

Chapter 354  
Peace and Good Order

§ 354-1 **Offenses against state laws subject to forfeiture.**

A. The following 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, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code. (1)

Section 97.627, Causing fires by tobacco smoking.

- (2) Section 118.07, (School) Health and safety requirements.
- (3) Section 118.08, School zones; crossings.
- (4) Section 118.09, Safety zones.
- (5) Section 118.10, School safety patrols.
- (6) Section 118.105, Control of traffic on school premises.
- (7) Section 118.11, School fences.
- (8) Section 118.123, Reports and records; forfeitures.
- (9) Section 118.163, Municipal truancy and school dropout ordinances.
- (10) Section 167.10, Regulation of fireworks.
- (11) Section 167.31, Safe use and transportation of firearms and bows.
- (12) Section 173.10, Investigation of animal cruelty complaints.
- (13) Section 173.24, Reimbursement for expenses.
- (14) Section 175.25, Storage of junked vehicles.
- (15) Section 254.92, Use of tobacco products.
- (16) Section 938.17, Jurisdiction over traffic, boating, snowmobile, all-terrain vehicle, and utility terrain vehicle violations and over civil law and ordinance violations.
- (17) Section 938.343, Disposition of juvenile adjudged to have violated a civil law or an ordinance.
- (18) Section 938.344, Disposition; certain intoxicating liquor, beer and drug violations.
- (19) Section 938.345, Disposition of juvenile adjudged in need of protection or services.
- (20) Section 939.05(2)(b), Aiding and abetting.
- (21) Section 939.22, Words and phrases defined.

- (22) Section 940.19(1), Battery.
- (23) Section 940.291, Law enforcement officer; failure to render aid.
- (24) Section 940.10, Homicide by negligent operation of vehicle.
- (25) Section 941.10, Negligent handling of burning materials.
- (26) Section 941.12(2)(3), Interfering with or failing to assist in firefighting.
- (27) Section 941.13, False alarms.
- (28) Section 941.20(1), Reckless use of weapon.
- (29) Section 941.23, Carrying concealed weapon.
- (30) Section 941.235, Carrying firearm in public building.
- (31) Section 941.35, Emergency telephone calls.
- (32) Section 941.36, Fraudulent tapping of electric wires or gas or water meters or pipes.
- (33) Section 941.37(1)(2), Obstructing emergency or rescue personnel.
- (34) Section 942.05, Opening letters.
- (35) Section 943.01(1), Criminal damage to property.
- (36) Section 943.11, Entry into locked vehicle.
- (37) Section 943.125, Entry into locked coin box.
- (38) Section 943.13, Trespass to land.
- (39) Section 943.14, Criminal trespass to dwellings.
- (40) Section 943.145, Criminal trespass to a medical facility.
- (41) Section 943.15, Entry onto a construction site or into a locked building, dwelling or room.
- (42) Section 943.20(3)(a), Theft of property.
- (43) Section 943.21(3)(am), Fraud on innkeeper.
- (44) Section 943.22, Use of cheating tokens.
- (45) Section 943.23, Operating vehicle without owner's consent.
- (46) Section 943.34(1)(a), Receiving stolen property.
- (47) Section 943.37, Alteration of property identification marks.
- (48) Section 943.38(3), Forgery.
- (49) Section 943.41, Financial transaction card crimes.

- (50) Section 943.50(4)(a), Retail theft.
- (51) Section 943.55, Removal of shopping cart.
- (52) Section 944.15, Public fornication.
- (53) Section 944.17, Sexual gratification.
- (54) Section 944.20, Lewd and lascivious behavior.
- (55) Section 944.21, Obscene material or performance.
- (56) Section 944.23, Making lewd, obscene or indecent drawings.
- (57) Section 944.30, Prostitution.
- (58) Section 944.31, Patronizing prostitutes.
- (59) Section 944.33, Pandering.
- (60) Section 944.36, Solicitation of drinks prohibited.
- (61) Section 945.01, Definitions (relating to gambling).
- (62) Section 945.02, Gambling.
- (63) Section 945.04, Permitting premises to be used for commercial gambling.
- (64) Section 946.40, Refusing to aid officer.
- (65) Section 946.41, Resisting or obstructing officer.
- (66) Section 946.42(2), Escape.
- (67) Section 946.46, Encouraging violation of probation, extended supervision or parole.
- (68) Section 946.69, Falsely assuming to act as public officer or employee or a utility employee.
- (69) Section 946.70, Impersonating peace officers, fire fighters, or other emergency personnel.
- (70) Section 946.72(2), Tampering with public records and notices.
- (71) Section 947.01, Disorderly conduct.
- (72) Section 947.012, Unlawful use of telephone.
- (73) Section 947.013, Harassment.
- (74) Section 947.06, Unlawful assemblies and their suppression.
- (75) Section 948.01, Definitions (relating to crimes against children).
- (76) Section 948.09, Sexual intercourse with a child age 16 or older.
- (77) Section 948.10, Exposing genitals, pubic area, or intimate parts.

- (78) Section 948.11(1)(b), Exposing a child to harmful material.
- (79) Section 948.21, Neglecting a child.
- (80) Section 951.40, Contributing to the delinquency of a child.
- (81) Section 948.50, Strip search by school employee.
- (82) Section 948.51(3)(a), Hazing.
- (83) Section 948.60, Possession of a dangerous weapon by a person under 18.
- (84) Section 948.61(2)(a), Dangerous weapons other than firearms on school premises.
- (85) Section 948.63, Receiving property from a child.
- (86) Section 951.01, Definitions (relating to crimes against animals).
- (87) Section 951.015, Construction and application.
- (88) Section 951.02, Mistreating animals.
- (89) Section 951.03, Dognapping and catnapping.
- (90) Section 951.04, Leading animal from motor vehicle.
- (91) Section 951.05, Transportation of animals.
- (92) Section 951.06, Use of poisonous and controlled substances.
- (93) Section 951.07, Use of certain devices prohibited.
- (94) Section 951.08, Instigating fights between animals.
- (95) Section 951.09, Shooting at caged or staked animals.
- (96) Section 951.10, Sale of baby rabbits, chicks and other fowl.
- (97) Section 951.11, Artificially colored animals; sale.
- (98) Section 951.13, Providing proper food and drink to confined animals.
- (99) Section 951.14, Providing proper shelter.
- (100) Section 951.15, Abandoning animals.
- (101) Sections 961.571 through 961.576, Uniform Control Substances Act.

**§ 354-2 Obstructing streets and sidewalks prohibited.**

- A. Obstructing streets. No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such a manner as to:
- (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
  - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church,

public hall or meeting place; or

- (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- B. Obstructing sidewalk prohibited. No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- C. Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

#### **LOITER**

To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause, or remain in an area for no obvious reason.

#### **NUISANCE**

Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Campbellsport.

#### **OBSTRUCT**

To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.

#### **SIDEWALK**

Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

#### **§ 354-3 Loitering prohibited.**

- A. Public property loitering prohibited.
  - (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any police officer.
  - (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- B. Private property loitering prohibited.
  - (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls, without invitation from the owner or occupant or by any person in authority at such places.
  - (2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- C. Loitering or prowling prohibited. No person shall loiter or prowl in a place, at a time or in a manner not unusual 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 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.

D. Loitering by underage persons where alcohol beverage is dispensed.

(1) Underage persons and intoxicants. No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(2) Permitting loitering prohibited. No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.

E. Definitions. As used in this section, the terms "loiter" and "nuisance" shall be defined as provided in § 354-2C. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 354-4 **Disorderly conduct.**

A. Disorderly conduct prohibited. No person within the Village of Campbellsport shall:

(1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.

(2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation.

B. Defecating or urinating in public places. It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.

§ 354-5 **Unauthorized presence on school property.**

A. Unauthorized presence.

(1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him from attending any school located within the Village or any person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise "authorized person," shall be present within any school building or upon any school grounds without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.

(2) Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection A(1), shall be guilty of trespass.

(3) "Authorized person" shall include:

(a) Any person who is present at any school building or school grounds for the purpose previously

authorized by the school or their designee.

- (b) Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel.
- (c) Any person utilizing a designated area for attending an athletic or other organized school event.

B. Disorderly conduct on public school property.

- (1) No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (2) Nonstudents, students from schools other than the school on the property or students from a school who are not in compliance with the school system's published rules and regulations shall be considered in violation of this section. The published rules and regulations of the school system are incorporated as if fully set forth herein.
- (3) All entrances to the school buildings referred to in Subsection A shall be posted with a notice stating "Entry into School Building by Unauthorized Person Prohibited."
- (4) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a Village summons that regulates parking or may be towed away at the direction of the person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.

C. Loitering near school prohibited. No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the Village of Campbellsport or upon any School District grounds or within adjacent posted school zones on any day when such schools are in session.

D. Possession of intoxicating liquor and fermented malt beverages. No person shall possess intoxicating liquor or fermented malt beverages while on any school property.

E. Definitions. As used in this section, the terms "loiter" and "nuisance" shall be defined as provided in § 354-2C. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

**§ 354-6 Failure to obey lawful order.**

It shall be unlawful for any person to fail to obey the direction or order of a law enforcement officer while such police officer is acting in an official capacity in carrying out his or her duties.

**§ 354-7 Possession of controlled substances.**

- A. Controlled substances. It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 961 of the Wisconsin Statutes.
- B. Possession of marijuana. No person shall possess any amount of marijuana, tetrahydrocannabinols or any derivative thereof, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a licensed physician or pharmacist for a valid medical purpose.

**§ 354-8 Unlawful use of telephone.**

No person shall, within the limits of the Village, do the following:

- A. With intent to frighten, intimidate, threaten, abuse or harass, make a telephone call and threaten to inflict injury or physical harm to any person or the property of any person;
- B. With intent to frighten, intimidate, threaten, abuse, harass or offend, telephone another and use any obscene, lewd or profane language or suggest any lewd or lascivious act;
- C. Make or cause the telephone of another repeatedly to ring, with intent to harass any person at the called number;
- D. Make repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number;
- E. Make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to abuse, threaten or harass any person at the called number; or
- F. Knowingly permit any telephone under his control to be used for any purpose prohibited by this section.

**§ 354-9 Misuse of E911.**

- A. No person shall utilize the E911 emergency telephone number system for any purpose other than to report an emergency.
- B. It shall be unlawful to report an alleged emergency knowing that the actual situation which he or she reports does not exist.
- C. An "emergency" under this section exists when the person reasonably believes that immediate response by public safety personnel is essential due to the risk or actual occurrence of:
  - (1) Death or great bodily harm.
  - (2) Property damage.
  - (3) Any other situation which mandates the immediate response of public safety personnel.

**§ 354-10 Destruction of property prohibited.**

- A. Destruction of property. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Village and belonging to the Village or its departments, the School District or to any private person, without the consent of the owner or proper authority.
- B. Parental liability. The parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed \$5,000, except as otherwise provided in § 895.035, Wis. Stats. C. Unlawful removal of property. It shall be unlawful for any person to take and carry away the property of another without the owner's consent with the intention to do so.

**§ 354-11 Theft of library material.**

- A. Definitions. For the purposes of this section, certain words and terms are defined as follows:

**ARCHIVES**

A place in which public or institutional records are systematically preserved.

**LIBRARY**

Any public library, library of an educational or historical organization or society or museum, and specifically the public library within the Village of Campbellsport and school libraries.

## **LIBRARY MATERIAL**

Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics, belonging to, on loan to or otherwise in the custody of a library.

- B. Possession without consent prohibited. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library and/or Village Police Department, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.
- C. Concealment. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- D. Damaging material prohibited. No person shall mar, deface or in any other way damage or mutilate any library material.
- EF. Return demanded. No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the library.

### **§ 354-12 Damage to public property.**

- A. Damaging public property. No person shall climb any tree or pluck any flowers or fruit, wild or cultivated or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Village.
- B. Breaking of street lamps or windows. No person shall break glass in any street lamps or windows of any building owned or occupied by the Village.

### **§ 354-13 Retail theft.**

- A. Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without his consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection **D**.
- B. The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

C.If the value of the merchandise does not exceed \$100, any person violating this section shall be fined according to § Chapter 1, General Provisions, 1-4. If the value of the merchandise exceeds \$100, this section shall not apply and the matter shall be referred to the District Attorney for criminal

prosecution. § 354-14 Issuance of worthless checks.

- A. Whoever issues any check or other order for the payment of money, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this section.
- B. Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
  - (1) Proof that, at the time of issuance, the person did not have an account with the drawee; or
  - (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order; or
  - (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order.
- C. This section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.
- D. Any person violating any provisions of this section shall, upon conviction, pay forfeitures in accordance with the Village's Schedule of Forfeitures, together with the cost of the prosecution and restitution to the victim pursuant to § 943.24(5)(b) and (c), Wis. Stats., as amended, and § 800.093, Wis. Stats. as amended. Any person violating any provisions of this section shall be fined according to § Chapter 1, General Provisions, 1-4. § 354-15 Fraudulent return of merchandise.

It is a violation of this section for any person to return merchandise to a merchant for the purpose of claiming a cash refund or credit if the person deceives the merchant by doing any of the following:

- A. Represents that such person purchased the merchandise when the person did not purchase it;
- B. Represents that the merchandise was purchased from a particular merchant when it was not purchased from that merchant;
- C. Represents that the merchandise was purchased for a particular price when it was purchased for a lower price; or
- D. Gives the merchant a false name, address or telephone number.

§ 354-16 Violations and penalties.

A. Enforcement.

(1) Penalties. In addition to the general penalty of this Code in § 1-4 or any other penalty imposed for violation of any section of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violated § 354-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code shall prevent the Village Police Chief from referring violations of the provisions of this chapter or any chapter to the District Attorney's office in the interest of justice.

Effective Date. This Ordinance shall take effect immediately upon its adoption, approval, and publication. Adopted, recorded and approved this 18 day of February 2019.

David Krebs

David Krebs Village President

ATTEST:

Becky A. Tellier

Becky Tellier, Village Clerk

Campbellsport News Publication Date 2/28/2018