

CHAPTER 9
PUBLIC PEACE AND GOOD ORDER

- 9.095.21 to 9.951.18 STATE LAWS ADOPTED (9/8/98)
The statutory provisions following the prefix 9 describing and defining regulations in the following enumerated sections of the Wis. Stats., exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes are hereby 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.
- 9.095.21 RABIES CONTROL
The provisions of Wisconsin Statutes Section 95.21 and any subsequent amendments are adopted except the penalty upon conviction is a forfeiture not less than \$50 nor more than \$1,000.
- 9.101.123 CLEAN INDOOR AIR
The provisions of Wisconsin Statutes Section 101.123 and any subsequent amendments except Wisconsin Statutes Section 101.123(8) are adopted and further no person may smoke in any county owned, leased or occupied building or any other place in which smoking has been prohibited by the person in lawful possession of the premises. Any person violating this section shall forfeit not less than \$20 nor more than \$500.
- 9.125 ALCOHOL BEVERAGES
The provisions of Chapter 125 of the Wisconsin Statutes and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$250 nor more than \$1,000.
- 9.167.10 REGULATION OF FIREWORKS
The provisions of Wisconsin Statutes Section 167.10 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 nor more than \$2,000.
- 9.134.66 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS.
The provisions of Wisconsin Statute section 134.66 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture of \$50. (4/19/05)
- 9.174.042 DOGS RUNNING AT LARGE AND UNTAGGED DOGS
The provisions of Wisconsin Statutes Section 174.042 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$25 nor more than \$200.
- 9.254.92 PURCHASE OR POSSESSION OF CIGARETTES OR TOBACCO PRODUCTS BY PERSONS UNDER 18 PROHIBITED.
The provisions of Wisconsin Statute section 254.92 and the definitions within Wisconsin Statute section 254.911 and any subsequent amendments to either are adopted except that the penalty upon conviction is a forfeiture of \$50. (4/19/05)
- 9.287.81 LITTERING (10/6/09)
The provisions of Wisconsin Statute section 287.81 and any subsequent amendments are adopted, except that the penalty upon conviction is a forfeiture of not less than \$25 nor more than \$500.

9.813.12(8) DOMESTIC ABUSE INJUNCTION

Any person who violates a temporary restraining order or injunction issued under Wisconsin Statutes Section 813.12 or a comparable order or injunction issued by a tribal court or a court in another state shall forfeit not less than \$75 nor more than \$1,000.

9.940.19(1) BATTERY

The provisions of Wisconsin Statutes Section 940.19(1) and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.

9.940.34

DUTY TO AID VICTIM OF CRIME

The provisions of Wisconsin Statutes Section 940.34 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not to exceed \$500.

9.941.23

CARRYING CONCEALED WEAPON

The provisions of Wisconsin Statutes Section 941.23 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 nor more than \$2,000.

9.941.36

FRAUDULENT TAPPING OF ELECTRIC WIRES OR GAS OR WATER METERS OR PIPES

The provisions of Wisconsin Statutes Section 941.36 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not to exceed \$500.

9.941.37(2) OBSTRUCTING EMERGENCY OR RESCUE PERSONNEL

The provisions of Wisconsin Statutes Section 941.37(2), including the definitions set forth in Wisconsin Statutes Section 941.37(1), and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.

9.942.01

DEFAMATION

The provisions of Wisconsin Statutes Section 942.01 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.

9.942.03

GIVING FALSE INFORMATION FOR PUBLICATION

The provisions of Wisconsin Statutes Section 942.03 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.

9.942.05

OPENING LETTERS

The provisions of Wisconsin Statutes Section 942.05 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.

9.942.06

USE OF POLYGRAPHS AND SIMILAR TESTS

The provisions of Wisconsin Statutes Section 942.06 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.

9.942.07

USE OF GENETIC TESTS

The provisions of Wisconsin Statutes Section 942.07 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.

- 9.943.01(1) DAMAGE TO PROPERTY
The provisions of Wisconsin Statutes Section 943.01(1) and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section is applicable only if the damage does not exceed \$500.
- 9.943.07(3) THROWING STONES OR SHOOTING MISSILES AT RAILROAD PROPERTY
The provisions of Wisconsin Statutes Section 943.07(3) and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$50 and not to exceed \$1,000.
- 9.943.07(4) DEPOSITING DEBRIS ON RAILROAD PROPERTY
The provisions of Wisconsin Statutes Section 943.07(4) and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$75 and not to exceed \$1,000.
- 9.943.11 ENTRY TO VEHICLE
Whoever enters the enclosed portion or compartment of another's vehicle without the owner's consent and with the intent to damage or deface property or steal therefrom shall forfeit not less than \$100 or more than \$2,000.
- 9.943.125 ENTRY TO LOCKED COIN BOX
The provisions of Wisconsin Statutes Section 943.125 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.943.13 TRESPASS TO LAND
The provisions of Wisconsin Statutes Section 943.13 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not to exceed \$500.
- 9.943.14 TRESPASS TO DWELLINGS
The provisions of Wisconsin Statutes Section 943.14 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 nor more than \$1,000.
- 9.943.145 TRESPASS TO MEDICAL FACILITY
The provisions of Wisconsin Statutes Section 943.145 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$75 and not to exceed \$1,000.
- 9.943.15 ENTRY ONTO A CONSTRUCTION SITE OR INTO A LOCKED BUILDING, DWELLING OR ROOM
The provisions of Wisconsin Statutes Section 943.15 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.943.20 THEFT
The provisions of Wisconsin Statutes Section 943.20 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section is inapplicable if the value of the property exceeds \$500 or is any of the property or special circumstances listed in Wisconsin Statutes Section 943.13(3)(d).
- 9.943.207 TRANSFER OF RECORDED SOUNDS FOR UNLAWFUL USE OR SALE

The provisions of Wisconsin Statutes Section 943.207 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.

- 9.943.21 FRAUD ON HOTEL OR RESTAURANT KEEPER
The provisions of Wisconsin Statutes Section 943.21 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$75 and not to exceed \$1,000 and this section shall not apply if the amount of fraud is greater than \$1,000.
- 9.943.215 ABSCONDING WITHOUT PAYING RENT
The provisions of Wisconsin Statutes Section 943.215 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.943.22 USE OF CHEATING TOKENS
The provisions of Wisconsin Statutes Section 943.22 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Wisconsin Statutes Section 943.45 that the legislature has deemed to constitute a felony.
- 9.943.225 REFUSAL TO PAY FOR MOTOR BUS OR TAXI RIDE
Whoever intentionally fails to pay upon demand the lawful prescribed fare for transportation on a motor bus or by a taxi shall forfeit not more than \$500.
- 9.943.24 ISSUANCE OF WORTHLESS CHECK
The provisions of Wisconsin Statutes Section 943.24 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply if the amount of the check or checks exceeds \$500.
- 9.943.34 RECEIVING STOLEN PROPERTY
The provisions of Wisconsin Statutes Section 943.34 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and the value of the property does not exceed \$500.
- 9.943.37 ALTERATION OF PROPERTY IDENTIFICATION MARKS
The provisions of Wisconsin Statutes Section 943.37 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.943.392 FRAUDULENT DATA ALTERATION
The provisions of Wisconsin Statutes Section 943.392 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.943.41 FINANCIAL TRANSACTION CARD CRIMES
The provisions of Wisconsin Statutes Section 943.41 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Wisconsin Statutes Section 943.41 that the legislature has deemed to constitute a felony.
- 9.943.45 THEFT OF TELECOMMUNICATIONS SERVICE

The provisions of Wisconsin Statutes Section 943.45 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not to exceed \$1,000.

- 9.943.455 THEFT OF CELLULAR TELEPHONE SERVICE
The provisions of Wisconsin Statutes Section 943.455 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Wisconsin Statutes Section 943.455 that the legislature has deemed to constitute a felony.
- 9.943.46 THEFT OF CABLE TELEVISION SERVICE
The provisions of Wisconsin Statutes Section 943.46 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Wisconsin Statutes Section 943.46 that the legislature has deemed to constitute a felony.
- 9.943.47 THEFT OF SATELLITE CABLE PROGRAMMING
The provisions of Wisconsin Statutes Section 943.47 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Wisconsin Statutes Section 943.47 that the legislature has deemed to constitute a felony.
- 9.943.50 RETAIL THEFT
The provisions of Wisconsin Statutes Section 943.50 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 nor more than \$2,000.
- 9.943.70 COMPUTER CRIMES
The provisions of Wisconsin Statutes Section 943.70 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Wisconsin Statutes Section 943.70 that the legislature has deemed to constitute a felony.
- 9.943.75 UNAUTHORIZED RELEASE OF ANIMALS
The provisions of Wisconsin Statutes Section 943.75 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Wisconsin Statutes Section 943.75 that the legislature has deemed to constitute a felony.
- 9.944.15 SEXUAL INTERCOURSE IN PUBLIC
The provisions of Wisconsin Statutes Section 944.15 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.944.17 PERVERSION
The provisions of Wisconsin Statutes Section 944.17 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.944.20 LEWD & LASCIVIOUS BEHAVIOR
The provisions of Wisconsin Statutes Section 944.20 and any subsequent amendments are adopted except that the penalty upon

conviction is a forfeiture not less than \$100 and not to exceed \$2,000.

- 9.944.23 MAKING LEWD, OBSCENE AND INDECENT DRAWINGS
The provisions of Wisconsin Statutes Section 944.23 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not to exceed \$500.
- 9.944.30 PROSTITUTION
The provisions of Wisconsin Statutes Section 944.30 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.944.31 PATRONIZING PROSTITUTES
The provisions of Wisconsin Statutes Section 944.31 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.944.36 SOLICITATION OF DRINKS PROHIBITED
The provisions of Wisconsin Statutes Section 944.36 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.945.02 GAMBLING
The provisions of Wisconsin Statutes Section 945.02 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.946.40 REFUSING TO AID OFFICER
The provisions of Wisconsin Statutes Section 946.40 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not to exceed \$500.
- 9.946.41 RESISTING OR OBSTRUCTING OFFICER
The provisions of Wisconsin Statutes Section 946.41 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not more than \$2,000.
- 9.946.46 ENCOURAGING VIOLATION OF PROBATION OR PAROLE
The provisions of Wisconsin Statutes Section 946.46 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.946.49 BAIL JUMPING
The provisions of Wisconsin Statutes Section 946.49 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.946.68 SIMULATING LEGAL PROCESS
The provisions of Wisconsin Statutes Section 946.68 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000.
- 9.946.73 VIOLATION OF LAWS OR RULES GOVERNING STATE OR COUNTY INSTITUTIONS
The provisions of Wisconsin Statutes Section 946.73 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not to exceed \$500.

- 9.947.01 DISORDERLY CONDUCT
The provisions of Wisconsin Statutes Section 947.01 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$75 and not to exceed \$1,000.
- 9.947.012 UNLAWFUL USE OF TELEPHONE
The provisions of Wisconsin Statutes Section 947.012 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$75 and not to exceed \$1,000.
- 9.947.013 HARASSMENT
The provisions of Wisconsin Statutes Section 947.013 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Wisconsin Statutes Section 947.013 that the legislature has deemed to constitute a felony.
- 9.947.04 DRINKING IN COMMON CARRIERS
The provisions of Wisconsin Statutes Section 947.04 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not to exceed \$500.
- 9.948.22 FAILURE TO SUPPORT
The provisions of Wisconsin Statutes Section 948.22 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Wisconsin Statutes Section 948.22 that the legislature has deemed to constitute a felony.
- 9.948.40 CONTRIBUTING TO DELINQUENCY OF A CHILD
The provisions of Wisconsin Statutes Section 948.40 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Wisconsin Statutes Section 948.40 that the legislature has deemed to constitute a felony.
- 9.948.45 CONTRIBUTING TO TRUANCY
The provisions of Wisconsin Statutes Section 948.45 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not to exceed \$500.
- 9.948.51 HAZING
The provisions of Wisconsin Statutes Section 948.51 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Wisconsin Statutes Section 948.51 that the legislature has deemed to constitute a felony.
- 9.948.55(3) LEAVING OR STORING LOADED FIREARM WITHIN THE REACH OR EASY ACCESS OF A CHILD
The provisions of Wisconsin Statutes Section 948.55(3) and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not to exceed \$500.
- 9.948.63 RECEIVING PROPERTY FROM A CHILD
The provisions of Wisconsin Statutes Section 948.63 and any subsequent amendments are adopted except that the penalty upon

conviction is a forfeiture not less than \$100 and not to exceed \$2,000.

9.948.70 TATTOOING OF CHILDREN
The provisions of Wisconsin Statutes Section 948.70 and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$75 and not to exceed \$1,000.

9.951.18 OFFENSES AGAINST ANIMALS
The provisions of Chapter 951 of the Wisconsin Statutes pertaining to animals and specifically Wisconsin Statutes Section 951.18 relating to penalties for such violations and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 and not to exceed \$2,000 and this section does not apply to any conduct in Chapter 915 of the Wisconsin Statutes and Wisconsin Statutes Section 951.18 relating to penalties that the legislature has deemed to constitute a felony.

9.961.41(3g)(e) POSSESSION OF MARIJUANA
The provisions of Section 961.41(3g)(e) of the Wisconsin Statutes and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture not less than \$100 nor more than \$1,000.

9.961.573 POSSESSION OF DRUG PARAPHERNALIA (8/7/07)
The provisions of Section 961.573(1) of the Wisconsin Statutes and any subsequent amendments are adopted except that the penalty upon conviction is a forfeiture of not less than \$100 nor more than \$500. This ordinance shall apply to first offenders only.

- 9.01 Repealed 9/8/98
- 9.02 Repealed 9/8/98
- 9.03 Repealed 9/8/98
- 9.04 Repealed 9/8/98
- 9.05 Repealed 9/8/98
- 9.06 Repealed 9/8/98
- 9.07 Repealed 9/8/98
- 9.08 Repealed 9/8/98
- 9.09 Repealed 9/8/98
- 9.10 Repealed 9/8/98

9.10.2 OBSCENITY (10/20/92)

(1) The county board intends that the authority to prosecute violations of this section shall be used primarily to combat the obscenity industry and shall never be used for harassment or censorship purposes against materials or performances having serious artistic, literary, political, educational or scientific value. The county board further intends that the enforcement of this ordinance shall be consistent with the First Amendment to the United States Constitution, Article I, Section 3, of the Wisconsin Constitution and the compelling state interest in protecting the free flow of ideas.

(2) In this section:

- (a) "Community" means the State of Wisconsin.
- (b) "Internal revenue code" has the meaning specified in Wisconsin Statutes section 71.01(6).
- (c) "Obscene material" means a writing, picture, sound recording or film which:

1. The average person, applying contemporary community standards, would find appeals to the prurient interest if taken as a whole;
 2. Under contemporary community standards, describes or shows sexual conduct in a patently offensive way; and
 3. Lacks serious literary, artistic, political, educational or scientific value, if taken as a whole.
- (d) "Obscene performance" means a live exhibition before an audience which:
1. The average person, applying contemporary community standards, would find appeals to the prurient interest if taken as a whole;
 2. Under contemporary community standards, describes or shows sexual conduct in a patently offensive way; and
 3. Lacks serious literary, artistic, political, educational or scientific value, if taken as a whole.
- (e) "Sexual conduct" means the commission of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus or lewd exhibition of human genitals.
- (f) "Wholesale transfer or distribution of obscene material" means any transfer for a valuable consideration of obscene material for purposes of resale or commercial distribution; or any distribution of obscene material for commercial exhibition. "Wholesale transfer or distribution of obscene material" does not require transfer of title to the obscene material to the purchaser, distributee or exhibitor.
- (3) Whoever does any of the following with knowledge of the character and content of the material or performance and for commercial purposes is subject to the penalties under sub. (5):
- (a) Imports, prints, sells, has in his or her possession for sale, publishes, exhibits, or transfers any obscene material.
 - (b) Produces or performs in any obscene performance.
 - (c) Requires, as a condition to the purchase of periodicals, that a retailer accept obscene material.
- (4) Whoever does any of the following with knowledge of the character and content of the material is subject to the penalties under sub. (5):
- (a) Transfers or exhibits any obscene material to a person under the age of 18 years.
 - (b) Has in his or her possession with intent to transfer or exhibit to a person under the age of 18 years any obscene material.
- (5) Any person violating sub. (3) or (4) shall forfeit not less than \$500 nor more than \$10,000. Each day a violation under sub. (3) or (4) continues constitutes a separate violation under this section.
- (6) A contract printer or employee or agent of a contract printer is not subject to prosecution for a violation of sub. (3) regarding the

printing of material that is not subject to the contract printer's editorial review or control.

- (7) (a) The county board finds that the libraries and educational institutions under par. (b) carry out the essential purpose of making available to all citizens a current, balanced collection of books, reference materials, periodicals, sound recordings and audiovisual materials that reflect the cultural diversity and pluralistic nature of American society. The county board further finds that it is in the interest of the county to protect the financial resources of libraries and educational institutions from being expended in litigation and to permit these resources to be used to the greatest extent possible for fulfilling the essential purpose of libraries and educational institutions.
- (b) No person who is an employee, a member of the board of directors or a trustee of any of the following is liable to prosecution for violation of this section for acts or omissions while in his or her capacity as an employee, a member of the board of directors or a trustee:
1. A public elementary or secondary school.
 2. A private school, as defined in Wisconsin Statutes section 115.001(3r).
 3. Any school offering vocational, technical or adult education that:
 - a. Is a vocational, technical and adult education district school, is a school approved by the educational approval board under Wisconsin Statutes section 38.51 or is a school described in Wisconsin Statutes section 38.51(9)(f), (g) or (h); and
 - b. Is exempt from taxation under section 501(c)(3) of the internal revenue code.
 4. Any institution of higher education that is accredited, as described in Wisconsin Statutes section 39.30(1)(d), and is exempt from taxation under section 501(c)(3) of the internal revenue code.
 5. A library that receives funding from any unit of government.
- (8) In determining whether material is obscene under sub. (2)(c)1 and 3, a judge or jury shall examine individual pictures or passages in the context of the work in which they appear.
- (9) The provisions of this section, including the provisions of sub. (7) are severable and if any section, clause, provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

9.10.3 COIN-OPERATED MOVING PICTURE HOUSES

- (1) Intent. The intent of this ordinance is to control the transmission of communicable disease which may or could occur in establishments which show videotapes, coin-operated movies or pictures to individuals in viewing booths in these establishments. This ordinance establishes standards for booth construction and regulations for customers as well as managers of these establishments to prevent the spread of communicable disease.

(2) Private Visual Presentations in Commercial Establishments. Commercial establishments which offer private viewing of movies, tapes, slides, pictures or live performances of any kind must comply with the following requirements:

(a) Booth Access. Each booth shall be totally accessible to and from aisles and public areas of the establishment. Access to a booth shall be unobstructed by doors, locks or other control-type devices and open to an unobstructed view by the individual manager, supervisor, clerk, owner or employee responsible for the operation of the establishment.

(b) Booth Construction.

1. Any booth used to view a movie, tape, slide, picture or live performance of any kind must be so constructed as to discourage sexual activity and the spread of communicable disease by including, but not being limited to the following requirements:

a. Every booth shall be separated from adjacent booths and any nonpublic areas by a wall.

b. Every booth shall have at least one side totally open to a public and a lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth.

c. All walls shall:

1) Be solid, without any openings.

2) Extend from the floor to a height of not less than six (6) feet.

3) Be light-colored, non-absorbent, smooth-textured and easily cleanable.

2. The floor must be light-colored, non-absorbent, smooth-textured and easily cleanable.

3. The lighting level of each booth when not in use shall be a minimum of 10 foot candles at all times.

(c) Booth Occupants. Only one individual shall occupy a booth at any time. No individual occupying a booth shall, at any time, engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

(d) Operator Responsibility. It shall be the responsibility of the owner, lessee, operator, licensee and employees of the establishment to:

1. Maintain the premises in a clean and sanitary manner at all times.

2. Maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all times.

3. Insure compliance of the establishment and its patrons with the provisions of this section.

4. Post the regulations concerning booth occupancy on signs, with lettering at least one inch high, that are placed in conspicuous areas of the establishment and in each of the viewing booths.
- (3) Enforcement. Both the health department and the sheriff's department shall have the authority to inspect the premises during operating hours and to enforce the provisions of this section.
- (4) Penalty.
 - (a) Conviction. Upon conviction of a violation of this section, violators shall be fined not less than \$50 nor more than \$1,000. Each and every act of violation shall constitute a separate offense. Each day of violation, disobedience, omission, neglect or refusal shall constitute a separate offense. Upon default of payment, the violator shall be imprisoned no less than three (3) days nor more than thirty (30) days.
 - (b) Public Nuisance. Violation of any provision of this section constitutes a public nuisance.
- (5) Severability and Non-Liability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- (6) Effective Date. This ordinance shall take effect and be in force from and after its passage and publication.

9.10.4 ACTS OF SEXUAL GRATIFICATION IN ADULT ENTERTAINMENT ESTABLISHMENTS PROHIBITED

- (1) Intent. The intent of this ordinance is to protect the health, safety and morals of the citizens of Kenosha County and to control sexually transmitted diseases which have been found to occur in adult entertainment establishments. This ordinance establishes standards of conduct in such places held open to the public.
- (2) Acts of Sexual Gratification Prohibited.
 - (a) It is unlawful for any person to commit an act of sexual gratification in any adult entertainment establishment involving the sex organ of one person and the mouth or anus of another.
 - (b) It is unlawful for any person to commit an act of sexual gratification by acts of human masturbation, sexual intercourse, sexual contact or sodomy in any adult entertainment establishment.
 - (c) It is unlawful for any person to expose a sex organ to another for purpose of engaging in any acts of sexual gratification in any adult entertainment establishment.
- (3) Definition.
 - (a) Adult Entertainment Establishments. For purpose of this ordinance, adult entertainment establishments include bookstores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios and cabarets, and are more particularly defined as follows:

1. Adult Bookstore. An establishment having as a substantial or significant portion of its stock and trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale or display of such material.
2. Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
3. Adult Motion Picture Theater. (Outdoor). A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas".
4. Adult Mini Motion Picture Theater. An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
5. Adult Bath Houses. An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this ordinance.
6. Adult Massage Parlors. An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in "specified sexual activity" as defined in this ordinance.
7. Adult Modeling Studios. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
8. Adult Body Painting Studios. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.
9. Adult Cabaret. An establishment or business which features male and/or female topless and/or bottomless dancers, go go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.

10. Adult Novelty Shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activity as defined herein or stimulating such activity.

(b) "Specified sexual activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, sexual contact or sodomy.
 - a. "Sexual intercourse" requires only vulvar penetration and does not require emission and includes cunnilingus, fellatio, or anal intercourse between persons or any of a person's body or of any object into the genital or anal opening by a person or upon a person's instruction.
 - b. "Sexual contact" means the intentional touching of the clothed intimate parts of another person with any part of the body clothed or unclothed or with any object or device, or the intentional touching of any part of the body clothed or unclothed of another person with the intimate parts of the body clothed or unclothed if that intentional touching is for the purpose of sexual arousal or gratification.

(c) "Specified anatomical areas" is defined as:

1. Less than completely and opaquely covered;
 - a. Human genitals, pubic region;
 - b. Buttock
 - c. Female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

(4) Penalty.

- (a) Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$500.00 nor more than \$10,000.00 and in default of payment, shall be imprisoned in the county jail for not more than 180 days.
- (b) Any person found guilty of violating any provision of this ordinance who shall have been previously convicted of violating any provision contained in this ordinance within any 365 day period, shall upon conviction thereof, forfeit not less than \$1,000.00 nor more than \$10,000.00 for each such offense and in default of payment, shall be imprisoned in the county jail for not more than 180 days. The 365 day period shall be measured from the dates of violation which resulted in convictions.

(5) Severability and Non-Liability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid

by a Court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

- (6) Effective Date. This ordinance shall take effect and be in force from and after its passage and publication.

9.11 (Repealed - 11/19/87)

9.12 LOITERING PROHIBITED

- (1) Loitering or Prowling. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall prior to any arrest for an offense under this section afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.
- (2) Obstruction of Highway by Loitering. No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.
- (3) Obstruction of Traffic by Loitering. No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossing or bridges or in any other public places within the County in such manner as to prevent, interfere with or obstruct the ordinary free use of said public streets, sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.
- (4) Loitering After Being Requested to Move. No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move by any police officer or by any person in authority at such places.
- (5) Loitering In Public Places. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by any police officer. Upon being requested to move, a person must immediately comply with such request by leaving the premises or area thereof at the time of the request.

9.12.2 SOLICITATION ORDINANCE FOR TOPLESS-BOTTOMLESS DANCE HALLS

Any operator of any establishment providing adult entertainment who permits an entertainer or employee to solicit a drink of any kind or any other product from a customer on the premises in return for that employee or entertainer's company or other consideration, or any entertainer or employee who solicits such drinks or products from any customer, shall be subject to a forfeiture of not more than \$500 or in default thereof, shall be imprisoned in the County Jail for not more than 180 days.

For the purpose of this section, adult entertainment means any performance involving nude or semi-nude dancing. Semi-nude, for purposes of this ordinance, means less than opaquely and completely covered human genitals, pubic region, buttocks or female breasts below a point immediately above the top of the areola.

Any establishment in which the operator or employees have been found guilty of such a violation three (3) times in any two (2) year period may be declared a public nuisance and ordered to close.

9.13 Repealed 9/8/98

9.14 Repealed 9/8/98

9.15 Repealed 9/8/98

9.16 TOXIC INHALANTS

(1) Definition. Toxic inhalants shall mean any glue, paint, gasoline, aerosol, adhesive cement, mucilage, plastic cement or any similar substance containing one or more of the following volatile substances:

Acetone, benzene, butyl alcohol, cyclohexanone, ethyl acetate, ethyl alcohol, ethylene dichloride, hexane, isopropyl alcohol, methyl alcohol, methyl celosove, acetate, methyl ethyl ketone, methyl isobutyl ketone, pentachlorophenol, petroleum ether, trichlorethylene, tricresylphosphate, toluene, toluol, or any other chemical capable of producing intoxication when inhaled.

(2) Inhalation of Vapors or Fumes From Toxic Inhalants Prohibited. No person shall inhale or otherwise introduce into his respiratory tract any toxic vapors or fumes which may be released from any toxic inhalants with the intent of becoming intoxicated, elated, excited, stupefied, irrational, paralyzed, or of changing, distorting, or disturbing his eyesight, thinking process, judgment, balance or muscular coordination.

(3) Limitations on Sales, Transfer, and Possession of Toxic Inhalants. No person shall, for the purpose of violating or aiding another to violate any provision of this section, possess, buy, sell, transfer possession or receive possession of any toxic inhalants.

9.17 CURFEW

(1) No minor person under 18 years of age shall be in any public place between 10:30 p.m. and 6:00 a.m. Sunday through Thursday, and 12:00 midnight to 6:00 a.m. Friday and Saturday unless such minor is accompanied by an adult person having legal custody of such minor, or unless such minor is in the performance of an errand or a duty directed by the adult having legal custody of such minor, or whose employment makes it necessary for such minor to be in such public place. Unless there exists a reasonable necessity therefor, no person having legal custody of such minor shall permit said minor in any public place during the hours specified above.

(2) This section shall not apply to minors 15 years of age and older returning home between 6:00 a.m. and 12:00 midnight from functions authorized by the governing body of any public or parochial school or any charitable or religious organization which function shall have been officially registered with the Sheriff's Department by a responsible officer of the governing body of the school or religious or charitable organization at least 2 weeks prior to the event. The school or charitable or religious organization which has registered the function with the Sheriff's Department shall assume the responsibility to provide each student with a means of

identification showing that such minor has attended such registered function.

- (3) All functions registered with the Sheriff's Department pursuant to this exemption shall be on nights which are not followed by a regular school day.
- (4) Any person who shall violate this section shall be subject to a forfeiture of \$50 plus costs where applicable. (9/8/98)

9.18 POLICE DOGS, MISTREATMENT OF

- (1) No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Sheriff's Department of the County in the performance of the functions of such department, or interfere with or meddle with any such dog while being used by the department or any officer or member thereof in the performance of any of the functions or duties of the department, or of such member or members.
- (2) Any person convicted for a violation of this section shall be subject to a forfeiture of not more than \$100.00 and the payment of costs of prosecution, and in default of payment, shall be committed to the County Jail for a period not to exceed 30 days.

9.19 VICIOUS, DANGEROUS ANIMALS (8/7/01)

- (1) AUTHORITY
This ordinance is adopted pursuant to the authority granted by the Wisconsin Statutes, but not limited to 59.54 (20).
- (2) PURPOSE
It is the finding of the Kenosha County Board of Supervisors that the regulation of vicious and dangerous animals is necessary for the safety, health, life, and general welfare of the inhabitants of the County of Kenosha, and that keeping a vicious or dangerous animal that has caused serious injury or death to any person, without cause, in accordance with the terms of this ordinance, shall be prohibited.
- (3) INTENT
It is the intent of the Kenosha County Board of Supervisors to prohibit the harboring of vicious or dangerous animals in the County, and outside the jurisdiction of a regulating City or Town with a similar applicable ordinance.
- (4) VICIOUS AND DANGEROUS ANIMALS ARE PROHIBITED
It is unlawful to keep any animal in this jurisdiction that is a vicious or dangerous animal, or is kept for the purpose of animal fighting:
 - (a) Any animal that has attacked and bitten, causing serious bodily injury or death to a person without cause, provocation, or justification, on public or private property is a vicious or dangerous animal;
 - (b) "Serious Bodily Injury" is defined as bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, or that causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury;
 - (c) "Provocation" is defined as teasing, taunting, tormenting, abusing or assaulting the animal;
 - (d) Cause or justification may exist if the animal were

protecting a person or property against crime, assault, theft, trespass on land, or dwelling of another,

- (5) The "dangerous" or "vicious" animal that has attacked a person causing serious injury or death shall be impounded pending hearing and subject to penalty.
- (6) The Court hearing such matters will make a determination whether the animal is a vicious or dangerous animal at a mandatory court appearance or whether the animal's actions are excused based upon the above.
- (7) If the Court finds that the animal is a vicious or dangerous animal within the meaning of this ordinance, then it shall order the animal destroyed in a humane manner, or removed from the jurisdiction.
- (8) The owner or responsible party may be ordered to reimburse the county for all costs incurred by the county pursuant to this matter and during the animal's impoundment, including veterinary costs, and expenses.
- (9) **PENALTIES**
Any person who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) and the cost of prosecution for each violation including court costs and reasonable attorney fees. Each day a violation exists or continues shall constitute a separate offense; the court may impose a daily forfeiture of no more than \$100.00 per day in the event of non-compliance.

9.21 UNLAWFUL PRESENCE ON SCHOOL GROUNDS

- (1) No person shall enter into or upon or remain in or upon any public school grounds without a written permit from the School Superintendent, Principal or designee. The holder of such permit may conduct official or personal business within the building, grounds or a designated portion thereof for a stated time period on the date designated in the permit. The permit shall be denied where the reason therefor is not school related, is unlawful or where the granting officer reasonably believes that the issuance of the permit will result in the disruption of school or school related business or a breach of the peace. Students attending the school, teachers and school district employees are exempted from the requirement for a permit, as are all electors and poll workers on election days, all parents of students or children engaged in a school-sponsored function and all persons attending a public function provided they are within a class permitted to be in attendance at such function. The permit shall be required for presence on school grounds only while school is in session and for 1/2 hour before and after school is in session.
- (2) This section shall only apply in those school districts wherein the School Board or other governing body has approved the application of this section and where notice thereof and the school system's acceptance of same has been posted in a prominent place at all school entrances intended for public use. Law enforcement officers shall remove from the school premises any person who fails to comply with this section and who fails to voluntarily leave the premises upon request.
- (3) Any person who violates this section shall be subject to a forfeiture of not more than \$250 or, in default thereof, shall be imprisoned in the County Jail for not more than 90 days.

9.30 Repealed 9/8/98

9.34 Repealed 9/8/98

9.35 Repealed 9/8/98

9.39 Repealed 9/8/98

9.40 Repealed 9/8/98

9.41 Repealed 9/8/98

9.50 DEFINITIONS

In this chapter, the words and phrases used have the meanings designated in sec. 939.22 and 939.23, Wis. Stats., unless the context of a specific section manifestly requires a different construction.

9.60 HOME IMPROVEMENT TRADE PRACTICES (9/8/98)

Chapter ATCP 110 of the Wisconsin Administrative Code regarding home improvement trade practices, exclusive of any penalty imposed thereby is adopted by reference and made a part of this Chapter as though set forth in full.

9.61 HOME SOLICITATION SELLING (9/8/98)

Chapter ATCP 127 of the Wisconsin Administrative Code regarding home solicitation selling, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this Chapter as though set forth in full.

9.62 COUPON SALES PROMOTIONS (9/8/98)

Chapter ATCP 131 of the Wisconsin Administrative Code regarding coupon sales promotions exclusive of any penalty imposed thereby, is adopted by reference and made a part of this Chapter as though set forth in full.

9.63 MOTOR VEHICLE REPAIR (9/8/98)

Chapter ATCP 132 of the Wisconsin Administrative Code regarding motor vehicle repair is adopted by reference and made a part of this Chapter as though set forth in full.

9.64 Repealed 9/8/98

9.65 Repealed 9/8/98

9.98 ATTEMPT

(1) Whoever attempts to commit a battery as defined in sec. 9.01 or a theft as defined in sec. 9.04 shall be subject to a forfeiture of 1/2 the maximum forfeiture provided for the completed offense or, in default thereof, may be imprisoned in the County Jail for not more than 1/2 the maximum imprisonment provided for the completed offense.

(2) An attempt to commit an offense requires the actor to have an intent to perform acts and attain a result which, if accomplished, would constitute such offense and that he does acts toward the commission of the offense which demonstrate unequivocally, under all circumstances, that he formed the intent and would commit the offense except for the intervention of another person or some other extraneous factor.

9.99 PENALTIES

Any person who shall violate any provision of this chapter for which a penalty is not otherwise provided, shall be subject to a penalty as provided in s. 25.04 of this Municipal Code.