



boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.

**9.03 Loud and Unnecessary Noise Prohibited.**

(a) No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.

(b) Unnecessary Vehicle Noise. No person shall make or cause to be made unnecessary and annoying noises with a motor vehicle. Unnecessary and annoying noises include without limitation: squealing or spinning of tires; excessive acceleration or revving of engine; emitting loud and unnecessary muffler noises; unnecessary horn blowing; or by suffering or permitting his or her unattended motor vehicle's audio alarm to be activated without evidence of any tampering with the doors, locks, windows or any other part of the motor vehicle. *[History: rev. 2005-3A;]*

(c) HOWLING OR BARKING DOGS. (i) No person shall keep or harbor a dog that howls or barks continually, without provocation, if the howling or barking is audible beyond the property line of the premises on which the dog is located, and the howling or barking tends to unreasonably disturb the peace and quiet of persons in the vicinity thereof.

(ii) Guide dogs, hearing dogs, service dogs and police dogs shall be exempt while serving in the capacity for which they are trained.

(iii) In addition to other action taken, animal control officers or law enforcement officers may enter the yard and may seize any such dog from the premises where the violation is occurring if the officer is unable to contact the owner or if the owner is unable or unwilling to take action to stop the howling or barking.

**9.04 Lewd and Lascivious Behavior.** No person shall do any of the following:

(a) Commit an indecent act of sexual gratification with another with knowledge that they are in the presence of others; or

(b) Publicly and indecently expose genitals or pubic area.

(c) Subsection (b) does not apply to a mother's breast-feeding of her child.

**9.05 Unlawful Use of Telephone. (1)** No person shall do any of the following:

(a) Telephone another and use any obscene, lewd or profane language or suggest any lewd or lascivious act.

(b) Make or cause the telephone of another repeatedly to ring, with intent to harass any person at the called number.

(c) Make repeated telephone calls, whether or not conversation ensues, with intent to harass any person at the called number.

(d) Make a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to harass any person at the called number.

(e) Permit any telephone under his or her control to be used for any purpose prohibited by this section.

**(2) MISUSE OF EMERGENCY TELEPHONE NUMBERS.** No person shall: (a) Intentionally dial the emergency telephone number "911" or any of the secondary emergency numbers "715-479-4441" or "800-472-7290" to report an emergency, knowing that the fact situation which he or she reports does not exist.

(b) Intentionally dial the emergency telephone number "911" for the purposes of communication not relating to the reporting of an actual emergency.

(c) Intentionally dial the emergency telephone number "911" and hang up, knowing that no emergency situation exists.

**(3) RESPONSIBILITY OF PARENTS.** No parent, guardian or other adult person having the care and custody of a person under the age of 18 years shall permit or by insufficient control allow such persons to violate (1) or (2) of this section. *[History: rev. 2005-3A;]*

**9.06 School Attendance Enforcement. (1)** COMPULSORY SCHOOL ATTENDANCE.

(a) Except as otherwise exempted by law, and unless the child is excused or has graduated from high school, all children who are between the ages of six (6) and eighteen (18) years shall attend school regularly during the full period and hours, religious holidays excepted, that the

public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child reaches the age of eighteen (18) years. Any child who is not regularly attending school as required may be proceeded against as provided in subsection (4).

(b) Any child subject to subsection (a) is prohibited from being a truant and/or a habitual truant as defined herein.

**(2) DEFINITIONS.** In this section:

(a) *Dropout* means a child who ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under §118.15, Wis. Stats.

(b) *Habitual Truant* means a pupil who is absent from school without an acceptable excuse as set forth in the school's attendance policy and §118.16, Stats., or its successor statutes, for part or all of five (5) or more days on which school is held during a school semester.

(c) *School Attendance Officer* means an employee specifically designated by the school board to deal with matters relating to school attendance and truancy.

(d) *Truancy* means any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the absent pupil's parent or guardian, and also means intermittent attendance carried on for the purpose of defeating the intent of this section and/or state statutes.

(e) *Truant* means a pupil who is absent from school without an acceptable excuse under §118.15 and §118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.

**(3) HABITUAL TRUANCIES: SCHOOL RESPONSIBILITIES.** Prior to any habitual truancy proceeding being brought against a child under this section, the school attendance officer shall provide evidence that appropriate school personnel in the school or school district in which the child is enrolled have, within the school year during which the truancy occurred, completed the following (unless evidence is provided that these steps were not completed because school personnel were unable to carry

out the activity due to the child's absences from school):

(a) Met with the child's parent or guardian to discuss the child's truancy or have attempted to meet with the child's parent or guardian and been refused or received no response.

(b) Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and have considered curriculum modifications under §118.15(1)(d), Stats.

(c) Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken steps to overcome the learning problems. Such testing is not necessary if the child has been tested within the previous year and those tests indicate that the child is performing at his/her grade level.

(d) Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate actions or made appropriate referrals.

**(4) ISSUANCE OF CITATION.**

(a) Simple Truancy. The school attendance officer or law enforcement may issue a simple truancy citation to any pupil who is absent from school without an acceptable excuse under Wis. Stat. §118.15 and §118.16(4) for part or all of any day on which school is held during a school semester. Issuance of a citation under this subsection does not preclude concurrent prosecution of the pupil's parent or guardian under Wis. Stat. §118.15(5).

(i) In lieu of appearing in court, a pupil and parent or guardian may mail into the Clerk of Juvenile Court the forfeiture sum. If the student appears and contests the citation, a trial will be held.

(b) Habitual Truancy. Following receipt of evidence that a child has violated subsection (1)(b) and that activities under subsection (3) have been completed, the school attendance officer or a law enforcement officer may issue a citation to any child who continues to be truant, such citation to be heard in Vilas County Juvenile Court. Issuance of a citation under this subsection does not preclude concurrent prosecution of the child's parent or guardian under Wis. Stats. §118.15(5).

**(5) DISPOSITION.**

(a) Simple Truancy. If the Court determines that a child has been truant, it shall enter an order as follows:

(i) For the first violation, a forfeiture up to \$50.00 without costs shall be assessed.

(ii) For the second or any subsequent violation within 12 months of a previous violation, a forfeiture up to \$100.00 without costs shall be assessed. Subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester.

(iii) All or part of the forfeiture may be assessed against the pupil, the parents or guardian of the pupil or both.

(b) Habitual Truants. If the Court determines that a child has been habitually truant, it shall enter an order making one or more of the following dispositions:

(i) Order the child to attend school or an educational program under §938.34(7d), Stats., or its successor statute(s).

(ii) Suspend the child's operating privileges, as defined in §340.01(40), Stats., or its successor statute(s), for not less than thirty (30) days nor more than one year. The Court shall immediately take possession of the suspended license and forward it to the Department of Transportation together with a notice stating the reason for and duration of the suspension.

(iii) Order the child to participate in counseling, community service or a supervised work program under §938.34(5g), Stats., or its successor statute(s). The costs of any such counseling, supervised work program, or other community service work may be assessed against the person, the parent or guardian of the person, or both.

(iv) Order the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.

(v) Order the Department of Industry, Labor and Industrial Relations (DILHR) to revoke, under §103.72, Wis. Stats., a permit authorizing the employment of the child.

(vi) Order the child to participate in a teen court, but only if all of the following conditions apply:

1. A teen court program has been established and approved by the chief judge of the judicial administrative district and the Court determines that participation in the program will benefit the child and the community.

2. The child admits or pleads no contest in open court, with the child's parent or guardian present, to the allegations that the child violated this section.

3. The child has not successfully completed participation in a teen court program during the two (2) years prior to the date of the alleged violation.

(vii) Order the child's parent or guardian to participate in counseling at the parent's or guardian's expense or to attend school with the person, or both. The parent or guardian has a right to be heard on this matter pursuant to the procedure set forth in §938.342(1m)(b), Stats., or its successor statute(s). Any failure to comply with such an order can be proceeded against for contempt of court.

(viii) A forfeiture of not more than \$500.00 plus costs, subject to §938.37, Stats., or its successor statute(s). All or part of the forfeiture plus costs may be assessed against the person, the parent(s) or guardian of the person, or both.

(ix) Place the person under formal or informal supervision, as described in §938.34(2), Stats., or its successor statute(s), for up to one year.

(x) Any other reasonable conditions consistent with this section, including but not limited to a curfew, restrictions as to going to or remaining on specified premises, and restrictions on associating with other children or adults.

(xi) Order the child to report to a youth report center after school, in the evening, on weekends, on other non-school days, if the juvenile intake worker confirms that funding is available to allow the child to participate in the program.

**(6) SANCTIONS.** A child who has been found to have violated this ordinance and who subsequently violates the Court's dispositional order may be sanctioned in accordance with §938.355(6m), Stats., or its successor statute(s),

including being placed in secure detention for not more than ten (10) days for each violation of the dispositional order.

(7) **DISPOSITION; DROPOUTS.** If the Court determines that a child has dropped out of school, it shall enter an order making one or more of the following dispositions:

(a) Except as provided in paragraph (b), if the child is at least sixteen (16) years of age, and if the Court finds that the child is a dropout, the Court shall enter an order suspending the child's operating privilege, as defined in §340.01(40), Stats., until the child reaches the age of 18.

(b) The Court may enter an order making any of the dispositions specified under subsection (5) if either the child has not reached the age of sixteen (16) years or the Court finds that suspension of the child's operating privilege until the child reaches the age of eighteen (18) years would cause an undue hardship to the child or the child's family.

(8) **STATE ENABLING LAW.** Any changes to §118.163(2) or (2m) [municipal truancy and school dropout ordinances], §938.42 [dispositions; truancy and school dropout ordinance violations], §118.15(1) [compulsory school attendance], §118.16 [school attendance enforcement], or any other Wisconsin Statutes which would act to alter any of the requirements, responsibilities, definitions, dispositions, or other language of this section shall thereby operate to automatically amend this section to the extent necessary to comply with state law. [History: rev. 1999-3A; 2015-01]

**9.07 Regulation of Fireworks.** (1) *Statutory offenses adopted.* The provisions of Section 167.10 of the Wisconsin Statutes and any subsequent amendments thereto are adopted. Any act required to be performed under the statute is required by this ordinance, and any act prohibited by the statute is prohibited by this ordinance.

(2) *Penalty.* Any person violating subsection 9.07(1) shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00, plus court costs and the cost of prosecution, and in default of payment thereof shall be imprisoned in the Vilas County Jail until the forfeiture and costs are paid but not to exceed 90 days.

(3) *Fireworks Use/Displays Prohibited.*

(a) No person shall use and/or display fireworks during a High Fire Danger period as Vilas County General Code of Ordinances

declared by the Wisconsin Department of Natural Resources, except use and display by a commercial entity in conjunction with a municipally-sponsored event.

(b) No person shall use and/or display fireworks during the hours of 11:00 p.m. and 7:00 a.m.

(4) This section does not apply and may not be enforced within any town, city or village in Vilas County that has adopted or adopts an ordinance in conformity with Wis. Stats. §167.10.

**9.08 Possession of Marijuana.** (1) It is unlawful for any person to possess or attempt to possess twenty-five (25) grams or less of marijuana, as defined in §961.01(14), Stats., unless it was obtained directly from, or pursuant to a valid prescription or order of, a Wisconsin licensed medical practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 961, Wis. Stats.

(2) Any person found guilty of violating this section shall be subject to a forfeiture of not less than \$100.00 nor more than \$5,000.00, plus the costs of prosecution.

(3) Any person previously convicted in the State of Wisconsin for possession of marijuana shall not be prosecuted under this section.

**9.09 Drug Paraphernalia.** (1) *DECLARATION.* It is hereby found and determined that the illegal use of controlled substances is harmful to the health, safety and welfare of individuals and society as a whole. By marketing and selling certain devices and instruments designed for the consumption of controlled substances, the drug paraphernalia industry facilitates and glamorizes illegal substance use and abuse. The illegal use and abuse of controlled substances inevitably leads to further criminal behavior which substantially affects the public peace and good order of Vilas County and its citizens.

(2) *DEFINITIONS.* The following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning and includes the meanings expressly referred to in various chapters of the Wisconsin Statutes:

(a) *Consuming a Controlled Substance* includes, for the purpose of this section, the

planting, propagating, cultivating, growing or harvesting, manufacturing, compounding, converting, producing, processing, comparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of Chapter 961, Wis. Stats.

(b) *Controlled Substance* means any substance named or described in Schedules I through V of the Uniform Controlled Substances Act found in Ch. 961, Wis. Stats.

(c) *Controlled Substance Analog* has the meaning set forth in §961.01(4m), Wis. Stats.

(d) *Personal Possession* means the holding, storing or keeping of a substance or item in a place under the dominion or control of a person. It need not be shown that the person had sole or exclusive possession.

**(3) OFFENSES.** (a) No person shall have in their personal possession any device or instrumentality intended, designed or adapted for use in consuming a controlled substance with intent to use such device or instrumentality for consumption of a controlled substance.

(b) No person shall sell or deliver any device or instrumentality intended, designed or adapted for use in consuming a controlled substance with the knowledge or intent at the time of the sale or delivery that the device or instrumentality be used for the purposes of consuming a controlled substance.

**(4) PROCEDURE TO DETERMINE INTENTION OR DESIGN OF DEVICE OR INSTRUMENTALITY.** In attempting to determine whether or not an object is intended, designed or adapted for use of consuming a controlled substance, a person, court, or any other authority should consider, in addition to all other logically relevant factors, the following enumeration of devices or instrumentalities of which are commonly involved with the consuming of controlled substances:

(a) Kits or items used, intended or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plants which is a controlled substance or from which a controlled substance can be derived.

(b) Kits or items used, intended or designed for use in manufacturing, compounding, converting, producing, processing or preparing

controlled substances or controlled substance analogs.

(c) Devices used, intended or designed for use in increasing the potency of any species of plant which is a controlled substance.

(d) Testing equipment used, intended or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances or controlled substance analogs.

(e) Scales and balances used, intended or designed for use in weighing or measuring controlled substances or controlled substance analogs.

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended or designed for use in the cutting or processing of controlled substances or controlled substance analogs.

(g) Separation gins or sifters used, intended or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.

(h) Blenders, bowls, containers, spoons and mixing devices used, intended or designed for use in compounding controlled substances or controlled substance analogs.

(j) Capsules, balloons, baggies, envelopes and other containers used, intended or designed for use in packaging small quantities of controlled substances or controlled substance analogs.

(k) Containers and other objects used, intended or designed for use in storing or concealing controlled substances or controlled substance analogs.

(m) Hypodermic syringes, needles and other objects used, intended or designed for use in parenterally injecting controlled substances or controlled substance analogs into the human body.

(n) Objects used, intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including but not limited to the devices listed in §961.571(1), Wis. Stats.

**(5) CIVIL FORFEITURE.** Any vessel, vehicle, aircraft, device or instrumentality which is found to have been intended, designated or adapted for the use of consuming a controlled substance and which is subject to forfeiture under §961.55, Wis. Stats., and which has been or is being used in

violation of this section may be seized and forfeited as provided in §961.55, Stats.

(6) PENALTY. A person found guilty of violating this section shall pay a forfeiture of not less than \$100.00 nor more than \$5,000.00 plus the costs of prosecution.

**9.10 Adult Entertainer Registration. (1) DEFINITIONS.** In this section:

(a) An *adult entertainment establishment* is any business establishment where presentations, performances, or displays which include nude or nearly nude activity takes place.

(b) An *adult entertainer* is any person working or performing at an adult entertainment establishment who engages in any nude or nearly nude activity.

(2) AGE LIMITATION. No person under the age of 18 years shall be permitted to work as an adult entertainer.

(3) KEEPING RECORDS FOR ADULT ENTERTAINERS. An adult entertainment establishment shall keep records on the premises of their establishment showing the name, local address, permanent address, telephone number(s), and proof of age of all adult entertainers performing or working in the establishment. Such records shall be kept for one (1) year after an adult entertainer's employment ends at the establishment.

(4) LAW ENFORCEMENT ACCESS TO RECORDS. Upon any reasonable request, the owner or operator of an adult entertainment establishment shall allow the Vilas County Sheriff's Department or other law enforcement agency to view or access the records which are required to be kept by section (3) above.

(5) PENALTY. Any person or business establishment, or both, who violates the terms of this section shall be subject to a forfeiture of up to \$500.00, each, per occurrence.

[History: cr. 2000-3A; rev.2000-5A; rev. 2000-8A]

**9.11 Littering. (1) DEFINITIONS.**

(a) *Cover* shall mean tarp, canvas, netting or any other material which when properly used and secured, will prevent blowing, bouncing, falling or spilling of solid waste or recyclables, including solid waste or recyclables in bags.

(b) *Recyclables* includes but is not limited to the materials listed in §1.10(20) of the Vilas County Recycling Ordinance (Ordinance 94-1A, as amended).

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(c) *Solid Waste* includes but is not limited to glass, refuse, filth, cigarette butts and other litter.

**(2) PROHIBITED ACTIVITIES.**

(a) No person shall dump, deposit, discharge or cause to be deposited or discharged any solid waste or recyclables on or along any highway, in any waters of the County, on the ice of any waters of the County or on any other public or private property in the County.

(b) No person shall litter or permit to be thrown or deposited from a vehicle any type of solid waste or recyclables.

(c) No person shall transport solid waste or recyclables within the County without providing covers secured to prevent blowing, bouncing, falling or spilling of solid waste or recyclables. Actual spillage of solid waste or recyclables is not necessary to constitute a violation of this section.

(3) PENALTIES FOR VIOLATIONS. (a) Any person who violates this section shall forfeit not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each such violation.

(b) Any person who violates this section for the second offense within a twelve month period from the date of issuance of a first citation for a like offense shall forfeit not less than \$100.00 nor more than \$300.00.

(c) Any person who violates this section for the third and subsequent offenses within a twelve month period from the date of issuance of a first citation for a like offense shall forfeit not less than \$200.00 nor more than \$400.00.

(4) PENALTY PROVISIONS. §25.04(4)(a) 4. The Highway G Landfill Manager shall have enforcement authority for violation(s) of §9.11.

**9.12 Retail Theft.** (a) No person shall alter indicia of price or value of merchandise or take and carry away, transfer, conceal or retain possession of merchandise held for resale by a merchant or property of the merchant without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise.

(b) In this section, "merchant" and "value of merchandise" have the meanings specified in §943.50, Stats.

(c) The intentional concealment of unpurchased merchandise which continues from

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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 for the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

(d) In any action or proceeding for violation of this section, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

(e) In any action or proceeding for violation of this section, a judge may order a violator to make restitution under §800.093, Stats.

### 9.13 Theft of Library Material.

#### (1) DEFINITIONS.

(a) *Archives* means a place in which public or institutional records are systematically preserved.

(b) *Library* means any public library; library of an educational, historical or charitable institution, organization or society; archives; or museum.

(c) *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, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

(2) 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 penalized as provided in §25.04 of this Code.

(3) The retention of library material beyond the time and/or date set for its return in accordance with the library's borrowing procedures is

evidence of intent to deprive the library possession of the material.

(4) 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 the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

(5) An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose for the detention and be permitted to make phone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the official, agent or employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty. [History: cr. 99-1A;]

**9.14 Forgery.** No person shall do any of the following:

(a) Falsely make or alter any object so that it appears to have value because of antiquity, rarity, source or authorship which it does not possess; or possesses any such object knowing it to have been thus falsely made or altered and with intent to transfer it as original and genuine, by sale or for security purposes; or

(b) Falsely make or alter any writing of a kind commonly relied upon for the purpose of identification or recommendation; or

(c) Without consent, place upon any merchandise an identifying label or stamp which is or purports to be that of another craftsman, tradesman, packer or manufacturer.



**9.15 Issue of Worthless Check. (1)** No person shall issue any check or other order for the payment of money which, at the time of issuance, he or she intends shall not be paid.

**(2)** Any of the following is prima facie evidence that the person, at the time he or she issued the check or other order for the payment of money, intended it should not be paid:

(a) Proof that, at the time of issuance, the person did not have an account with the drawee; or

(b) 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 5 days after receiving notice of nonpayment or dishonor to pay the check or other order; or

(c) 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 5 days after receiving notice of nonpayment or dishonor to pay the check or other order.

**(3)** This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

**(4)** In actions concerning violations of this section, a judge may order a violator to make restitution under §800.093, Stats.

**(5)** Any person who incurs pecuniary loss, including any holder in due course of a check or order, may bring a civil action pursuant to §943.245, Stats., against any adult or emancipated minor who issued a check or order in violation of this section. Nothing in this section precludes a plaintiff from bringing the action as a small claims action if the amount claimed is within the jurisdictional limits of §799.01(1)(d), Stats.

**9.16 Fraud on Hotel or Restaurant Keeper.**

**(1)** No person shall:

(a) Having obtained any food, lodging or other service or accommodation at any restaurant, campground, hotel, motel, or other lodging accommodation, intentionally abscond without paying for it.

(b) While a guest at any restaurant, campground, hotel, motel or other lodging accommodation, intentionally defraud the keeper thereof in any transaction arising out of the relationship as guest.

**(2)** Under this section, prima facie evidence of an intent to defraud is shown by:

(a) The refusal of payment upon presentation when due and the return unpaid of any bank check or order for the payment of money given by any guest to any restaurant, campground, hotel, motel or any other lodging accommodation in payment of any obligation arising out of the relationship as guest. Those facts also constitute prima facie evidence of an intent to abscond without payment.

(b) The failure or refusal of any guest at a restaurant, campground, hotel, motel, or other lodging accommodation to pay, upon written demand, the established charge for food, lodging or other service or accommodation actually rendered.

(c) The giving of false information on a lodging registration form or the presenting of false or fictitious credentials for the purpose of obtaining lodging or credit.

**9.17 Damage to Property. (1)** No one shall intentionally cause damage to any physical property of another without the person's consent.

**(2)** This section only applies to offenses where the total property damaged in violation of sub. (1) is reduced in value by less than \$500.00. For the purposes of this paragraph, property is reduced in value by the amount which it would cost either to repair or replace it, whichever is less.

**(3)** If more than one item of property is damaged under a single intent and design, the damage to all the property may be prosecuted as a single forfeiture offense.

**(4)** In any case of unlawful damage involving more than one act of unlawful damage but prosecuted as a single forfeiture offense or crime, it is sufficient to allege generally that unlawful damage to property was committed between certain dates. In any action or proceeding for violation of this section, evidence may be given of any such unlawful damage that was committed on or between the dates alleged.

**9.18 Trespass to Land. (1)** No person shall do any of the following:

(a) Enter the land of another without the express or implied consent of the owner or occupant. "Implied consent" means conduct or

words or both that imply that an owner or occupant of land has given consent to another person to enter the land.

(b) Enter or remain on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

(2) In determining whether a person has implied consent to enter the land of another, a trier of fact shall consider all of the circumstances existing at the time the person entered the land, including all of the following:

(a) Whether the owner or occupant acquiesced to previous entries by the person or by other persons under similar circumstances.

(b) The customary use, if any, of the land by other persons.

(c) Whether the owner or occupant represented to the public that the land may be entered for particular purposes.

(d) The general arrangement or design of any improvements or structures on the land.

(3) A person has received notice from the owner or occupant within the meaning of sub. (1)(a) or (b) if he or she has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted if it meets any of the criteria set forth in §943.13, Stats.

(4) An owner or occupant may give express consent to enter or remain on the land for a specified purpose or subject to specified conditions and it is a violation of sub. (1)(a) or (b) for a person who received that consent to enter or remain on the land for another purpose or contrary to the specified conditions. *[History: rev. 2005-3A]*

**9.19 Fair and Open Housing.** (1) The County of Vilas hereby adopts Section 106.50, Wisconsin Statutes, Open Housing, as amended, and all subsequent amendments thereto.

(2) The officials and employees of the County of Vilas shall assist in the orderly prevention and removal of all discrimination in housing within the County of Vilas by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

(3) The County Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the County of Vilas to file a complaint thereunder

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with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

**9.20 Contributing to Truancy.** (1) Except as provided in subsection (2) below, no person 18 years of age or older shall, by act or omission, knowingly encourage or contribute to the truancy, as defined under Wis. Stat. section 118.16, of a person subject to school attendance laws.

(2) Subsection (1) above does not apply to a person who has under his or her control a child who has been sanctioned under Wis. Stat. § 49.26 (1) (h).

(3) An act or omission contributes to a truancy of a pupil whether or not the pupil is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the pupil to be truant.

(4) The penalty for a violation of this section, upon conviction, shall be a forfeiture of \$500, plus court costs.

## SUBCHAPTER II

### PUBLIC HEALTH AND SAFETY

**9.21 False Alarms.** (1) LEGISLATIVE FINDINGS, PURPOSE.

(a) The County Board of Supervisors finds that alarm devices, as hereafter defined, serve a useful function; but that some such devices are prone to generating false alarms and that such false alarms undermine the value of alarms generally, reduce the level of law enforcement at times, and expose both law enforcement officers and the general public to unnecessary risks because of the response that must be made to such alarms.

(b) The purpose of this chapter is to reduce the number of false alarms by: eliminating automatic telephone alarm devices preprogrammed to telephone county emergency numbers and by imposing penalties upon the owners of alarm devices that repeatedly generate false alarms.

(2) AUTHORITY. This ordinance is enacted under the authority of Section 59.54(22) and 941.13, Wis. Stats.

(3) ADMINISTRATION; ENFORCEMENT.

Revised 02/26/2019

(a) The Vilas County Law Enforcement and Emergency Management Committee shall be the policy oversight body with respect to the operation of this chapter.

(b) Implementation and day-to-day administration of this chapter shall rest with the Vilas County Sheriff. The Sheriff shall designate persons who shall act as custodians of application records and perform such other functions with respect to this Ordinance as may from time to time be directed by the Sheriff.

(c) The Vilas County Corporation Counsel's office shall prosecute violations of this Ordinance.

(d) Any law enforcement officer employed by the County of Vilas may issue citations for violations of this chapter.

(e) In lieu of issuing citations under this chapter, the Corporation Counsel may issue formal Summons and Complaints in any particular case.

#### (4) DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the following meanings:

(a) *Alarm or Alarm Device or Device* shall mean any device whether mechanical, electrical or otherwise, which is designated to be activated by a criminal act, a fire or other act unauthorized by the owner of the device and which sends an audible, electronic, voice or other type of signal intended to alert law enforcement officers of the criminal act, fire or other unauthorized act.

(b) *Alarm business* means any person, property owner, firm, partnership or corporation, who alters, installs, leases, maintains, repairs, replaces or services an alarm system or which causes any of these activities to take place.

(c) *Alarm user* means any person, property owner, firm, partnership, corporation or governmental entity whose premise has an alarm system.

(d) *Alarm system* means a device or system that emits, transmits or relays a remote or local audible, visual or electronic signal indicating an alarm condition and intended to or reasonably expected to summon police or fire services. Alarm system does not include an alarm installed on a vehicle.

(e) *Calendar year* means the twelve (12) month period beginning January 1 and ending December 31.

(f) *Central monitoring station* means a central location where remote detection devices installed at the premise of an alarm user automatically transmit a signal and the central location is manned twenty-four (24) hours a day by trained operators who monitor, receive, record, verify, validate or report the signal.

(g) *Committee* shall mean the Law Enforcement and Emergency Management Committee of the Vilas County Board of Supervisors.

(h) *County* means Vilas County Government and its subsidiary departments.

(i) *Office* means the Vilas County Sheriff's Office.

(j) *Emergency Communications Center* means the Vilas County Sheriff's Office Communications Center, which handles the emergency phone calls, dispatch, and radio communications for law enforcement, ambulance, and fire response in Vilas County.

(k) *Enhanced call verification* means an attempt by the alarm business or its representative to contact the alarm site, alarm user and/or keyholder by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement to respond to the alarm signal, in an attempt to avoid an unnecessary alarm dispatch request. For purposes of this ordinance, telephone and/or other electronic verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user or keyholder who can properly identify themselves, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

(l) *False alarm* means any signal, message or other communication transmitted by an alarm system, person or other device which causes a Law Enforcement, Ambulance, or Fire Department response in which it is determined by the Sheriff not to be of an existing emergency or unlawful situation.

(m) *Fire Department* means any Fire Department serving Vilas County, its headquarters and any other location housing publicly owned equipment serving the Fire Department.

(n) *Keyholder* means a person or persons who will be responsible for responding to the premise of an alarm activation, who has access to the premise and the alarm system and who has the authority and ability to set or deactivate the system.

(o) *Police/Sheriff's Office* means the Vilas County Sheriff's Office, and any law enforcement agency serving Vilas County citizens, its headquarters, and any other location housing equipment serving law enforcement.

(p) *Verified response* means the alarm business or its representative has verified the legitimacy of an alarm at the scene through independent means such as witness verification, live listening devices or live video monitoring.

#### **(5) ALARM PERMITS.**

(a) **Requirement.** No alarm system shall be installed on any property or in any building unless the alarm user, has been issued a permit by the Vilas County Sheriff's Office. Alarm permits are not required for fire alarms. Alarm permits are not transferable.

(b) **Application.** Alarm users desiring to secure a permit shall make application to the Vilas County Sheriff's Office and shall furnish all information deemed necessary by the Office.

(c) **Fee and duration.** An alarm permit shall be valid through December 31 of the year of its issuance, unless sooner revoked. The fee for the alarm permit shall be on file with the Vilas County Sheriff's Office. *[History: rev. 2019-02]*

#### **(6) DUTIES OF THE ALARM BUSINESS.**

(a) An alarm business shall use enhanced call verification or verified response prior to requesting a response by emergency services. Enhanced call verification or verified response shall not be used for holdup, duress, panic or fire alarms.

(b) Any alarm equipment installed by an alarm business after the effective date of this ordinance shall meet the ANSI/SIA CP-01 standards.

(c) A central alarm monitoring station used by an alarm business shall meet the Underwriters Laboratory (UL) or Factory Mutual (FM) standards.

(d) An alarm business shall keep current records of client information including, but not limited to, names of alarm users, key holders, addresses, phone numbers and other contact

information to be used for enhanced call verification and key holder notification. The alarm business shall provide this information to the central monitoring station. They shall also provide this information to the Vilas County Sheriff's Office Communication Center upon request.

(e) An alarm business shall provide written and oral instructions explaining the proper use and operation of the alarm system to each of its alarm users. In addition, an alarm business shall take reasonable steps to educate all alarm users in order to minimize the number of false alarms.

(f) An alarm business or representative shall be responsible for notifying a keyholder for the premise when a request is made for response by the Sheriff's Office.

(g) If an alarm user uses an alarm system without the assistance of an alarm business, the alarm user is subject to the same duties as an alarm business.

**(7) PROHIBITED DEVICES.** No person shall use or cause to permit to be used any telephone or electronic device or attachment that automatically selects a public primary telephone trunk line of the Sheriff's Office, Fire Department or The Emergency Communications Center and then reproduces any prerecorded message to report any unlawful act, fire or other emergency.

#### **(8) FALSE ALARM FEE.**

(a) If the Sheriff's Office responds to a false alarm, the alarm user shall pay the County a false alarm fee according to the following schedule of fees for any false alarm occurring in a calendar year:

- |   |                  |
|---|------------------|
| (i) First two (2) false alarms            | <u>No charge</u> |
| (ii) Third, fourth & fifth false alarms   | <u>\$75.00</u>   |
| (iii) Sixth, seventh & eighth false alarm | <u>\$150.00</u>  |
| (iv) Ninth, tenth & eleventh false alarm  | <u>\$300.00</u>  |
| (v) Twelfth & subsequent false alarm      | <u>\$600.00</u>  |

(b) Failure to pay the alarm fee within 60 calendar days of being billed, will result in the issuance of a citation and discontinuance of response to those alarms until the fees have been paid and/or the citation has been properly adjudicated.

(c) If the Sheriff's Office is cancelled by the Communications Center while responding to an alarm, the alarm user may still be assessed a fee for a false alarm.

(d) Discontinuance of response: In cases where the alarm user has six (6) or more false alarms within a six (6) month period or ten (10) false alarms in a twelve (12) month period, the Sheriff's Office may suspend response after the Sheriff or designee sends written notification to the alarm user. In order to lift the suspension, the alarm user shall submit written confirmation to the Sheriff or designee that the alarm system has been inspected and repaired, if necessary, and/or additional measures have been taken to reduce the number of false alarms at that location. If the Sheriff or designee determines that the actions taken are likely to prevent the occurrence of additional false alarms, the Sheriff's Office shall lift the suspension.

**(9) EXCEPTIONS AND APPEALS.**

(a) A fee shall not be charged if any of the following apply:

(i) The alarm was activated by criminal activity or a legitimate emergency.

(ii) The alarm was activated after a power outage that lasted more than four (4) hours.

(iii) The alarm was activated after the premise was damaged by weather conditions.

(iv) The Sheriff's Office response was cancelled prior to arriving at the premise and documentation is provided that enhanced call verification or verified response was properly utilized.

(b) An alarm user may appeal the assessment of a false alarm fee by submitting written documentation to the Sheriff or designee within ten (10) business days after notification of the assessment of a fee. The Sheriff or designee will inform the alarm user of the decision in writing within ten (10) business days. If the alarm user further contests the Sheriff or designee's decision within ten (10) days of receiving the Sheriff or designee's decision, the alarm user may seek review by the Law Enforcement and Emergency Management Committee by submitting a written notification to the Sheriff's confidential secretary.

(c) None of the provisions of this ordinance shall prevent the County from providing special alarm monitoring services, upon review and approval by the Office, as may be required because of medical reasons or communicative disorders or other special circumstances as determined by the Sheriff.

**(10) VIOLATIONS AND PENALTIES.** Any person, alarm user or alarm business that violates any of the provisions of this section may be subject to forfeitures as listed in Section 25.04(1) of the Vilas County General Code for false alarms generated by the device and responded by law enforcement officers employed by Vilas County. Each day that a violation occurs shall be considered a separate offense.

**9.22 Obstructing Emergency or Rescue Personnel.** (1) No person shall knowingly obstruct any emergency personnel in the performance of duties relating to an emergency or rescue.

(2) In this section, "emergency personnel" means a peace officer or fire fighter, an emergency medical technician licensed under §146.50, Stats., or any other person operating or staffing an ambulance or an authorized emergency vehicle.

**9.23 Obstructing/Resisting Law Enforcement Officer.** No person shall obstruct, interfere, or resist a law enforcement officer acting in his or her official capacity and with lawful authority. Obstructing/resisting includes, without limitation: knowingly giving false information to an officer which tends to mislead him or her in the performance of their duty; interfering with and/or tampering with any evidence; fleeing an officer on foot after receiving a visual, audible or verbal signal to stop. [History: cr. 2005-3A:]

**9.24 Possession of Dangerous Weapons in County Buildings Prohibited.** (1) **DEFINITIONS:** *Dangerous Weapons* means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon, as defined in s. 941.295(1c)(a); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

**(2) PROHIBITED ACTS.**

(a) No person shall have in his or her possession, carry or bear any dangerous weapon within any building owned, occupied, operated,

managed or controlled by the County, including but not limited to, the Vilas County Courthouse Complex, the Vilas County Justice Center, the Vilas County Highway Department Offices in Eagle River, Boulder Junction and Arbor Vitae, and the Forestry Department Building in Eagle River.

(b) Signs at least 5 inches by 7 inches, which set forth the restriction on firearms, shall be posted in a prominent placement near all the entrances to the building.

(3) EXCEPTIONS. (a) A sheriff, deputy sheriff, warden, constable, U.S. Marshal, State trooper, police officer or other law enforcement officer, or a prisoner transport service under contract with the Sheriff.

(b) Unloaded firearms released to individuals by the Sheriff or designee in the course of his/her official duties.

**9.25 Throwing or Shooting Projectiles.** No person shall throw or shoot any object, arrow, stone, or other projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place.

**9.26 Abandoned or Unattended Refrigerators and Containers.** No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure, under his or her control in a place accessible to children, any abandoned, unattended or discarded freezer, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing such door or lid, snap lock or other locking device from such freezer, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

**9.27 [Reserved for future use]**

**9.28 [Repealed and reserved for future use]**

**9.29-9.30 [Reserved for future use]**

### SUBCHAPTER III GOVERNMENT AND ITS ADMINISTRATION

**9.31 Fleeing from an Officer.** (1) No person, after having received a visual or audible signal from an enforcement officer or marked enforcement vehicle, shall knowingly flee or attempt to elude any enforcement officer by willful or wanton disregard of such signal.

(2) No person shall increase the speed of his or her vehicle or extinguish the lights of his or her vehicle in an attempt to elude or flee any enforcement officer or marked enforcement vehicle.

**9.32 Interference with Police Dogs.** No person shall intentionally resist, obstruct, incite, or interfere with any police dog while the dog is on duty or acting in furtherance of its police duties. While on duty, any police dog shall be exempt from the provisions of the County Rabies Control Ordinance including impoundment periods after a bite. [History: cr.. 3/90-A1]

**9.33 Tampering with Public Records and Notices.** No person shall intentionally damage, alter, remove or conceal any public notice posted as authorized by law before the expiration of the time for which the notice was posted.

### SUBCHAPTER IV

#### MAINTENANCE AND BOARD FOR COUNTY JAIL PRISONERS

**9.40 Authority and Intent.** (1) Pursuant to the authority provided by Wis. Stat. §§302.372, 302.38, 302.381, 302.388, 302.425, 302.43, 303.08 and 303.19, it is the intent of these provisions that incarcerated persons be held responsible for paying the cost of incarceration and any related expenses, to the extent permitted by law.

(2) The sheriff, or his designee, shall choose, for each prisoner, whether to seek reimbursement under this section as provided by law.

(3) Any money collected under this section shall be accepted by the Vilas County Jail and deposited in the county treasury to help offset the costs of operating the Vilas County Jail.

**9.41 Daily Inmate Fee.** (1) For expenses incurred by the county in relation to the crime for which a person was sentenced to a county jail, or for which the person was placed on

probation and confined in jail, the County Board hereby sets a daily per person jail rate of \$25 for the first day or any part of a day and \$17 per day thereafter, pursuant to §302.372, Wis. Stat.

(2) Reimbursement shall be sought from each person who is or was a prisoner sentenced to the Vilas County Jail beginning June 1, 2002.

**9.42 Huber Law Prisoners.** (1) Every prisoner who is sentenced to the Vilas County Jail under the provisions of §303.08(4), Wis. Stats., (Huber Law) and is gainfully employed, receives unemployment insurance or employment training benefits while in custody in the jail, shall be liable to Vilas County for per capita maintenance and board costs at the rate of \$17 per day and a one-time processing fee of \$25 and shall reimburse the county for the same in accordance with the law.

(2) Inmates are subject to drug screening, randomly or with cause, during incarceration and shall be charged \$20 for each positive result.

(3) The sheriff may require prepayment of the expenses set forth herein as a requirement for participation in the program.

**9.43 Electronic Monitoring Program (EMP)**

(1) Inmates placed in the electronic monitoring program under §302.425, Wis. Stats., shall be established at a rate of \$20 per day and a one-time processing fee of \$40 and shall reimburse the county for same in accordance with the law.

(2) The sheriff may require prepayment of the expenses set forth herein as a requirement for participation in the program.

**9.44 Medical Expenses.** (1) Inmates shall be responsible for the actual costs of medical expenses incurred by Vilas County as set forth in §302.38, Wis. Stat., and the county may seek reimbursement for same in accordance with the law.

(2) The sheriff may establish a system of co-payment for the services of the jail nurse and jail doctor.

**9.45 Warrant Fee.** (1) The sheriff may impose a fee for all criminal, ordinance and civil warrants as authorized by §§814.70 and 814.705, Wis. Stat.

(2) The sheriff may set and impose a fixed warrant fee as authorized by law for all ordinance and civil warrants.

(3) The sheriff may set and impose a fixed warrant fee and a per-mile warrant fee as authorized by law for all criminal warrants.

**9.46 Prisoner Reimbursement.** (1) Every person confined to the Vilas County Jail shall complete a financial disclosure form containing the information set forth in §302.372(2)(b), Wis. Stats.

(2) Within 12 months after the release of a prisoner from jail, Vilas County may commence an action in circuit court to recover the expenses under this ordinance plus the costs to investigate the financial status of the prisoner and the expenses of collection not otherwise recovered or be barred, pursuant to §302.372(6), Wis. Stat.

**9.47 Institutional Accounts.** (1) the sheriff may charge a prisoner for the expenses set forth above, while he/she is a prisoner plus the costs to investigate the financial status of the prisoner and the expenses of collection.

(2) If the sheriff maintains an institutional account for a prisoner's use for payment of items from canteen, vending, commissary or similar services, the sheriff may make deductions from the account to pay for the expenses set forth above. If the prisoner has a balance due for expenses under this ordinance, from prior incarcerations, any institutional account created as part of a subsequent incarceration may be used to recover the sums due from the prior incarceration.

(3) If the sheriff maintains an account of a Huber prisoner pursuant to §303.08(3), the sheriff may make deductions from the account to pay for the expenses set forth in this ordinance subject to the limitation of §303.08(5), Wis. Stat.

**9.48 Prisoner Cooperation.** (1) A prisoner in a jail shall cooperate with the county in seeking reimbursement under this section for expenses incurred by the county.

(2) A prisoner who intentionally refuses to cooperate may not earn good time credit under §302.43 or diminution of sentence under §303.19(3), Wis. Stats.

**9.49 No Duplication of Expenses.** Vilas County shall not recover the same expenses twice.  
[History : cr. 2002-3A; rev. 6/04-5A]