

The Town Board of the Town of Farmington does hereby ordain as follows:

Section 1.

PUBLIC PEACE AND GOOD ORDER ORDINANCE

9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE

The following statutes following the prefix "9" 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 Town provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture.

- 9.961.41(3g) Possession/Attempted Possession of Controlled Substances Prohibited
- 9.961.41(3g) Possession/Attempted Possession of Marijuana Prohibited
- 9.961.571 Definitions – Drug Paraphernalia
- 9.961.572 Determination – Drug Paraphernalia
- 9.961.573 Possession of Drug Paraphernalia
- 9.961.574 Manufacture or Delivery of Drug Paraphernalia
- 9.961.575 Delivery of Drug Paraphernalia to a Minor
- 9.167.32 Unsafe Conduct at Sporting Events
- 9.939.05 Parties to offense
- 9.939.22 Words and Phrases
- 9.940.19(1) Battery
- 9.940.32 Stalking
- 9.940.34 Duty to Aid Endangered Crime Victims
- 9.941.017 Graffiti Prohibited
- 9.941.10 Negligent Handling of Burning Materials
- 9.941.12 Interfering with Firefighting
- 9.941.13 False Alarms
- 9.941.20 Reckless Use of Weapons
- 9.941.23 Carrying Concealed Weapon
- 9.941.24 Possession of Switch Blade Knife
- 9.941.37 Obstructing Emergency Vehicles Prohibited
- 9.941.235 Carrying Firearm in Public Building
- 9.943.01(1) Criminal Damage to Property
- 9.943.13 Criminal Trespass to Land
- 9.943.14 Criminal Trespass to Dwellings
- 9.943.15 Entry Onto a Construction Site of Into a Locked Building, Dwelling or Room
- 9.943.20 Theft
- 9.943.21 Fraud on Hotel or Restaurant
- 9.943.24 Issue of Worthless Check
- 9.943.46 Theft of Cable Television Service
- 9.943.47 Theft of Satellite Cable Programming
- 9.943.50 Retail Theft

- 9.943.55 Removal of Shopping Cart
- 9.943.61 Theft of Library Material
- 9.944.20 Lewd and Lascivious Behavior
- 9.944.23 Making Lewd, Obscene or Indecent Drawings
- 9.945.01 Definitions Relating to Gambling
- 9.945.02 Gambling
- 9.945.04 Permitting Premises to be used for Commercial Gambling
- 9.946.40 Refusing to Aid Officer
- 9.946.41 Resisting or Obstructing Officer
- 9.947.01 Disorderly Conduct
- 9.947.012 Unlawful Use of Telephone
- 9.947.0125 Unlawful Use of Computerized Communication Systems
- 9.947.013 Harassment Prohibited
- 9.947.06 Unlawful Assemblies and Their Suppression
- 9.948.40 Contributing to the delinquency of a child
- 9.948.60 Possession of a Dangerous Weapon by a Child
- 9.948.61 Dangerous Weapons Other than Firearms on School Premises
- 9.951.02 Mistreating Animals

9.02 - 9.03 – [Reserved for future use]

9.04 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground, vehicle or other public place within the Town.

9.05 TRESPASS. It shall be unlawful for any person who enters upon the property of another to refuse to leave said property when requested to do so by the owner, or a person in charge on behalf of the owner, of said property. This offense shall include, but not be limited to, entry by persons upon the premises of any mercantile establishment, otherwise open to the public, where such person is requested to leave by the owner or a person in charge of such establishment.

9.06 OFFENSES BY PERSONS OF SCHOOL AGE.

(1) It shall be unlawful for any person under the age of 18 to be a habitual truant from school. This subsection is adopted pursuant to §118.163, Wis. Stats. Section 118.163, Wis. Stats., is hereby incorporated herein and adopted by reference. Any one or more dispositional alternatives set forth in §118.163(2)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (2m) are available to the Court.

(2) It shall be unlawful for any person under the age of 18 to be truant from his home without the consent of his parent or guardian having legal custody.

(3) It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Ch. 961, Wis. Stats.

(4) It shall be unlawful for any person enrolled as a student in any public or parochial school to violate any school rule, a violation of which could result in suspension or expulsion from school.

9.61 CONTRIBUTING TO TRUANCY OF SCHOOL AGE PERSON PROHIBITED

(1) Except as provided in sub. (2) below, it shall be unlawful for any person 17 years of age or older to, by any act or omission, knowingly encourage or contribute to the truancy, as defined in §118.16(l)(c), Wis. Stats., of a person 17 years of age or under.

(2) Subsection (1) above does not apply to a person who has under his control a child who has been sanctioned under §49.26(1)(h), Wis. Stats., relating to the State's learnfare program.

9.07 OFFENSES UPON SCHOOL PROPERTY.

(1) Unauthorized Presence and Disorderly Conduct on School Property Prohibited (a) It shall be unlawful for any student who is under suspension, expulsion or other discipline excluding him from attending any school located within the Town or for any person not a student presently enrolled to attend such schools or not an employee of such schools or not a parent or guardian of a student so enrolled or not an otherwise "authorized person," to be present within any school building or upon any school grounds under the jurisdiction of such schools 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

b) "Authorized person" shall include:

1. Any person who is present at any school building or school grounds for any purpose previously authorized by the school or its designee.
2. Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel.
3. Any person utilizing a designated area for attending an athletic or other organized school event.

(c) No person shall, in or on any school property or building located within the Town, engage in violent, abusive, indecent, profane, boisterous, unreasonable, loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person, nor shall such person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

(d) Nonstudents, students from schools other than the school on the property or students from a school who are not in compliance with the published rules and regulations of the particular school shall be considered in violation of this subsection, said published rules and regulations of the particular school being incorporated herein as if fully set forth herein.

(e) All entrances to the school buildings referred to in par. (a) above shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited."

(f) Unauthorized presence shall include any vehicle that is found on school property which has not received permission to be there or whose occupants or owners are not on school property for some legitimate business or activity or which vehicle is parked in an area that regulates parking to certain authorized vehicles. Such vehicle may be issued a Town summons that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. A law enforcement officer may also have any vehicle towed away which, because of its location, creates a hazard to life or property.

(g) No person shall use any tobacco products, or material that can be smoked, within any school building or upon any school grounds or property owned by the Waupaca School District or in any vehicle used for school purposes.

(2) It shall be unlawful for any person to bring, or cause to be brought, upon school property any intoxicating liquor, fermented malt beverage or controlled substance as defined in Ch. 961, Wis. Stats., except and unless with the express written consent of the school principal.

9.08 - 9.09 – [Reserved for future use]

9.10 LOUD AND UNNECESSARY NOISE PROHIBITED. No person shall make, or cause to be made, any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

9.11 LOITERING PROHIBITED

(1) 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 the appearance of a law enforcement 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 law enforcement 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 section if the law enforcement 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 law enforcement officer at the time, would have dispelled the alarm.

(2) OBSTRUCTION OF TRAFFIC BY LOITERING. No person shall loiter upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the Town in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, alleys, sidewalks, street crossings or bridges or other public places by persons passing along and over the same. It shall be a violation of this section for a person to refuse to discontinue such loitering after a request to do so by a law enforcement officer.

(3) OBSTRUCTION OF ENTRYWAYS BY LOITERING. No person shall loiter upon the public streets, private driveways or sidewalks or in adjacent doorways or entrances so as to obstruct the free entry of persons to the adjacent property, driveways or other entrances to such property. It shall be a violation of this section for a person to refuse to discontinue such loitering after being requested to do so by a law enforcement officer.

(4) LOITERING IN PLACES OF PUBLIC ASSEMBLY OR USE. No person shall, by loitering, interfere with the free use of any place of public assembly or public use by others using such place of public assembly. It shall be a violation of this section for a person to refuse to discontinue such loitering after a request to do so by a law enforcement officer or by the person in charge of the place of public assembly.

(5) LOITERING ON PRIVATE PREMISES WITHOUT INVITATION. No person shall loiter on private premises without invitation from the owner or occupant. It shall be a violation of this section for a person to refuse to discontinue such loitering after being requested to do so by a law enforcement officer or by the owner or occupant.

(6) LOITERING IN OR ABOUT SCHOOLS PROHIBITED. No person in official attendance at any school and assigned to a specific class, classroom, room, study hall or any other designated place shall congregate, loiter, wander, stroll, stand or play in any school building or hallway other than the areas to which he is assigned or on any school premises or in or about any area adjacent thereto in the Town without having in his possession written permission from the administrative staff of that school or their designated representative.

(7) LOITERING NEAR SCHOOLS DURING SCHOOL HOURS PROHIBITED. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in any school building or on any school premises in the Town or in or about any area adjacent thereto.

(a) Adjacent thereto means, for purposes of this section, next door, across the street or any area where visibility is unimpaired from the school property when visibility is the purpose of the loitering.

(b) This subsection and sub. (6) above are effective from 7:30 A.M. to 3:30 P.M. Monday through Friday during the school term.

(8) DEFINITION. "Loitering" means remaining idle in essentially one location and shall include the concept of spending time idly, to be dilatory, to linger aimlessly, to stay, to saunter, to delay or to stand around, and shall also include the colloquial expression "hanging around."

9.12 LITTERING PROHIBITED. No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Town or upon any private property or upon the surface of any body of water within the Town.

9.13-9.20 – [Reserved for future use]

9.21 UNIFORM CITATION METHOD ADOPTED

(1) CREATION. Pursuant to §66.119, Wis. Stats., the Town hereby elects to use the citation method of enforcement of ordinances including those for which a statutory counterpart exists.

(2) CITATION. The citation shall contain the following:

- (a) The name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance or the municipal code violated.
- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court
- (g) A statement which, in essence, informs the alleged violator, as follows:
 - 1. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.
 - 2. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.
 - 3. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a

forfeiture and a penalty assessment imposed by §165.87, Wis. Stats., the jail assessment imposed by §302.46(1) Wis. Stats., any other applicable fees or assessments, not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons shall be issued demanding him to appear in court to answer the complaint.

4. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and any assessment or fee imposed by law.

(h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (g) above has been read. Such statement shall be sent or brought with the cash deposit.

(i) Such other information as may be deemed necessary.

(3) DEPOSITS.

(a) Each citation issued under this section, except those to which par. (d) below applies, shall specify a cash deposit, which consists of the appropriate forfeiture, any applicable assessments and court costs.

(b) Deposits shall be made in cash, money order or check to the County Clerk of Courts, who shall provide a receipt therefor.

(c) The assessments and fees imposed by law, shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which State law controls or for ordinances involving nonmoving traffic violations.

(d) The deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed the maximum penalties provided in Chs. 48 or 938, Wis. Stats., plus the assessments imposed by law, except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.

(4) DEPOSIT SCHEDULE. Every law enforcement officer issuing a citation for any violation of this Ordinance shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the Town Bond Schedule and the Wisconsin Judicial Council Bond Schedule which are hereby adopted by reference.

(5) ISSUANCE OF CITATION. Any law enforcement officer may issue citations authorized under this section.

(6) NONEXCLUSIVITY.

(a) Other Ordinances. Adoption of this section does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(b) Other Remedies. The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

**9.22 POSSESSION OR USE OF TOBACCO PRODUCTS PROHIBITED;
PENALTIES**

(1) In this section:

- (a) "Cigarette" has the meaning given in §139.30(1), Wis. Stats.
- (b) "Law enforcement officer" has the meaning given in §30.50(45), Wis. Stats.
- (c) "Tobacco products" has the meaning given in §139.75(12), Wis. Stats.
- (d) "Child" means a person who is less than 18 years of age.

(2) Except as provided in sub. (3) below, no child may do any of the following:

- (a) Buy or attempt to buy any cigarette or tobacco product.
- (b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
- (c) Possess any cigarette or tobacco product.

(3) A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under §134.65(1), Wis. Stats.

(4) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of this section committed in his or her presence.

(5) PENALTY. Any child who commits a violation of this section is subject to a forfeiture of not more than \$25.

9.23 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS

(1) STATUTES ADOPTED. Section 134.66, Wis. Stats., Restrictions on Sale or Gift of Cigarettes or Tobacco Products., is adopted by reference and made a part of this chapter.

(2) RESTRICTIONS. No retailer may sell or give cigarettes or tobacco products to any person under the age of 18, except as provided in sec. 9.22(3) of this chapter.

(3) PENALTY. A person who commits a violation of this section is subject to the penalties in §134.66 (4). Wis. Stats.

**9.24 UNIFORM CITATION METHOD ADOPTED:
ALCOHOL/TOBACO/HARASSMENT/SPORTING EVENT SAFETY/TRESPASS TO LAND VIOLATION**

(1) CREATION. Pursuant to §778.25 and 778.26, Wis. Stats., the Town hereby elects to use the citation method of enforcement of ordinances in actions to recover a forfeiture for the following:

VIOLATION

SECTION NO.

9.125.07(4)(a)	Underage Drinking Violations/Procures or Attempts to Procure Alcohol Beverages
9.125.07(4)(b)	Underage Drinking Violations/Possesses or Consumes Alcohol Beverages
9.125.085(3)(b)	Identification Card Violations
9.125.09(2)	Possession of Alcohol Beverages on School Grounds Prohibited
9.167.32	Body Passing, Object Passing, etc./ Sporting Event Safety
Sec. 9.22 of this chapter (adopting by reference §938.983, Wis. Stats.)	Underage Tobacco Violations
9.943.13	Trespass to Land
9.947.013(lm)	Harass or Intimidate Another Person Intentionally
9.961.573(2)	Possession of Drug Paraphernalia by Minor
9.961.574(2)	Manufacture/Delivery of Drug Paraphernalia by Minor
9.961.575(2)	Delivery of Drug Paraphernalia to a Minor

(2) ADOPTION OF STATE STATUTES BY REFERENCE. All of the above ordinances adopt by reference the State Statute which follows the prefix '9.' The above ordinances shall strictly conform to the State Statutes.

(3) MINORS. If a citation is issued to a minor, the issuing agency shall, within 7 days, mail or deliver a copy of the citation to the child's parent or guardian.

(4) PENALTY. A person who commits a violation of any section in sub.(1) above, controlled by this citation procedure, shall be subject to the forfeitures as set forth in the respective State Statutes which are adopted by reference. Any person who violates any provisions of this section for which a specific penalty is not provided shall be subject to a penalty as provided in §9.24 of this ordinance.

(5) DEPOSIT. A citation issued under this section shall contain a provision allowing for a deposit and stipulation in lieu of a court appearance. The amount of money for the deposit shall be determined using the current deposit schedule established by the Wisconsin Judicial Conference and the Town Bond Schedule.

9.24 Penalty Provisions

(1) GENERAL PENALTY. Any person who shall violate any of the provisions of this ordinance shall, upon conviction of such violation, be subject to a forfeiture of not less than \$10.00 nor more than \$500.00 together with the costs of prosecution, court costs, and any assessments imposed by law.

(2) Restitution. To the extent authorized by State law, any person who violates an ordinance which results in damage to the property of another or physical injury to a person, shall make restitution as ordered by the court.

(3) Penalty for Minors. Costs or assessments against a child under 14 years of age shall not be assessed. The court may assess costs against a child 14 years of age or older. The court may impose a forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing that violation or if the violation is only applicable to a person under 18 years of age, \$50.00.

Section 2. This Ordinance shall take effect upon passage and publication according to

TOWN OF FARMINGTON

by Donald Fabricius
Donald Fabricius, Chairman

by E. Engbretsen
Eugene Engbretsen, Supervisor

by Dale Trinrud
Dale Trinrud, Supervisor

Approved: 6-19, 2000

Adopted: 6-19, 2000

Published: 6-29, 2000

ATTEST:

Ruth Ann Olinger
Ruth Olinger, Town Clerk