

PART III GENERAL LEGISLATION

Chapter 39 PEACE AND GOOD ORDER

- 39.01 General provisions
- 39.02 Definitions
- Section 39.03 Reserved*
- 39.04 Trapping
- 39.05 Curfew
- 39.06 Loitering
- 39.07 Truancy and school dropouts
- 39.08 Underage drinking offenses
- 39.09 Consumption or possession of intoxicants on school grounds or public places
- 39.10 Sale to and juvenile purchase or possession of tobacco products
- 39.11 Littering
- 39.12 Violation of Domestic Abuse restraining order or injunction
- 39.13 Aiding and Abetting
- 39.14 Attempt
- 39.15 Battery
- 39.16 Fourth-degree sexual assault
- 39.17 Duty to aid victim or report crime
- 39.18 Intimidation of witness; misdemeanor
- 39.19 Intimidation of victims/ misdemeanor
- 39.20 Negligent operation of vehicle
- 39.21 Negligent handling of burning material
- 39.22 Interfering with firefighting equipment
- 39.23 False Alarms (fire alarms)
- 39.24 Endangering safety by use of dangerous weapon
- 39.25 Firearms and dangerous weapons /carrying concealed weapon regulations
- 39.26 Restrictions on use of facsimile firearms
- 39.27 Restrictions on use of laser pointers-law enforcement officer
- 39.28 Restrictions on the use of laser pointers-others
- 39.29 Abuse of hazardous substance
- 39.30 Fraudulent tapping of electric wires/gas/water meters or pipes
- 39.31 Obstructing Emergency or rescue personnel
- 39.32 Opening letter or packages
- 39.33 Invasion of privacy
- 39.34 Representations depicting nudity
- 39.35 Damage to property
- 39.36 Graffiti
- 39.37 Entry into locked vehicle
- 39.38 Entry into locked coin box
- 39.39 Trespass to land; Criminal trespass to dwellings; criminal trespass to a medical facility; entry onto a construction site or into a locked building, dwelling or room
- 39.40 Theft
- 39.41 Fraud on hotel or restaurant keeper
- 39.415 Absconding without paying rent
- 39.42 Use of Cheating Tokens
- 39.43 Issue of worthless checks
- 39.44 Receiving/Possessing stolen property
- 39.45 Financial transaction card crimes (Credit Card Fraud)
- 39.46 Theft of commercial mobile service
- 39.47 Theft of video service
- 39.48 Theft of satellite cable programming
- 39.49 Unlawful use of recording device in motion picture theater
- 39.50 Retail theft
- 39.51 Theft of library material
- 39.52 Public Fornication
- 39.53 Sexual Gratification
- 39.54 Lewd and lascivious behavior
- 39.55 Obscene material or performance
- 39.56 Making lewd, obscene or indecent drawings
- 39.57 Sending obscene or sexually explicit electronic messages

- 39.58 Prostitution
 - 39.59 Patronizing prostitutes
 - 39.60 Pandering
 - 39.61 Solicitation of drinks prohibited
 - 39.62 Refusing to aid officer
 - 39.63 Resisting or obstructing an officer
 - 39.64 Establishing police lines/crossing police lines
 - 39.65 False complaint of police misconduct
 - 39.66 Impersonating peace officers
 - 39.67 Disorderly conduct to Police/Emergency Personnel
 - 39.68 Disrupt funeral or memorial service
 - 39.69 Unlawful Use of Telephone and Computerized Communication Systems; 911 Misuse
 - 39.70 Harassment
 - 39.71 Unlawful assemblies and their suppression
 - 39.72 Causing violence or breach of peace by damaging or destroying a US flag
 - 39.73 Intentionally contributing to the delinquency of a child
 - 39.74 Hazing
 - 39.75 Prohibit Tattooing of children
 - 39.76 Mistreating animals
 - 39.77 Dognapping and catnapping
 - 39.78 Harassment of police and fire animals
 - 39.79 Providing proper food and drink to confined animals
 - 39.80 Providing proper shelter (animals)
 - 39.81 Abandoning animals
 - 39.82 Possession of controlled substances or paraphernalia
 - 39.825 Synthetic cannabinoid prohibited
 - 39.83 Misconduct on amusement device
 - 39.84 Amusement device injury reports
 - 39.85 Amusement device display of signs
 - 39.86 Blasting
 - 39.87 Drivers license suspension or imprisonment upon failure to pay penalty
 - 39.88 Forfeiture applicable to juveniles
- Section 39.89-39.90 reserved*
- 39.91 Wisconsin statutes applicable
- Sections 39.92-39.94 reserved*
- 39.95 Enforcement
 - 39.96 Citation Form
 - 39.97 Penalties and deposits

39.01 General provisions

State statutes 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 Village of Lake Delton. The references to statutes are limited to the purpose of establishing the elements of the violation and not any reference to a particular crime. The penalty for commission of provisions of this Chapter shall be limited to a forfeiture imposed under the penalty provision of this Chapter. Any future amendments, revisions, or modifications of the statutes incorporated herein by reference are intended to be made part of this Chapter.

39.02 Definitions

A. For the purpose of this Chapter, the definitions of words and phrases contained in ss. 30.50, 125.02, 287.81, 961.571, 939.22, 940.225, 947.012, 947.013 and 990.01, Wis. Stats., are hereby adopted by reference and made a part hereof with the same force and effect as if fully set forth herein.

B. Interpretation. In those enumerated sections and subsections of Wisconsin Statutes:

1. Whenever the word "crime" is used, it shall be taken to mean "offense".
2. Whenever the phrase "criminal intent" is used, it shall be taken to mean "intent".

Section 39.03 Reserved

39.04 Trapping

It shall be unlawful for any person to set, place or operate any trap for the purpose of taking, capturing or killing any animals or birds except vermin within the Village boundaries. This includes waterways within the said limits, as well as other areas. This provision shall not apply to police officers or others acting under the police chief's direction who place or operate traps for protection of health and safety of property.

39.05 Curfew

A. Definitions. "Public place" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, shopping malls, plazas, parks, driveways, parking lots, automobiles (whether moving or not), places of employment and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances in buildings or dwellings and the grounds enclosing them.

B. Prohibited hours.

1. No person under the age of fifteen (15) years shall be or remain in or upon any of the Village's public streets, sidewalks, alleys, parks or other public places between the hours of 11:00 p.m. and 5:00 a.m., unless such person is accompanied by his/her parent, guardian or other individual having custody of such person.
2. No person fifteen (15) years to seventeen (17) years of age shall be or remain in or upon any of the Village's public streets, sidewalks, alleys, parks or other public places between the hours of 11:00 p.m. and 5:00 a.m., Sunday evening through Friday morning, and between the hours of 1:00 a.m. and 5:00 a.m. on Saturday and Sunday mornings, unless such person is accompanied by his/her parent, guardian or other individual having custody of such person.

C. This subsection shall not apply to any person under the age of eighteen (18) years who is:

1. Engaged in employment, or going to or returning from his/her place of employment, without a detour or stop.
2. Involved in an emergency.
3. On the sidewalk abutting the minor's residence.
4. On an errand at the direction of the minor's parent or guardian without any detour or stop.
5. Attending or returning home from an official school, religious, or other recreational activity supervised by adults and sponsored by a municipality, school, civic organization, or another similar entity that takes responsibility for the minor.

D. It shall be unlawful for any parent, guardian or other individual having custody of any person under the age of eighteen (18) years to allow or permit such person to violate this section's provisions.

E. Any person under the age of eighteen (18) years who violates this section's provisions may be subject to prosecution under Chapter 48 of the Wisconsin Statutes.

F. No owner, operator, or any employee of a business shall knowingly allow a minor to remain upon the premises of the business during curfew hours. This section shall not apply to the owner, operator or employee of an establishment that promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

39.06 Loitering

A. It shall be unlawful for any person to loiter or prowl about any park, parkway, school grounds or other public grounds between 10:00 p.m. and 7:00 a.m., under circumstances that warrant alarm for the safety of persons or property in the vicinity.

B. It shall be unlawful for any person to loiter or prowl within one hundred (100) feet of a place of business or amusement device, when closed, in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

C. No person shall loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are the following:

1. That the person frequents, either on foot or in a motor vehicle, a known area of prostitution;
2. That such person is a known prostitute or panderer, repeatedly beckons to, stops, or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture.
3. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or procure another to commit an act of prostitution. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

4. As used in this subsection:

(a) "Known area of prostitution" means a public place where within three (3) years previous to the date of arrest for violation of this section, and within the knowledge of the arresting officer, a person had been arrested for a violation which led to a conviction in the Sauk County circuit court of an offense involving prostitution.

(b) "Known prostitute or panderer" means a person who within three (3) years previous to the date of arrest for violation of this section has within the knowledge of the arresting officer been convicted in a court of competent jurisdiction of an offense involving prostitution.

(c) "Public place" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances in buildings or dwellings and the grounds enclosing them.

39.07 Truancy and school dropouts

A. Definitions. The definitions of the words and phrases used in this section are as follows:

1. The definitions of “dropout”, “truant” and “habitual truant” set forth in Chapter 118 Wis. Stats are adopted.
2. “Operating Privilege” means, in the case of a person who is licensed under Wis. Ch. 343, the license, including every endorsement and authorization to operate vehicles of specific vehicle classes or types, instruction permit, and temporary, restricted or occupational license granted to such person, in the case of a resident of this state who is not so licensed, it means the privilege to secure a license under Wis. Ch. 343; in the case of a nonresident, it means the operating privilege granted by Wis. Stat. sec. 343.05(2)(a) or (4)(b)(1).

B. Truants.

1. Prohibition. A person under the age of eighteen (18) years who is assigned to attend a school in the Village shall not be a truant.
2. Dispositions. When a person is found to be a truant, the following dispositions shall be available to the court:
 - (i) An order for the person to attend school.
 - (ii) A forfeiture of not more than Fifty dollars (\$50.00) plus costs for a first violation, or a forfeiture of not more than One hundred dollars (\$100.00) plus costs for any second or subsequent violation committed within twelve (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 Five hundred (\$500.00) for all violations committed during 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.

C. Habitual Truants; Dropouts.

1. Prohibition. A person under the age of eighteen (18) years who is assigned to attend a school in the Village shall not be a habitual truant or a dropout.
2. Dispositions. When a person is found to be a habitual truant or a drop out, the court may suspend the person’s operating privilege for not less than thirty (30) days, nor more than one (1) year. The court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation a notice stating the reason for and the duration of the suspension.

D. Parental Penalties. Adopting s. 118.163 (1m)(b)

39.08 Underage drinking offenses

A. Selling alcoholic beverages to underage persons. Adopting s. 125.07(1), Wis. Stats.

B. Allowing presence on licensed premises. Adopting s. 125.07(3), Wis. Stats.

C. Underage persons: prohibitions. Adopting s. 125.07(4), Wis. Stats.

D. Identification card violations. Adopting s. 125.085, Wis. Stats.

39.09 Consumption or possession of intoxicants on school grounds or public places

A. Possessing or consuming alcohol beverages in a public place or on school grounds prohibited. Adopting s. 125.09(1) and (2), Wis. Stats.

B. Consumption. No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any thoroughfare, street, alley, sidewalk or parking lot, either public or privately owned and open to the public.

C. Possession. No person shall be in possession of any glass or open container containing alcoholic or fermented malt beverage on any thoroughfare, street, alley, sidewalk, or parking lot, either public or privately owned and open to the public.

39.10 Sale to and juvenile purchase or possession of tobacco products

A. Restrictions on sale or gift of cigarettes or tobacco products. Adopting s. 134.66(2)(a) Wis. Stats.

B. Purchase or possession of cigarettes or tobacco products by person under eighteen (18) years prohibited. Adopting s. 254.92, Wis. Stats.

39.11 Littering

A. Adopting s. 287.81, Wis. Stats.

B. Unauthorized waste disposal. It shall be unlawful for any person to deposit any waste in a private dumpster or other waste receptacle unless authorized to do so by the person or business owning the dumpster/waste receptacle.

39.12 Violation of Domestic Abuse restraining order or injunction

It shall be unlawful for any person to violate a court order issued pursuant to s. 813.12 Wis. Stats.

39.13 Aiding and abetting

A. Whoever aids, encourages or abets a commission of a violation of any provision of this Chapter or any other provision of the Village of Lake Delton Municipal Code is a principal and may be charged with, and convicted of the offense. This section applies whether or not the person who directly committed the violation is charged with or convicted of the underlying ordinance violation.

B. For purposes of this section aiding and abetting means anyone who undertakes conduct, either verbal or overt action, that as a matter of objective fact encourages, induces, or aids another person in the execution of an ordinance violation.

C. This section applies to any person committing any other offense in pursuance of the intended violation.

39.14 Attempt

Whoever attempts the commission of any act prohibited under this Chapter is guilty of the offense attempted without regard to the success or failure of the attempt.

39.15 Battery

Adopting s. 940.19 (1), Wis. Stats.

39.16 Fourth-degree sexual assault

Adopting s. 940.225(3m), (4), (5), (6) and (7), Wis. Stats.

39.17 Duty to aid victim or report crime

Adopting s. 940.34(2), Wis. Stats.

39.18 Intimidation of witnesses; misdemeanor

Adopting s. 940.42, Wis. Stats.

39.19 Intimidation of victims; misdemeanor

Adopting s. 940.44, Wis. Stats.

39.20 Negligent operation of vehicle

Adopting s. 941.01, Wis. Stats.

39.21 Negligent handling of burning material.

Adopting s. 941.10, Wis. Stats.

39.22 Interfering with firefighting equipment

Adopting s. 941.12(2), Wis. Stats.

39.23 False Alarms (fire alarms)

Adopting s. 941.13, Wis. Stats.

39.24 Endangering safety by use of dangerous weapon.

Adopting s. 941.20(1), Wis. Stats.

39.25 Firearms and dangerous weapons/ Carrying concealed weapon regulations

A. Adopting ss. 175.60(1) (2g) (16) and (17), 941.23, 941.235, 941.237, 941.24(1), 941.297 and 943.13(1m), 946.71, 948.60(2)(a.) Wis. Stats., and as amended by 2011 Wis. Act 35

B. Concealed weapon definition. See 175.60(1)(j) for persons licensed in Wisconsin to carry a concealed weapon. Further, the term concealed weapon shall mean and include any dangerous weapon that is hidden from ordinary observation. Absolute invisibility is not necessary to constitute a weapon as being concealed. Any weapon that is carried within a case is not to be construed as a concealed weapon if the case is plainly visible.

C. Weapons discharge. It shall be unlawful for any person who is not a peace officer to discharge any pistol, arrows, gun, air gun, firearm, bow or cross bow or other weapon for the discharge of bullets, projectiles or pellets, whether the bullets, projectiles or pellets be propelled by an explosion of gun powder or other explosion, or by a spring, air pressure or mechanical device except as described in s. 939.48, Wis. Stats. It is provided, however, that nothing in this section shall be construed to prevent shooting on duly supervised rifle, pistol or archery ranges, using regulation or similar targets as approved by the Village Board.

D. Adopting ss. 175.60 (2g) Licensee failure to carry concealed weapon license

E. Adopting ss. 175.60 (16) Licensee carrying concealed weapon where prohibited by state statute

F. Adopting ss. 941.23 Un-licensed person carrying concealed weapon

G. Adopting ss. 941.235 Carrying firearm in public building

H. Adopting ss. 941.237 Carry handgun where alcohol is sold or consumed

I. Adopting ss. 941.24(1) Possession of switchblade knife

J. Adopting ss. 941.297 Sale or distribution of imitation firearms

K. Adopting ss. 943.13(1m)(c)1. & 2. Licensee carrying concealed weapon where prohibited on private property

L. Adopting ss. 943.13(1m)(c)3. Licensee carrying concealed weapon where prohibited at a special event

M. Adopting ss. 943.13(1m)(c)4. Licensee carrying concealed weapon where prohibited in/on village owned property, as follows:

1. No person, after having been notified by sign or in person, shall enter or remain in any part of the following buildings owned, occupied or controlled by the Village of Lake Delton while carrying any kind of firearm:

- Kay C. Mackesey Administration Building
- Frank Fischer EMS Building
- Poppy Waterman Ice Arena
- Department of Public Works Buildings

2. The Village Clerk-Treasurer-Coordinator shall cause signs to be erected at all entrances to each building providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger. 3. Nothing in this subsection shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building. Notwithstanding Wis. Stats. § 939.22(22), for purposes of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden.

4. Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. §§ 941.23 or 941.235.

N. Adopting ss. 946.71 Unlawful use of license for carrying concealed weapons.

O. Adopting ss. 948.60(2)(a) Possession of dangerous weapon by a person under 18

39.26 Restrictions on use of facsimile firearms.

Adopting s. 941.2965(2), Wis. Stats.

39.27 Restrictions on the use of laser pointers-law enforcement officer

Adopting s. 941.299 (2), Wis. Stats.

39.28 Restrictions on the use of laser pointers-other

Adopting s. 941.299 (2)(b)(d), Wis. Stats.

39.29 Abuse of Hazardous Substance

Adopting s. 941.316, Wis. Stats.

39.30 Fraudulent tapping of electric wires or gas or water meters or pipes.

Adopting s. 941.36 (1), Wis. Stats.

39.31 Obstructing Emergency or rescue personnel

Adopting s. 941.37 (2), Wis. Stats.

39.32 Opening letter or packages

Adopting s. 942.05, Wis. Stats.

39.33 Invasion of privacy

Adopting s. 942.08 (2), Wis. Stats.

39.34 Representations depicting nudity

Adopting s. 942.09, Wis. Stats.

39.35 Damage to Property

A. Adopting s. 943.01(1), Wis. Stats.

B. No parent or legal guardian of any minor shall fail to exercise reasonable care so as to prevent such minor from intentionally damaging public or private property or from conducting himself/herself in a manner as may be calculated to result in any damage to any of such property.

39.36 Graffiti

Adopting s. 943.017 Wis. Stats.

39.37 Entry into locked vehicle

Adopting s. 943.11 Wis. Stats.

39.38 Entry into locked coin box

Adopting s. 943.125, Wis. Stats.

39.39 Trespass to land; Criminal trespass to dwellings; Criminal trespass to a medical facility; Entry onto a construction site or into a locked building, dwelling or room

A. Adopting ss. 943.13, 943.14, 943.145 and 943.15 Wis. Stats.

B. It shall be unlawful for any person to remain on the premises of another without the consent of the property owner.

C. For purposes of this section property owner means the owner, lessee, or any of their employees, agents or representatives.

D. It shall be unlawful for any person to enter or remain on the premises of another when the offending person has previously been informed that their entry or presence is prohibited.

E. Nothing herein shall be interpreted as affecting the rights of any tenant as provided under Chapter 704 Wis. Stats.

39.40 Theft

Adopting s. 943.20(1), Wis. Stats.

39.41 Fraud on hotel or restaurant keeper

A. The provisions of s. 943.21, Wis. Stats. are adopted.

B. No person shall remain on the premises of a restaurant, tavern, hotel, motel, tourist rooming house or resort, without the permission of the owner. It is no defense to this provision that the offending person has paid in advance for the right to be on the premises.

39.415 Absconding without paying rent

Adopting s. 943.215, Wis. Stats.

39.42 Use of cheating tokens

Adopting s. 943.22, Wis. Stats.

39.43 Issue of worthless checks

Adopting s. 943.24, Wis. Stats.

39.44 Receiving/Possessing stolen property

Adopting s. 943.34, Wis. Stats.

39.45 Financial transaction card crimes (Credit Card Fraud)

Adopting s. 943.41, Wis. Stats

39.46 Theft of commercial mobile service

Adopting s. 943.455, Wis. Stats.

39.47 Theft of video service

Adopting s. 943.46, Wis. Stats.

39.48 Theft of satellite cable programming

Adopting s. 943.47, Wis. Stats.

39.49 Unlawful use of recording device in motion picture theater

Adopting s. 943.49, Wis. Stats.

39.50 Retail theft

Adopting s. 943.50, Wis. Stats.

39.51 Theft of library material

Adopting s. 943.61, Wis. Stats.

39.52 Public Fornication

Adopting s. 944.15, Wis. Stats.

39.53 Sexual Gratification

Adopting s. 944.17, Wis. Stats.

39.54 Lewd and lascivious behavior

Adopting s. 944.20, Wis. Stats.

39.55 Obscene material or performance

Adopting s. 944.21, Wis. Stats.

39.56 Making lewd, obscene or indecent drawings

Adopting s. 944.23, Wis. Stats.

39.57 Sending obscene or sexually explicit electronic messages

Adopting s. 944.25, Wis. Stats.

39.58 Prostitution

Adopting s. 944.30, Wis. Stats.

39.59 Patronizing prostitutes

Adopting s. 944.31, Wis. Stats.

39.60 Pandering

Adopting s. 944.33, Wis. Stats.

39.61 Solicitation of drinks prohibited

Adopting s. 944.36, Wis. Stats.

39.62 Refusing to aid officer

Adopting s. 946.40, Wis. Stats.

39.63 Resisting or obstructing an officer

Adopting s. 946.41(1) and (2), Wis. Stats.

39.64 Establishing police lines/Crossing police lines

A. When incidents occur involving fires, floods, accidents, wrecks, explosions, imminent collapse of buildings or other structures, movement of the earth, damage to public utilities, hazardous materials incidents, crimes in progress, crime scenes, barricaded persons with weapons or threatening use of weapons, or hostage situations, any police officer may establish police lines to afford a clearing for the operation of police, fire, and emergency medical personnel and their equipment, and of wreckers or other heavy equipment necessary to deal with the emergency, or to keep the public from the zone of danger. The location and duration of such lines shall be reasonably related to their purpose, and they shall be effectuated by a means which gives reasonable notice of their existence and location.

B. No person shall cross a police line without the express permission of the Police Department. A "police line" is defined as the boundary of an area which has been temporarily isolated or set apart by tape, ropes, barricades or other methods by the police in pursuance of official duties, and which boundary or line is plainly marked.

39.65 False Complaint of police misconduct

Adopting s. 946.66(2), Wis. Stats.

39.66 Impersonating peace officers.

Adopting s. 946.70(1), Wis. Stats.

39.67 Disorderly conduct

A. Adopting s. 947.01, Wis. Stats.

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

C. It shall be a violation of this section for any person to engage in any violent, abusive, indecent or profane behavior directed toward a police officer, fire fighter, or emergency personnel.

D. No person shall, on public or private property, engage in disorderly conduct in the presence of a crowd of three (3) or more persons, under circumstances which would pose a physical threat to a police officer or other persons.

E. Urination in Public. Public urination in anything other than a designated toilet facility shall be unlawful.

39.68 Disrupt Funeral or Memorial Service

Adopting s. 947.011, Wis. Stats.

39.69 Unlawful Use of Telephone and Computerized Communication Systems; 911 Misuse

A. Adopting ss. 947.012 and 947.0125, Wis. Stats.

B. Misuse of Emergency Services Number.

1. Definitions. As used in this section, the following terms shall have the meanings indicated:

(a) Emergency. As used within this section shall mean a situation for which an immediate response by public safety personnel is essential because of the possibility of property damage or loss, bodily harm, including a potentially life-threatening illness or condition and/or any similar situation which mandates the immediate attention of public safety personnel.

(b) Statewide emergency services number. The "911" emergency number system described in § 256.35, Wis. Stat.

2. Use of statewide emergency services number. No person shall use the statewide emergency services number for any purpose other than to report an emergency.

3. Intentional misuse. No person shall intentionally dial the statewide emergency services number to report an emergency, knowing that the fact situation which he or she reports does not exist.

4. Repeated inadvertent or mistaken misuse.

(a) No person shall, by mistake, inadvertence or otherwise, make continual and/or repeated calls to the statewide emergency services number when attempting to make a nonemergency call, including, but not limited to, mistakes in dialing country codes and the use of "outside line" prefix numbers.

(b) Where violations of this subsection stem from calls made to the statewide emergency services number which are placed from a business or other location that has multiple phone lines servicing the location, the business owner and/or the listed owner of the offending telephone number shall be liable for violations of this subsection.

5. Responsibility of parents and/or guardians.

Any parent, guardian, or other adult person having the care and custody of a person under the age of 18 shall not allow such violations of this section.

39.70 Harassment

A. Adopting s. 947.013 (1m), Wis. Stats.

B. Adopting s. 947.013 (1r), Wis. Stats.

39.71 Unlawful assemblies and their suppression

Adopting s. 947.06, Wis. Stats.

39.72 Causing violence or breach of the peace by damaging or destroying a U.S. flag.
Adopting s. 947.07(2), Wis. Stats.

39.73 Intentionally contributing to the delinquency of a child
Adopting s. 948.40, Wis. Stats.

39.74 Hazing
Adopting s. 948.51(3)(a), Wis. Stats.

39.75 Tattooing of children
Adopting s. 948.70(2), Wis. Stats.

39.76 Mistreating animals
Adopting s. 951.02, Wis. Stats.

39.77 Dognapping and catnapping
Adopting s. 951.03, Wis. Stats.

39.78 Harassment of police and fire animals
Adopting s. 951.095, Wis. Stats.

39.79 Providing proper food and drink to confined animals.
Adopting s. 951.13, Wis. Stats.

39.80 Providing proper shelter
Adopting s. 951.14, Wis. Stats.

39.81 Abandoning animals
Adopting s. 951.15, Wis. Stats.

39.82 Possession of controlled substances or drug paraphernalia
A. Controlled substances. Adopting ss. 961.14, 961.16, 961.41(2r), Wis. Stats.
B. Drug paraphernalia. Adopting ss. 961.571 to 961.573, Wis. Stats.

39.825 Synthetic cannabinoid prohibited
A. Possession, use and sale are illegal. It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give or barter anyone or more of the following chemicals whether under the common street or trade names of "Spice", "K2", "Genie", "Yucatan Fire", "fake" or "new" marijuana, or by any other name, label or description:
1. Salviadivinatorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
2. (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 1 Oa-tetrahydrobenzo[c]chromen-1-ol some trade or other names: HU-210;

3. I-Pentyl-3-(1-naphthoyl) indole-some trade or other names: JWH-018\spice;
4. I-Butyl-3(Inaphthoyl) indole-some trade or other names: JWH-073;
5. 1-(3 {trifluoromethylphenyl}) piperazine-some trade or other names: TFMPP; or any similar structural analogs.

B. Medical or dental use allowed. Acts otherwise prohibited under code sec. 39.815 A shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

39.83 Misconduct on amusement device

A. Findings. The Village Board finds that there are many amusement parks and businesses operating in the Village which offer rides and other amusement devices and activities including go carts, waterslides, “slingshots,” animals and exhibits attracting large numbers of patrons. The safety of the public using carnival or amusement devices is an important matter of public policy. There are inherent risks associated with all machinery, equipment or animals that are impractical or impossible for an amusement device owner to eliminate even with all reasonable safety precautions. The actions of visitors and patrons in using and participating in amusement device activities contribute to the risk of personal injury to themselves or others and to property damage. Therefore, the Village Board finds it is necessary to require those participating in amusements comply with safety standards established in this section.

B. Definitions. As used in this section:

1. “Parent or guardian” means a parent, custodian or guardian responsible for the control, safety, training or education of a minor or a person who is disabled or incompetent.
2. “Participant” means a person who is:
 - (a) Waiting to use, participate in or observe an amusement device;
 - (b) Getting on or off an amusement device;
 - (c) Leaving an amusement device and who is still in the immediate vicinity of the amusement device.
 - (d) Participant does not include employees or agents of the owner of a business operating the amusement device.
3. “Notice” means a sign, oral direction, prerecorded messages or live public address. All signs must be easily observable and sufficient to notify the public of the particular rules to be observed.

C. All participants shall obey the posted notices, rules and warnings and instructions for an amusement device.

D. All participants shall refrain from acting in any manner that is dangerous to the participant or others, including:

1. Exceeding the limits of the participant's ability;
2. Interfering with safe operation of the carnival or amusement device;
3. Not engaging a safety mechanism provided on a carnival or amusement device;
4. Disconnecting or disabling a carnival or amusement safety device, except at the express instruction of the owner of the carnival or amusement device or the owner's agent or employee;
5. Altering or enhancing the intended speed, course or direction of a carnival or amusement device;
6. For the purposes of calculating violations under this section, each separate call to the statewide emergency services number shall constitute a separate violation.

7. Using, touching or tampering with the controls of an amusement machine or device operated by the owner or employee;
8. Extending arms and legs beyond any barrier, ride or amusement device except at the express direction of the owner or employee;
9. Throwing or dropping any object or spitting from an amusement device except as expressly permitted by the operator;
10. Getting on or off a carnival or amusement device, except at the designated time and area, if any, at the direction of the owner of the carnival or amusement device or the owner's agent or employee or in an emergency;
11. Not reasonably controlling the speed or direction of the participant or a carnival or amusement device that requires the participant to control or direct himself or the device; and
12. Overloading a carnival or amusement device beyond its designed capacity.

E. All participants must not get on or attempt to operate or participate in an amusement device unless, in the sole judgment of the operator or employee, the participant is of sufficient age and size to safely use or participate in the amusement device.

F. All participants must have sufficient ability and skills to use, get on, and get off or safely participate in the amusement device.

G. No participant shall be under the influence of alcohol or any drug that affects his or her ability to participate in the amusement device.

H. No person with a medical condition which may be affected by the amusement device shall participate in an amusement device if doing so would be dangerous to their health or safety.

I. Parents, guardians or responsible adults, have a duty to ensure that the participant complies with all provisions of this article and shall be subject to forfeitures hereunder as if he or she were the actual violator.

J. An owner, its employee or agent, may detain a person for a reasonable time in a reasonable manner for the purpose of conducting an investigation to determine if a participant has violated any provision of this section, and while waiting for a law enforcement officer to arrive.

39.84 Amusement Device Injury reports

A. Any participant or, in the case of a minor, or incompetent adult, a responsible adult shall report any injury sustained while participating in an amusement device or on the premises where the amusement device is located. The report shall be in writing on a form provided by the owner and signed by the participant, parent, guardian or other responsible adult and made as soon as possible after any incident resulting in an injury. All injuries shall be filed before the participant leaves the premises.

B. The injury report shall include:

1. The name, address, and phone number of the injured person;
2. A full description of the incident, the injuries claimed, and any treatment received and the location, date and time of the injury;
3. The cause of the injury, if known; and
4. The names, addresses, and phone numbers of any witnesses to the incident.

C. If a participant, or a participant's parent or guardian on the participant's behalf, is unable to file a report because of the severity of the participant's injuries, the participant, or the participant's parent or guardian, shall file the report as soon as reasonably possible.

D. The failure of a participant, or a participant's parent or guardian on the participant's behalf, to report an injury under this subsection has no effect on the participant's right to commence a civil action.

39.85 Amusement Device Display of signs

A. The owner of a carnival or amusement device shall display signs that include this statement:

'State law requires participants to obey all posted signs and warnings and instructions and to behave in a manner that will not cause or contribute to injuring themselves or others. Participants must report all injuries before leaving.'

B. The owner shall display these signs at:

1. Any station for reporting an injury;
2. Any first aid station; and
3. Either:
 - (a) Any entrance or exit to or from the premises designated for participants; or
 - (b) Any area or structure at which participants may purchase admission or obtain authority to use a carnival or amusement device.

39.86 Blasting

It shall be unlawful to blast within the Village of Lake Delton limits unless the person or firm desirous of blasting first notifies the police chief, fire chief and the Department of Industry, Labor and Human Relations of the date, time and location of such blasting. (Comm 7.35, Wisconsin Administrative Code.)

39.87 Driver's license suspension or imprisonment upon failure to pay penalty

In default of payment of any of the above penalties, upon conviction for violation of any section of this Chapter, such person may be subject to possible driver's license suspension or may be imprisoned in the Sauk County jail until payment thereof, but not exceeding thirty (30) days.

39.88 Forfeiture applicable to juveniles

Adopting ss. 938.343 and 340.01 (40), Wis. Stats

Section 39.89-39.90 reserved

39.91 Wisconsin statutes applicable

This Chapter shall in no way be deemed to supplant or otherwise invalidate any provision of state statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this Chapter may, in the exercise of his or her discretion, proceed under applicable state statutes.

Section 39.92-39.94 reserved

39.95 Enforcement

The Village of Lake Delton Police Department shall enforce this Chapter by the citation method of enforcement as provided herein.

39.96 Citation Form

- A.** The citation shall contain the information required by state statute and Village ordinance including ss. 778.25 and 66.0113, Wisconsin Statutes as amended, and such other information as the police chief shall proscribe.
- B.** The citation form the Village uses is on file in the police chief's office and is adopted into this Chapter by reference.

39.97 Penalties and deposits

- A.** Penalties. The penalty for the conviction of any section of this Chapter shall be a forfeiture of not less than Ten dollars (\$10.00) or more than One Thousand dollars (\$1,000.00), or as further established by resolution of the Village Board. The minimum deposit shall be as set forth in subparagraph E below, unless otherwise established by the Village Board, court costs, penalty assessments or other fees as established by Wisconsin statutes will be added to the penalty. In addition to the forfeiture as set forth above, convicted persons may be subject to driver's license suspension or revocation as provided by Wisconsin Statutes.
- B.** Deposits. At the time a citation is issued for a violation of this Chapter, a deposit amount shall be included on the citation. The deposit amount shall be as set forth below in subparagraph E, Penalty schedule. The deposit amount shall be the minimum amount that may be accepted by an officer or clerk of court in lieu of a court appearance, and shall serve as a reference or standard amount of forfeiture levied by the court upon failure to appear or conviction.
- C.** Deposit payment. The deposit payment shall be not less than the minimum penalty set forth in subparagraph E. Payment of the deposit as set forth on the citation prior to the initial court appearance of the defendant may be made to the Village of Lake Delton Police Department or the Sauk County Clerk of Courts. If payment is made to the police department, it shall be in cash, check, debit card or credit card, and the officer accepting payment shall provide a receipt for payment in cash and may provide a receipt for payment by check, debit card or credit card if requested. If payment is made to the clerk of courts office, it shall be made in accordance with its payment procedures.
- D.** Penalty/forfeiture payment. Payment of the penalty/forfeiture ordered by the court shall be made only to the Sauk County Clerk of Courts in accordance with court and clerk of court procedures. Any judgment entered by the court may be docketed in the county of residence of the defendant.

- E.** Deposits. Adopt state bond schedule except as specifically listed below.

SECTION	TITLE	PENALTIES
39.04 (A)	Trapping	100.00
39.05 (B)	Curfew (Juvenile)	10.00
39.05 (D)	Curfew (Adult)	30.00
39.06	Loitering	50.00
39.07 (C)	Truancy (Child)	Court Sanctions
39.07 (D)	Truancy (Parent)	100.00
39.08 (A)	Underage drinking- sale to	250.00
39.08 (B)	Underage drinking- allowing on premises	250.00
39.08 (C)	Underage drinking- procure or consume	See State Bond
39.08 (D)	Underage drinking- ID card violation	See State Bond
39.09 (A)	Consumption in public place/on school grounds	100.00

39.09 (B)	Consumption on street, sidewalk, or parking lot	30.00
39.09 (C)	Possession on street, sidewalk, or parking lot	30.00
39.10 (A)	Tobacco Sale to juvenile	100.00
39.10 (B)	Tobacco Possession by juvenile	10.00
39.11 (A)	Littering	100.00
39.11 (B)	Unauthorized use of dumpster	100.00
39.12	Violation of Domestic Abuse restraining order or injunction	500.00
39.13	Aiding and abetting- party to an offense	200.00
39.14	Attempt	100.00
39.15	Battery	250.00
39.16	Fourth-degree sexual assault	200.00
39.17	Duty to aid victim or report crime	200.00
39.18	Intimidation of witness	500.00
39.19	Intimidation of victim	500.00
39.20	Negligent operation of vehicle	150.00
39.21	Negligent handling of burning material	150.00
39.22	Interfering with firefighting equipment	150.00
39.23	False Alarms (fire alarms)	300.00
39.24	Endangering safety by use of dangerous weapon	500.00
39.25 (A)	Fire arms and dangerous weapons	250.00
39.25 (C)	Discharge firearm within Village limits	100.00
39.25 (D)	Licensee failure to carry concealed weapon license	25.00
39.25 (E)	Licensee carrying concealed weapon where prohibited by state statute	100.00
39.25 (F)	Un-licensed person carrying concealed weapon	250.00
39.25 (G)	Carrying firearm in public building	100.00
39.25 (H)	Carry handgun where alcohol is sold or consumed	100.00
39.25 (I)	Possession of switchblade knife	250.00
39.25 (J)	Sale or distribution of imitation firearms	500.00
39.25 (K)	Licensee carrying concealed weapon where prohibited on private property	100.00
39.25 (L)	Licensee carrying concealed weapon where prohibited at a special event	100.00
39.25 (M)	Licensee carrying concealed weapon where prohibited in/on village owned property	100.00
39.25 (N)	Unlawful use of license for carrying concealed weapons	500.00
39.25 (O)	Possession of dangerous weapon by a person under 18	100.00
39.26	Restrictions on use of facsimile firearms	250.00
39.27	Restrictions on use of laser pointers-law enforcement officer	500.00
39.28	Restrictions on use of laser pointers-other	250.00
39.29	Abuse of Hazardous Substance	250.00
39.30	Fraudulent tapping of electric wires, gas, water meters or pipes	250.00
39.31	Obstructing Emergency or rescue personnel	250.00
39.32	Opening letters or packages	250.00
39.33	Invasion of privacy	500.00
39.34	Representations depicting nudity	500.00

39.35 (A)	Damage to property	200.00
39.35 (B)	Damage to property-parent responsibility	100.00
39.36	Graffiti	500.00
39.37	Entry into locked vehicle	500.00
39.38	Entry into locked coin box	500.00
39.39 (A-D)	Trespassing	100.00
39.40	Theft	200.00
39.41(A) (B)	Fraud on a hotel or restaurant keeper	100.00
39.415	Absconding without paying rent	100.00
39.42	Use of cheating tokens	100.00
39.43	Issuing worthless checks	100.00
39.44	Receiving stolen property- possession of	200.00
39.45	Credit Card Theft	250.00
39.46	Theft of commercial mobile service	250.00
39.47	Theft of video service	250.00
39.48	Theft of satellite cable programming	250.00
39.49	Unlawful use of recording device in motion picture theatre	250.00
39.50	Retail theft	100.00
39.51	Theft of library material	100.00
39.52	Public Fornication	100.00
39.53	Sexual Gratification	100.00
39.54	Lewd and lascivious behavior	250.00
39.55	Obscene material or performance	100.00
39.56	Making lewd, obscene or indecent drawings	100.00
39.57	Sending obscene or sexually explicit electronic messages	100.00
39.58	Prostitution	250.00
39.59	Patronizing prostitutes	250.00
39.60	Pandering	500.00
39.61	Solicitation of drinks prohibited	150.00
39.62	Refusing to aid officer	250.00
39.63	Resisting or obstructing an officer	300.00
39.64(B)	Crossing Police Lines	200.00
39.65	False Complaint of police misconduct	500.00
39.66	Impersonating peace officer	300.00
39.67(B)	Disorderly conduct	100.00
39.67(C) (D)	Disorderly conduct to Police/Emergency Personnel	250.00
39.67(E)	Disorderly conduct (Public Urination)	50.00
39.68	Disrupt funeral or memorial service	500.00
39.69(A) (B)	Unlawful use of a telephone/computer transmissions	250.00
39.69 (B4)	Repeated inadvertent or mistaken use	100.00
39.70 (A)	Harassment	100.00
39.70 (B)	Harassment	250.00
39.71	Unlawful Assembly	100.00
39.72	Violence or breach of peace by damaging/destroying US Flag	200.00
39.73	Intentionally contributing to the delinquency of a child	250.00
39.74	Hazing	250.00

39.75	Tattooing of children	250.00
39.76	Mistreating animals	250.00
39.77	Dognapping and catnapping	250.00
39.78	Harassment of police and fire animals	250.00
39.79	Providing proper food and drink to confined animals	250.00
39.80	Providing proper shelter to animals	250.00
39.81	Abandoning animals	250.00
39.82(A)	Possession of controlled substance	100.00
39.82 (B)	Possession of paraphernalia	100.00
39.825(A)	Possession Synthetic Cannabinoid	100.00
39.83 (C) (D)	Misconduct on amusement device	100.00
39.83 (E) (H) (I)	Misconduct on amusement device	100.00
39.83 (J) (K)	Misconduct on amusement device	100.00
39.84	Amusement device injury reports	50.00
39.85	Amusement device display of signs	50.00
39.86	Blasting	500.00

F. Failure to pay forfeiture. The failure of any person, firm or corporation or other entity to pay any such civil forfeiture and costs, or either or both, may result in the suspension or forfeiture of any license or permit issued to, or used in the operation of, the agent, firm or corporation until the forfeiture and costs shall be paid.

G. Repeated Offenses. The penalty shall double for a repeated violation of the same section of this Chapter within a twelve (12) hour period.