

TITLE 22

Offenses

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Chapter 1

State Statutes Adopted

22-1-1	Offenses Against State Laws Subject to Forfeiture
22-1-2	Penalties; Parties to Acts

Sec. 22-1-1 Offenses Against State Laws Subject to Forfeiture.

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 Columbia County 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.

(a)	48.17	Jurisdiction--Civil Law and Ordinance Violations
(b)	48.343	Dispositions--Civil Law and Ordinance Violations
(c)	48.344	Dispositions--Intoxicating Liquor and Beer Violations
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(y)	940.291	Failure of a Police Officer to Render Aid
(z)	941.01	Negligent Operation of a Vehicle
(aa)	941.10	Negligent Handling of Burning Materials

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(ac)	941.13	False Alarms and Interference with Firefighting
(ad)	941.20(1)(a-d)	Endangering Safety by Use of Dangerous Weapon
(ae)	941.23	Carrying Concealed Weapon
(af)	941.235	Carrying a Firearm in a Public Building
(ag)	941.24	Possession of Switchblade Knife
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(aj)	941.37(1), (2)	Obstructing Emergency or Rescue Personnel
(ak)	942.05	Opening Letters
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(am)	943.11	Entry Into Locked Vehicle
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(ap)	943.14	Criminal Trespass to Dwellings
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(as)	943.20	Theft of Property
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(au)	943.22	Use of Cheating Tokens
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(ay)	943.37	Alteration of Property Identification Marks
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(ba)	943.41	Financial Transaction Card Crimes
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(be)	944.17	Sexual Gratification
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(bi)	944.30	Prostitution
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(bv)	946.72(2)	Tampering with Public Records and Notices
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(ch)	948.51(3)(a)	Hazing
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(cs)	951.07	Use of Certain Devices Prohibited
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(cw)	951.11	Artificially Colored Animals; Sale
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(cy)	951.14	Providing Proper Shelter
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(da)	951.16	Investigation of Animal Cruelty Complaints
(db)	951.17	Reimbursement for Expenses
(dc)	961.14 (4)(t) & 961.41 (3g)(e)	Possession of Marijuana
(dd)	961.573	Possession of Drug Paraphernalia
(de)	961.574	Manufacture or Delivery of Drug Paraphernalia
(df)	961.575	Delivery of Drug Paraphernalia to a Minor

Sec. 22-1-2 Penalties; Parties to Acts.

(a) **Penalties.** In addition to the general penalty provisions of this Code in Title 1 Chapter 2 or any other penalty imposed for violation of any Section of this Title, 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.

(b) **Parties to Acts Prohibited in Title 22.**

(1) Whoever is concerned in the commission of an act prohibited by Title 22 of this Code of Ordinances, is a principle and may be charged with and convicted of the commission of said act although he/she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.

(2) A person is concerned in the commission of an act prohibited by these ordinances if he/she:

- a. Directly commits the act; or
- b. Intentionally aids and abets the commission of it; or
- c. Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his/her mind and no longer desires that the act be committed and notifies the other parties concerned of his/her withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

Chapter 2

Offenses Against Public Safety and Peace

- 22-2-1** Throwing or Shooting Stones and Other Missiles Prohibited
- 22-2-2** Obstructing Streets and Sidewalks, Prowling, and Solicitation Prohibited
- 22-2-3** Public Defecation, Urination, and Exposure Prohibited
- 22-2-4** Loud and Unnecessary Noise Prohibited
- 22-2-5** Unauthorized Presence on School Property
- 22-2-6** Unnecessary 9-1-1- Calls
- 22-2-7** Howling Animals
- 22-2-8** Livestock on Highways
- 22-2-9** Dogs Running at Large and Untagged Dogs Subject to Impoundment

Sec. 22-2-1 Throwing or Shooting of Stones and Other Missiles Prohibited.

It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, stone, snowball, or other missile within Columbia County.

Sec. 22-2-2 Obstructing Streets and Sidewalks, Prowling, and Solicitation Prohibited.

- (a) **Obstructing Streets Prohibited.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public road, street, sidewalk, bridge or public ground within Columbia County 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) Prowling 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 appearance of a law enforcement officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself 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/her to identify himself/herself and explain his or her presence and conduct. No person shall be convicted of an offense under this Subsection 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) No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.
- (3) No person shall lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.
- (4) No person shall loiter in or about a restaurant, tavern or other public building. As used in this Subsection, loiter@ means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.

(d) Soliciting Prohibited. No person shall loiter in or nearby any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or engaged male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. The violator=s conduct must be such as to demonstrate a specific intent to induce, entice, solicit or produce another to commit an act of prostitution. No arrest shall be made for a violation of this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this Subsection:

- (1) Public Place is an area generally visible to public view and includes roads, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.
- (2) Known Prostitute or Panderer means a person who, within five (5) years previous to the date of arrest for violation of this Section, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

- (e) **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:
- (1) **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.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, road, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of Columbia County.
 - (3) **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.
- (f) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

Sec. 22-2-3 Public Defecation, Urination and Exposure Prohibited.

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 County, 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.

Sec. 22-2-4 Loud and Unnecessary Noise Prohibited.

- (a) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue, or cause to be made or continued any loud and unnecessary noise.
- (b) **Types of Loud and Unnecessary Noises.** The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
- (1) **Horns, signaling devises.** The sounding of any horn or signaling devise on any automobile, motorcycle, or other vehicle on any street or public place for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

- (2) Radios, phonographs, boom box, similar devices. The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, boom box, or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure, or vehicle in which it is located shall be evidence of a violation of this Section.
- (3) Loudspeakers, amplifiers for advertising. The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical devise.
- (4) Animals, birds. The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper authorities.
- (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) Schools, courts, churches, hospitals. The creation of excessive noise on any street adjacent to any school, institution of learning, church, or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital, or court street.
- (8) The provisions of this Section shall not apply to:
 - a. Any vehicle of the county while engaged in necessary public business.
 - b. Excavations or repairs of streets or other public construction by or on behalf of the county or state at night when public welfare and convenience renders it impossible to perform such work during the day.
 - c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

Sec. 22-2-5 Unauthorized Presence on School Property.

(a) Unauthorized Presence.

- (1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him/her from attending any school located within Columbia County 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)(a), 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) **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 Columbia County or upon any School District grounds or within adjacent posted school zones on any day when such schools are in session.

(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.

(1) 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.

(2) 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 Columbia County.

Sec. 22-2-6 Unnecessary 9-1-1 Calls.

No person shall make a 9-1-1 call, whether or not a conversation ensues, for the purpose of activating an emergency response when no actual emergency exists. This provision shall not affect those callers who in good faith believe an emergency situation exists when initiating the call.

Sec. 22-2-7 Howling Animals.

No person shall own, keep, possess or harbor any animal within the county which by frequent or habitual howling, yelping, barking or wailing disturbs other persons, provided that the provision of this section shall not apply to licensed animal hospitals or to the premises used and occupied by the county for impounding animals.

Sec. 22-2-8 Livestock on Highways.

No person, being the owner or keeper of livestock, shall allow or permit such livestock to run at large on a public highway or road.

Sec. 22-2-9 Dogs Running at Large and Untagged Dogs Subject to Impoundment.

- (a) **Dog Running at Large.** A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.
- (b) **Untagged Dog.** A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.
- (c) **Dog running at large or untagged dog subject to impoundment.** The Columbia County Humane Officer is authorized to capture and restrain any dog running at large and any untagged dog; and to place such dog in an impoundment facility. The owner shall reimburse the person or organization providing care to the dog for the costs of such care.
- (d) No person, being the owner or keeper of a dog, shall allow or permit such dog to run at large or be untagged.

Chapter 3

Offenses Against Property

22-3-1	Littering Prohibited
22-3-2	Storage of Junk Regulated
22-3-3	Abandoned Refrigerators Prohibited
22-3-4	Trespass on Railroad Property
22-3-5	Disturbing Cemetery Property

Sec. 22-3-1 Littering Prohibited.

- (a) **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 County of Columbia or any other municipal or public entity within the County, or any private person, or upon the surface of any body of water within the County.
- (b) **Litter From Conduct of Commercial Enterprise.**
- (1) **Scope.** The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) **Litter to be cleaned up.** Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
 - (3) **Litter picked up at litterer's expense.** If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, County officials shall arrange to have the same picked up by County crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.

Sec. 22-3-2 Storage of Junk Regulated.

No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, furniture, machinery or machinery parts, wood, bricks, cement blocks, or other unsightly debris which substantially depreciates property values in the neighborhood.

Sec. 22-3-3 Abandoned Refrigerators Prohibited.

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/her control in a place accessible to children any abandoned, unattended or discarded ice box, 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 said door or lid, snap lock or other locking device from said ice box, 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.

Sec. 22-3-4 Trespass on Railroad Property.

No person, other than a licensee or those connected with or employed by a railroad, shall walk, loiter, or be upon or along the track of any railroad. Violation of this Section shall be considered trespass.

Sec. 22-3-5 Disturbing Cemetery Property.

No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants, or vines from any cemetery lot or property; nor shall any person deface, injure, or mark upon any cemetery markers, headstones, monuments, fences, or structures; nor shall any person other than the owner injure, carry away, or destroy any vases, flower pots, urns, or other objects which have been placed on any cemetery lot.

Chapter 4

Offenses Involving Alcoholic Beverages

22-4-1 Outside Consumption

22-4-2 Possession of Alcohol Beverages on School Grounds Prohibited

Sec. 22-4-1 Outside Consumption.

(a) Alcoholic Beverages in Public Areas.

- (1) Private Property Held Out For Public Use. It shall be unlawful for any person to consume any alcoholic beverages upon any private property held open for public use within Columbia County unless the property is specifically named as being part of a licensed premises.
- (2) Possession of Open Intoxicants in Vehicle in Public Places Prohibited. No person shall possess on his or her person open containers of alcoholic beverages in any vehicle as that term is defined in Sec. 340.01(74), Wis. Stats., while the same is on property as described in Subsection (a)(1) of this Section, excluding public highways as that term is defined in Sec. 340.01(22), Wis. Stats. For purposes of this Subsection, vehicle@ also includes snowmobiles as that term is defined in Sec. 340.01(58a), Wis. Stats.
- (3) Owner or Driver Responsible for Open Intoxicants in Vehicle in Public Places. The owner of a privately owned vehicle or the driver of the vehicle as that term is defined in Sec. 340.01(74), Wis. Stats., shall not keep, or allow to be kept in the vehicle any open container of alcoholic beverage when it is upon property as described in Subsection (a)(a) of this Section, excepting public highways as that term is defined in Sec. 340.01(22), Wis. Stats. For purposes of this Subsection vehicle@ also includes snowmobile as that term is defined in Sec. 340.01(58a), Wis. Stats.

(b) Definitions.

- (1) As used in this Section, the term alcoholic beverage@ shall include all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purpose.

- (2) As used in this Section, the term public area@ shall be construed to mean any location within the County which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.
- (3) As used in this Chapter, underage person@ shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

Sec. 22-4-2 Possession of Alcoholic Beverages on School Grounds Prohibited.

- (a) In this Subsection:
 - (1) Motor vehicle@ means a motor vehicle owned, rented or consigned to a school.
 - (2) School@ means a public, parochial or private school which provides an educational program for one (1) or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
 - (3) School administrator@ means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
 - (4) School premises@ means premises owned, rented or under the control of a school.
- (b) Except as provided by Subsection (c) no person may possess or consume alcoholic beverages:
 - (1) On school premises;
 - (2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
 - (3) While participating in a school-sponsored activity.
- (c) Alcoholic beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

Chapter 5

Offenses by Juveniles

22-5-1	County Jurisdiction Over Persons 12 through 16 Years of Age
22-5-2	Petty Theft by Juveniles
22-5-3	Truancy
22-5-4	Criminal Gang Activity Prohibited
22-5-5	Curfew

Sec. 22-5-1 County Jurisdiction Over Persons 12 Through 16 Years of Age.

- (a) **Adoption of State Statute.** Section 48.17(2), Wis. Stats., is hereby adopted and by reference made a part of this Section as if fully set forth herein.
- (b) **Provisions of Ordinance Applicable to Persons 12 through 16 Years of Age.** Subject to the provisions and limitations of Section 48.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against persons 12 through 16 years of age may be brought on behalf of Columbia County and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- (c) **No incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.

Sec. 22-5-2 Petty Theft by Juveniles.

It shall be unlawful for any person under the age of seventeen (17), with intent, to steal or take property from the person or presence of the owner without the owners consent and with the intent to deprive the owner of the use thereof.

Sec. 22-5-3 Truancy.

(a) Definitions.

- (1) Habitual truant@ shall mean a pupil who is absent from school without an acceptable excuse for either of the following:
 - a. Part or all of five (5) or more days out of ten (10) consecutive days on which school is held during a semester;
 - b. Part or all of ten (10) or more days on which school is held during a school semester.
- (2) Acceptable excuse@ shall mean an acceptable excuse as defined in Sec. 118.15 and 118.16(4), Wis. Stats.

- (b) **Prohibited Conduct.** Any person under the age of eighteen (18) years enrolled in school shall not be a habitual truant.@

Sec. 22-5-4 Criminal Gang Activity Prohibited.

(a) **Definitions.** For purposes of this Section, the following terms are defined:

- (1) Criminal Gang@ means an ongoing organization, association or group of three (3) or more persons, whether formal or informal, that has as one of its primary activities, the commission of one (1) or more criminal or unlawful acts, or acts that would be criminal or unlawful if the actor were an adult, specified in Sec. 939.22(21)(a) to (s), Wis. Stats., or in any of the Code of Ordinances sections referred to in Subsection (b)(2) below; that has a common name or common identifying sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.
- (2) Pattern of Criminal Gang Activity@ has the same meaning as the definition in Sec. 939.22(21), Wis. Stats., the list of offenses in Subsection (a) to (s) of that Section to Title 11 of this Code of Ordinances.
- (3) Unlawful Act@ includes a violation of any of the Code of Ordinances sections referred to in Subsection (b)(2) above or any criminal act or act that would be criminal if the actor were an adult.

(b) **Unlawful Activity.**

- (1) It is unlawful for any person to engage in criminal gang activity.
- (2) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to commit or attempt to commit any violation of the provisions of this Section, or any one (1) or more of those sections of the Code of Ordinances, referred to in Subsection (b)(2) above.
- (3) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to participate in criminal gang activity.
- (4) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to join a criminal gang.

Sec. 22-5-5 Curfew.

(a) It shall be unlawful for any person under seventeen (17) years of age to be on foot, cycle, or in any type of vehicle on any public beach, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building, or any other public place in the county between the hours designated as follows, unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore. The fact that said child, unaccompanied by parent, guardian, or other person having legal custody is found upon any such public place during the aforementioned hours shall be evidence that said child is there unlawfully and that no reasonable excuse exists therefore:

- (1) From Sunday evening through Thursday evening, the above-mentioned acts shall be prohibited from 10:00 p.m. to 5:00 a.m.
- (2) On Friday and Saturday evenings, the above-mentioned acts shall be prohibited from 12:00 midnight to 5:00 a.m.

(b) Exception.

(1) This Section shall not apply to a child:

- a. Who is performing an errand as directed by his parent, guardian, or person having lawful custody.
- b. Who is on his own premises or in the areas immediately adjacent thereto.
- c. Whose employment makes it necessary to be upon the streets, alleys, or public places or in any motor vehicle during such hours.
- d. Who is returning home from a supervised school, church, or civic function.

(2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys, or public places or be in a parked motor vehicle on the public streets.

(c) It shall be unlawful for any parent, guardian, or other person having the lawful care, custody, or control of any person under seventeen (17) years of age to allow or permit such person to violate the provisions of (a) or (b) above. The fact that prior to the present offense a parent, guardian, or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, guardian, or custodian allowed or permitted the present violation. Any parent, guardian, or custodian herein who shall have made a missing person notification to the Sheriffs Office shall not be considered to have allowed or permitted any person under seventeen (17) years of age to violate this Section.

(d) It shall be unlawful for any person, firm, or organization operating or in charge of any place of amusement, entertainment, refreshment, or other place of business to permit any minor under seventeen (17) years of age to loiter, loaf, or idle in such place during the hours prohibited by this Section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment, or other place of business during the hours prohibited by this Section shall find persons under sixteen (16) years of age loitering, loafing, or idling in such place of business, he shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the Sheriffs Office and inform them of the violation.