales of alcohol beverages to underage and intoxicated persons; presence of underage persons in places of sale and possession by underage persons. \(Ren. #148-85\)](#)

[10.12 VIOLATIONS OF ALCOHOL BEVERAGE LAWS BY UNDERAGE PERSONS. \(Cr. #21-89\)](#)

[10.13 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY. \(Cr. #82-98\)](#)

[10.14 PROHIBITED CONDUCT AT SCHOOL ACTIVITIES. \(Cr. #82-98\)](#)

[10.15 USE OF TOBACCO PRODUCTS ON SCHOOL PROPERTY. \(Cr. #82-98\)](#)

[10.16 TRUANCY. \(Cr. Res. #86-00; Am. #15-2002\)](#)

[10.17 HABITUAL TRUANCY. \(Rep. & recr. #128-88; Am. #81-98; Rn. Res. #86-2000\)](#)

[10.18 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS. \(Cr. #72-2002\)](#)

[10.19 SALE OR GIFT OF CIGARETTES OR TOBACCO TO MINORS. \(Cr. #61-2003\)](#)

[10.20 PENALTY. \(Rn. #148-85; Rn. #82-98\)](#)

**10.10 LOITERING AT TAVERNS BY UNDERAGE PERSONS PROHIBITED. (Ren. #148-85)**

- (1) No person to whom a retail Class B liquor or fermented malt beverage license has been issued shall, either directly or indirectly, permit any underage person unaccompanied by his or her parent, guardian or spouse of legal drinking age, or to whom the sale of such beverage is prohibited by law, who is not a resident, employee, or bona fide lodger or boarder on the premises, to remain in any barroom or other room on such premises in which intoxicating liquor or fermented malt beverages are sold or dispensed for any purpose, except for the transaction of bona fide business, other than amusement or consumption of edibles or beverages.
- (2) This section shall not apply to hotels, drug stores, grocery stores, pool halls, bowling alleys, cars operated on any railroad, nor to restaurants operated under Class B liquor or fermented malt beverage licenses. It shall be presumed, however, where a restaurant is operated under a Class B license that the principal business conducted therein is that of the sale of intoxicating liquor or fermented malt beverages, until such presumption is rebutted by competent evidence.
- (3) No person shall loiter or remain on premises licensed for the sale of intoxicating liquor or fermented malt beverages under a retail Class B license when not permitted under sub. (1).

**10.11 Restrictions on sales of alcohol beverages to underage and intoxicated persons; presence of underage persons in places of sale and possession by underage persons. (Ren. #148-85)**

- (1) STATUTES ADOPTED. Except as and unless otherwise specifically provided in this Code, the statutory provisions in §§48.344, 125.07(1), (2), (3) and (4) and 778.25, Wis. Stats., describing and defining regulations with respect to restrictions on sales to persons who have not attained the legal drinking age and intoxicated persons, presence of underage persons in places of sale and possession by underage persons, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code. Any violation of this Code shall be identified with the prefix "10." and the applicable enumerated statutory provision in the above noted sections of the Wisconsin Statutes. Any future amendments, revisions, modifications, repeals and recreations or creations of the statutes incorporated herein are intended to be made part of this Code in order to secure uniformity of regulation and enforcement.
- (2) PENALTY. The penalty for violation of any provisions of this section shall be a forfeiture as hereafter provided together with costs under §778.25, Wis. Stats., and a penalty assessment, where applicable, as required under §165.87(2), Wis. Stats. For a child who is subject to the provisions of this section, any disposition, forfeiture, or suspension of the child's operating privileges, shall be governed by the provisions of §48.344, Wis. Stats.
- (3) STATE FORFEITURE STATUTES. Any forfeiture for violation of the State Statutes adopted by reference in sub. (1) above shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.

**10.12 VIOLATIONS OF ALCOHOL BEVERAGE LAWS BY UNDERAGE PERSONS. (Cr. #21-89)**

- (1) PROHIBITED. No person under the legal drinking age shall consume, possess, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Ch. 125, Wis. Stats., or any amendments or revisions thereto.

(2) PENALTY/DISPOSITION.

- (a) The penalty for violation of any provision of this section by persons 18 to 20 years of age shall be as specified in Ch. 125, Wis. Stats., including any amendments and revisions thereto, which are hereby adopted by reference.
- (b) The disposition for a violation of any provision of this section by a person under the age of 18 shall be as specified in §§48.17(2)(e) and 48.344, Wis. Stats., including any revisions and amendments thereto, which are hereby adopted by reference.

(3) CONFORMITY WITH STATE STATUTES. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any violation of this section shall be identified with the prefix "10" and the applicable enumerated statutory provision in the above noted sections of the Wisconsin Statutes. Any future amendments, revisions, modifications, repeals and recreations or creations of the statutes incorporated herein are intended to be part of this section in order to secure uniformity of regulation and enforcement.

**10.13 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY. (Cr. #82-98)**

- (1) No person who is not a student or parent of a student or an employee of a K-12 school district in the County may be present during normal school hours on property of that district located within the County without the authorization of the district administrator, his authorized agent, the building principal or law enforcement.
- (2) Any person who violates subsection (1) who refuses to leave such property upon request by the district administrator, his authorized agent, or law enforcement, or any person aiding, counseling or abetting another to violate subsection (1) shall be subject to a forfeiture of \$50 plus court costs for the first offense and \$100 plus court costs for subsequent offenses.
- (3) The district administrator or his authorized agent may not deny authorization to any person whose only purpose is peaceful speech, assembly or to seek redress.

**10.14 PROHIBITED CONDUCT AT SCHOOL ACTIVITIES. (Cr. #82-98)**

No person in the County while attending a K-12 school activity on school property shall engage in any of the following conduct:

- (1) Consume or possess any fermented malt beverage or intoxicating liquor.
- (2) Throw or hurt any object from the stands, bleachers or audience in any direction.
- (3) Push, pass or lift any person with or without the consent of that person while in the stands, bleachers or audience.

**10.15 USE OF TOBACCO PRODUCTS ON SCHOOL PROPERTY. (Cr. #82-98)**

- (1) No person, whether student, parent of student, employee or visitor to a K-12 school in the County, may utilize tobacco at any time on property owned by a district located in the County. Utilization shall mean the smoking of a cigarette, cigar or like item or the chewing of smokeless tobacco.

**10.16 TRUANCY. (Cr. Res. #86-00; Am. #15-2002)**

The provisions of §118.163(1m), Wis. Stats., pertaining to a pupil who is absent from school without an acceptable excuse under §118.15, Wis. Stats., and the available dispositions to the court under §118.163(1m), Wis. Stats., for a child who has been determined to be truant are hereby adopted and by reference made a part of this section as if fully set forth herein.

## Chapter 10 PUBLIC PEACE AND GOOD ORDER

- (a) For the first violation a forfeiture up to \$50 without costs shall be assessed.
- (b) A forfeiture up to \$100 without costs for any second or subsequent violation within 12 months of a previous violation shall be assessed 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 may be assessed against the pupil, the parents or guardian of the person or both.

### **10.17 HABITUAL TRUANCY. (Rep. & recr. #128-88; Am. #81-98; Rn. Res. #86-2000)**

The provisions of §118.163, Wis. Stats., pertaining to a pupil who is absent from school without an acceptable excuse under §118.15, Wis. Stats., and the available dispositions to the court under §118.163(2)(a) through (k), Wis. Stats., for a child who has been determined to be a habitual truant are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by §118.163, Wis. Stats., is required or prohibited by this section. All available sanctions provided in Ch. 938, Wis. Stats., including secure detention as authorized in §938.355(6m)(am)1, Wis. Stats., are hereby adopted and by reference made a part of this section as if fully set forth herein.

### **10.18 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS. (Cr. #72-2002)**

The Oneida County Board of Supervisors hereby adopts by reference §134.66, Wis. Stats., and all amendments thereto.

### **10.19 SALE OR GIFT OF CIGARETTES OR TOBACCO TO MINORS. (Cr. #61-2003)**

The Oneida County Board of Supervisors hereby adopts by reference Wis. Stats., §§254.911, 254.916 and 254.92, and all amendments thereto.

### **10.20 PENALTY. (Rn. #148-85; Rn. #82-98)**

Except as otherwise specifically provided in this chapter, 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 General Code.