

## **CHAPTER 9 PEACE AND ORDER**

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### **9.01 STATE STATUTES ADOPTED**

The following state statutes are hereby adopted by the County as if fully set forth herein. Violations of these provisions shall be cited as Sec. 9.01. Any further amendments, revisions, modifications, or newly-created provisions of the Wisconsin Statutes, incorporated herein, are intended to be part of this chapter. The penalty for commission of such offenses under this chapter shall be limited to a forfeiture imposed under chapter 21 of this Code:

<u>Subsection</u>	<u>Adopting State Statutes</u>	<u>Offense</u>
(1)	101.123	Smoking Prohibited
(2)	125.04	General Licensing Requirements (Alcohol)
(3)	125.07	Underage and Intoxicated Persons; Presence on Premises; Possession
(4)	125.085(3)	Identification Card Violations (alteration and misrepresentation).
(5)	125.09	General Restrictions (Alcohol)
(6)	125.32(3)	Closing Hours (fermented malt beverages)
(7)	125.68(4)	Closing Hours (intoxicating liquor)
(7m)	134.66	Restrictions on Sale or Gift of Cigarettes or Nicotine or Tobacco Products
(8)	254.92	Purchase/Possession Tobacco – Minors
(9)	940.19(1)	Battery
(10)	943.01(1)	Damage to Property
(11)	943.13	Trespass to Land
(12)	943.14	Trespass to Dwelling
(13)	943.20	Theft
(14)	943.21	Fraud on Hotel or Restaurant Keeper

(15)	943.22	Use of Cheating Tokens
(16)	943.23	Operate Auto without Owner's Consent
(17)	943.24	Issuance of Worthless Checks
(18)	943.34	Receiving Stolen Property
(19)	943.50	Retail Theft (Shoplifting)
(20)	943.61	Theft of Library Material
(21)	946.41	Resisting or Obstructing Officer
(22)	947.01	Disorderly Conduct
(23)	947.012	Unlawful Use of Telephone
(24)	947.013	Harassment
(25)	948.45	Contributing to Truancy
(26)	961.41	Possession of Marijuana
(27)	961.573	Possession of Drug Paraphernalia

(History: Res. 2016-06-04; Res. 2017-02-08)

## 9.02 MISUSE OF E-911

### (1) Definitions.

- (a) "Emergency" means a situation in which a person reasonably believes that property or human life is in jeopardy and that immediate response of public safety personnel is necessary.

### (2) Prohibited Act. It shall be a violation of this section for any person to:

- (a) Utilize the 911 emergency telephone system for any purpose other than to report an emergency.
- (b) Dial 911 and knowingly report a false emergency.
- (c) Intentionally raise a false alarm using the 911 emergency system.
- (d) Dial 911 and hang up without reporting an emergency if, in fact, no emergency exists.
- (e) Knowingly permit any telephone under his or her control to be used for any purpose prohibited by this section.

### (3) Penalty. Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

### 9.03 CURFEW

- (1) **Loitering Prohibited.** No person, under the age of eighteen (18) years, shall congregate, loiter, wander, stroll, stand, play, or travel in or upon any public street, sidewalk, highway, road, alley, park, vacant lot, public building, or any public place within Trempealeau County, either on foot or in or upon any conveyance being driven or parked thereon, unless accompanied by his or her parent, spouse, or guardian or any other adult person having legal care and custody of such person. The prohibition of this section shall not apply to any person under eighteen (18) years of age who is:
  - (a) Returning to his or her home directly from and immediately after the end of any educational, athletic or social events sponsored by any accredited school, tax-exempt church, or governmental unit or agency, which event such person could properly and did in fact attend.
  - (b) Returning directly from and going directly to his or her place of employment, which place of employment is known and approved by his or her parent, spouse, or guardian, or other adult person having legal care and custody of such person.
  - (c) Returning directly from or going directly to any other activity which has been specifically approved in advance by his or her parent, spouse, or guardian or other adult person having legal care and custody of such person.
- (2) **Hours of Application.** The prohibitions of this section shall be applicable to all persons under the age of eighteen (18) years from 12:00 a.m. until 5:00 a.m.
- (3) **Responsibility of Parents.** No parent, spouse, guardian, or other adult having legal care and custody of a person under the age of eighteen (18) years, shall suffer or permit or by inefficient control, allow such person to violate the provisions of (1), above. Provided that any such parent, spouse, guardian, or other adult having legal care and custody of a person shall have made a missing person notification to the law enforcement authorities shall not be considered to have suffered, permitted, or allowed any person to be in violation of (1), above.
- (4) **Return to Parents.** A person under the age of eighteen (18) years violating the provisions of this section may be taken into custody by any law enforcement officer and either returned to his or her parent, spouse, guardian, or other adult person having legal care and custody of such person, or be referred to the appropriate authorities for action in accordance with the provisions of Chapter 48 of the Wisconsin Statutes, as amended from time to time, which are incorporated herein by reference.

- (5) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

#### **9.04 ELECTRONIC MESSAGE HARASSMENT**

(1) **Definition.**

- (a) “Electronic Message” means a message containing written text, images, video, or sound content sent and/or received via:
- (i) A text message on a mobile or cellular phone;
  - (ii) An e-mail;
  - (iii) A personal message on any social media platform or other private messaging service
  - (iv) Instant message; or
  - (v) Any other device or service that is used to send or receive electronic communication.

(2) **Prohibited Act.** Whoever does any of the following is in violation of this section:

- (a) With intent to frighten, intimidate, threaten, abuse, harass, annoy or offend another person, sends an electronic message to a person and in that message threatens to inflict injury or physical harm to any person or the property of any person.
- (b) With intent to frighten, intimidate, threaten, abuse, harass, annoy or offend another person, sends an electronic message to a person and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.
- (c) With intent to frighten, intimidate, threaten, abuse, harass, annoy or offend another person, sends an electronic message to the person while intentionally preventing or attempting to prevent the disclosure of his or her own identity.
- (d) With intent solely to harass another person, sends repeated electronic messages to the person.
- (e) Knowingly permits or directs another person to send an electronic message prohibited by this section from any computer or other device that is used to send electronic messages that is under his or her control.

- (3) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

## **9.05 LITTERING**

(1) **Definitions.**

- (a) “Highway” has the meaning given in § 340.01(22).
- (b) “Vehicle” has the meaning given in § 340.01(74).
- (c) “Waters of the state” has the meaning given in § 281.01(18).

(2) **Prohibited Act.** No person shall do the following:

- (a) Deposits or discharges any solid waste on or along any highway, in any waters of the state, on the ice of any waters of the state or on any other public or private property.
- (b) Permits any solid waste to be thrown from a vehicle operated by the person.

(3) **Exceptions.**

- (a) Subsection (2)(a) does not apply to a person who places solid waste in a receptacle designed for solid waste storage that is located along a highway or on other public or private property.
- (b) Subsection (2) does not apply to a person who deposits or discharges solid waste in conformance with chs. 30, 31, 281 to 285 or 289 to 299 or a permit, license or other approval issued by the department under those chapters.

- (4) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

## 9.06 REGULATION OF FIREWORKS

- (1) **Definitions.** 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 product.
  - (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
  - (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
  - (k) A fuse-less 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.

- (p) A novelty device that spins or moves on the ground.
- (2) **Prohibited Act.** The prohibitions regarding the sale, possession or use of fireworks as provided in § 167.10, Wis. Stats., and amendments, or revisions, thereto are hereby adopted by reference.
- (3) **Exception.** This ordinance does not apply and may not be enforced within any city, village, or town that has enacted an ordinance regulating fireworks pursuant to § 167.10, Wis. Stats.
- (4) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

#### **9.07 DISORDERLY CONDUCT WITH A MOTOR VEHICLE**

- (1) **Prohibited.** No person shall in a public or private place operate a motor vehicle in an abusive, boisterous, unreasonably loud or otherwise disorderly manner under circumstances which tend to cause or provoke a disturbance. Such conduct shall include, but not be limited to because of enumeration, conduct which tends to disturb, intimidate, annoy or endanger one or more individuals because of unnecessary or deliberate spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing engine to backfire or causing vehicle while commencing to move or in motion to raise one or more of its wheels, tracks or skis off the ground or operate at an unreasonable or imprudent speed.
- (2) **Definition.** A motor vehicle shall mean any self-propelled device for moving persons or property or pulling implements from one place to another, whether such device is operated on land, water or ice.
- (3) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

#### **9.08 FALSE ALARMS**

- (1) For various reasons false alarms for alarm systems frequently occur. Each false alarm requires a response by public safety personnel, involves unnecessary expense to the county, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the county. Such false alarms constitute a public nuisance and must be abated. Persons shall pay to the

county a charge for false alarms responded to by sheriff's deputies according to the following schedule for each calendar year for each separate incident for each individual location:

- (a) 0-2 false alarms .....No charge  
Warning letters will be sent to those persons incurring one (1) or two (2) false alarms informing them of the ordinance provisions and the possible penalties should their false alarms continue.
  - (b) 3-4 false alarms, each .....\$ 25.00
  - (c) 5-8 false alarms, each .....\$50.00
  - (d) 9-11 false alarms, each .....\$100.00
  - (e) 12 or more false alarms, each .....\$200.00
- (2) This section is intended to impose strict liability on the alarm system owner and applies regardless of the cause of the false alarm.
- (3) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

## **9.09 CARRYING CONCEALED WEAPONS PROHIBITED IN COUNTY BUILDINGS**

- (1) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection:
- (a) “Weapons” means a: firearm (Sec.167.31 (1) (c), Wis. Stats.), handgun, taser or other electric weapon ( Sec. 941.295 (1c) (a), Wis. Stats.), a knife of any length including a switchblade knife (Sec. 941.24, Wis. Stats.) or billy club. “Weapons” does not include a pocket folding knife having a blade length of less than 3 inches.
  - (b) “Building” does not include a parking facility on County property or any part of a building used as a parking facility.
  - (c) “Law Enforcement Officer” means a Wisconsin law enforcement officer as defined in Sec. 175.46(1)(g), Wis. Stats., or a federal law enforcement officer, as defined in Sec. 175.40(7)(a)1., Wis. Stats.

- (d) “Carry” means to go armed with (Sec. 175.60(1)(ag), Wis. Stats.).
- (2) **Prohibited.** No person carrying a weapon shall enter or remain in any part of a building that is owned, occupied, or leased by Trempealeau County if the County has notified the public that weapons are prohibited in the building pursuant to Sec. 943.13(2)(bm).
- (3) **Exceptions.** This regulation does not apply to:
- (a) Any weapon stored in a vehicle driven or parked in any County parking facilities.
  - (b) Active law enforcement officers authorized to carry a weapon.
  - (c) Judges, persons permitted to carry a weapon by a judge in writing pursuant to Sec. 175.60(16)(b)2., Wis. Stats., district attorneys and assistant district attorneys who are licensees under Sec. 175.60, Wis. Stats., while in the Trempealeau County Courthouse.
- (4) **Notice.** Signs notifying persons to not enter County buildings carrying weapons shall be posted in a prominent place near all entrances to the buildings. The signs shall meet or exceed the specifications set in Sec. 943.13, Wis. Stats.
- (5) **Enforcement.**
- (a) The Trempealeau County Sheriff’s Department shall have the authority to take appropriate enforcement action pursuant to Chapter 943 of Wisconsin Statutes.
- (6) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2011-11-02; Res. 2016-06-04)

## **9.10 TOBACCO USE PROHIBITED IN COURTHOUSE AND JAIL**

- (1) No person shall engage in smoking or other tobacco use in the Trempealeau County Courthouse or within 20 feet of any entrance to the Courthouse.
- (2) For purposes of this section, Courthouse is defined as the structure known as the Trempealeau County Courthouse and Jail located in Whitehall, Wisconsin, and shall mean the entire building including entryway and hallways.
- (3) Smoking means carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.
- (4) Other tobacco use includes use of chewing tobacco.

- (5) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 3/21/1994; Res. 2014-11-04; Res. 2016-06-04)

#### **9.11 COURTHOUSE SECURITY SCREENING REQUIRED**

- (1) **Courthouse Security Screening Required.** No person may enter the Trempealeau County courthouse unless such person goes through and complies with the security screening at the Main Street entrance to the courthouse and the security officer, or designee, present authorizes such person to enter the building following the security screening.
- (2) **Exception.** Subsection (1) above, does not apply to the following persons:
- (a) Any person who has been issued a valid security keycard from Trempealeau County who enters the courthouse at entrances other than the Main Street entrance using the security keycard.
- (3) **Hours of Application.** The prohibitions of this section shall be applicable between the hours of 8:00 a.m. and 4:30 p.m. on days when the courthouse is open to the public.
- (4) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2017-02-07)