

WASHINGTON COUNTY CODE

CHAPTER 14

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CHAPTER 14

OFFENSES AGAINST PEACE, ORDER AND SAFETY

14.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. (1)(AM 99-11)(AM 99-33)(AM 01-46)(AM 02-11)(AM 03-6)(AM 03-17)(AM 03-42)(AM 10-5)(AM 10-19)(AM 15-20) **Adoption of Reference.** The following statutes following the prefix "14" defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the County, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 1.07 of this Code.

14.23.33	All-terrain vehicles
14.29.288	Throwing Refuse in Waters/Abandoning Vehicles
14.30.50-14.30.99	Regulation of Boating – Subchapter V
14.50.58	Careless Smoking
14.95.21(2)(a)	Required Rabies Vaccine - Dogs
14.101.123	Smoking Prohibited
14.110.975(7)	Producing/Using Inspection Sticker Fraudulently
14.125.07(1)	Alcohol Beverages; Restrictions Relating to Underage Persons
14.125.07(4)(a)(b) and (bm)	Underaged Persons; Prohibitions; Penalties
14.125.085(3)(b)	False Identification Card
14.125.09(2)	Possession of Alcohol Beverages on School Grounds
14.134.66	Restrictions on Sale or Gift of Cigarettes
14.144.42(2)	Pollution by Motor Vehicle/Failure to Repair
14.192.292	Trains Obstructing Highways
14.192.32	Trespassing on Railroad
14.254.92	Purchases or Possession of Tobacco Products
14.305.01-14.305.58	Wisconsin Administrative Code Trans 305 - Standards for Vehicle Equipment
14.346.935	Drinking in Motor Vehicles on Highway
14.450.11(7)	Prescription Drugs and Prescription Devices. Prohibited Acts
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14.939.22	Words and Phrases Defined
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14.940.20	Battery
14.940.201	Battery or Threat to Witnesses
14.940.225	Installing Surveillance Device to Observe any Nude Person without Consent
14.940.32	Stalking
14.940.34	Duty to Aid Endangered Crime Victims
14.941.01	Negligent Operation of Vehicle
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14.941.12	Interfering With or Failing to Assist in Firefighting
14.941.13	False Alarms and Interference with Firefighting
14.941.20	Reckless Use of Weapon
14.941.20(3)	Discharging a Firearm From a Vehicle

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14.941.21	Disarming a Police Officer Prohibited
14.941.23	Carrying Concealed Weapon
14.941.231	Carrying a Concealed Knife
14.941.235	Carrying Firearms in Public Building
14.941.237	Possession of Handguns in Taverns
14.941.26(4)(L)	Possession of "Pepper Spray" by Felons Prohibited
14.941.28	Possession of Short-Barreled Shotgun or Rifle
14.941.295	Possession of Electric Weapon
14.941.297	Sale or Distribution of Imitation Firearms
14.941.298	Firearm Silencers
14.941.327	Tampering with Household Products
14.941.36	Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
14.941.37	Obstructing Emergency Vehicles Prohibited
14.941.38	Criminal Gang Member Solicitation and Contact
14.943.01(1)	Criminal Damage to Property
14.943.01(2g)	Damage to Machines Operated by Coins, Currency, Debit Cards or Credit Cards with Intent to Commit Theft
14.943.012	Criminal Damage to Religious and Other Property
14.943.017	Graffiti
14.943.06	Molotov Cocktails
14.943.07	Damage to Railroad Property
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14.943.14	Criminal Trespass to Dwellings
14.943.145	Criminal Trespass to Medical Facility
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14.943.23(lg)	Carjacking
14.943.23(4m)	Passenger in Vehicle Without Owner's Consent
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14.948.60	Possession of a Dangerous Weapon by a Child
14.948.605	Gun-Free School Zones
14.948.61	Dangerous Weapons on School Premises

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14.948.62	Receiving Stolen Property From a Child
14.951.01-.16	Crimes Against Animals
14.961.001-.62	Uniform Controlled Substances Act

(2)(AM 03-6) **Limitation.** Forfeiture penalties for the commission of any of the foregoing adopted State Statutes for which the actor could be charged with a felony as defined in §§939.50 and 939.60, Wis. Stats., do not apply, unless the matter has been referred to the District Attorney and the District Attorney refuses to prosecute the matter as a criminal charge.

14.02 POSSESSION OF FIREARMS IN PUBLIC BUILDINGS AND SCHOOL ZONES. No person, except duly authorized city, village, County, State or Federal law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while in any building owned or leased by the State or any political subdivision thereof within the County as provided in §941.235, Wis. Stats., or within any school zone as provided in §948.605, Wis. Stats., or carry a handgun in to any tavern within the County as provided in §941.237, Wis. Stats.

(1) **Definitions.** For the purpose of this section, the following definitions apply:

- (a) Firearm. A weapon which acts by force of gunpowder.
- (b) Public Building. Any building owned by the County, a municipality or public school district.
- (c) Public Land. Any land owned by the County, a municipality or public school district.
- (d) Public Place. Any privately owned building which is open to the public.

(2) **Enforcement.** A police officer finding a person possessing a firearm in violation of this section shall immediately take possession of such firearm and retain it as evidence.

14.03 FACSIMILE FIREARMS. (1) **Definition.** A facsimile firearm is any replica, toy, antique, starter pistol or other object which bears a reasonable resemblance to or which reasonably can be perceived as an actual operable firearm.

(2) **Restrictions in Use of Facsimile Firearms.** No person, except as provided in §941.2965, Wis. Stats., shall carry and display any facsimile firearm in such a manner as could reasonably be expected to alarm, intimidate, threaten or terrify another person.

14.04(CR 15-20) POSSESSION OF KNIVES IN THE WASHINGTON COUNTY JUSTICE CENTER. No person, except duly authorized city, village, county, state or federal law enforcement officers specifically authorized by law to carry a knife, shall possess a knife while in the Washington County Justice Center.

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

14.07 SALE AND USE OF FIREWORKS REGULATED. (1) **State Law Adopted.** Section 167.10, Wis. Stats., and any future amendments thereto are hereby adopted and incorporated herein by reference insofar as they are not in conflict with the remainder of this section. In the event of any conflict between this section and §167.10, Wis. Stats., whichever provision is more strict shall apply.

(2) **Definition.** Pursuant to §167.10(5)(a)l, Wis. Stats., "fireworks" shall be defined as including all items under §167.10 (1) (Intro.) and including all items under §167.10(l)(k) to (n). "Caps," "toy snakes" and "sparklers" as set forth in §167.10(l)(e), (f) and (i), Wis. Stats., are excluded from this definition.

(3) **Sale Prohibited.** Except as provided in §167.10(2), Wis. Stats., no person shall sell, offer to sell, possess with the intent to sell, or give away fireworks within the County.

(4) **Use Regulated.** Except as provided in §167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit issued by a city, village or town located in the County.

(5) **Use of Caps, Snakes, Sparklers Regulated.** No unauthorized person may use fireworks, caps, snakes or sparklers at a fireworks display for which a permit has been issued if the display is open to the general public.

(6) **Storage of Fireworks.** Storage and handling of fireworks shall be pursuant to the provisions of §167.10(6), Wis. Stats.

14.08 LOUD AND UNNECESSARY NOISE PROHIBITED. (1) **General.** No person shall make, continue or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

(2) **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:

(a) **Horns, Signaling Devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the County for longer than 3 seconds in any period of one 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 horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.

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(b) Radios, Phonographs, Similar Devices. Except for celebrations authorized and regulated by the city, village or town, the using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph 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 6:00 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 prima facie evidence of a violation of this section.

(c) Loudspeakers, Amplifiers, Public Address Systems or Other Similar Devices. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, public address system or other machine or device for the producing of sound which increases the volume of, voice, music or other sounds so loud as to disturb the peace or the quiet and peacefulness of the neighborhood.

(d) Exhausts. The discharge into the open air of the exhaust or any internal combustion engine or motor boat, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(e) Construction or Repair of Buildings. The erection (including excavation), demolition, alteration or repair of any building as well as the operation of any pile driver, excavating equipment, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise other than between the hours of 6:00 a.m. and 10:00 p.m.

(f) Schools, Courts, Churches, Hospitals. The creation of any 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 on those streets indicating a school, hospital or court street.

(g) Operation of Certain Equipment. Lawn mowers, chain saws, powered garden and lawn equipment, and other nonconstruction maintenance equipment shall be operated only between 6:00 a.m. and 10:00 p.m.

(3) **Exemptions.** The provisions of this section shall not apply to:

(a) Any vehicle or machinery of the County, State, city, village or town while engaged in necessary public business.

(b) Excavations or repairs of streets or other public construction by or on behalf of the County, State, city village or town at night when public welfare and convenience renders it impossible to perform such work during the day.

(c) Operation of emergency equipment. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense, disaster, etc., necessary for the health, safety and protection of the citizens of the County.

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(d) Snowblowers, snow plows and other snow removal equipment shall also be exempt from this section.

(e) Implements of husbandry being operated for agricultural purposes.

14.09 LOITERING PROHIBITED. (1) **Loitering or Prowling.** No person shall loiter or prowl in a place at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the peace officer at the time, would have dispelled the alarm.

(2) **Obstruction of Highway by Loitering.** No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any peace officer.

(3) **Obstruction of Traffic by Loitering.** No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the County in such manner as to prevent, interfere with or obstruct the ordinary free use of such public sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.

(4) **Loitering after Being Requested to Move.** No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant after being requested to move by any peace officer or by any person in authority at such places.

(5) **Loitering in Public Places.** No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by the owner or person in charge or any peace officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

(6) **Loitering in or on School Property.** No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in or on any school property within the County between 7:00 a.m. and 4:00 p.m. on official school days.

14.10 CONSUMPTION OF FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR ON PUBLIC PROPERTY AND PARKING LOTS PROHIBITED.

(1) **Definitions.** (a) Public Property. Any property, including buildings or structures thereon, which is owned, leased or operated by the State or any political subdivision thereof; any school district; public sidewalks; roadways and streets; playgrounds; parks; and alleys.

(b) Public Parking Lot. Any area held out to the public for the parking of motor vehicles, whether such area is publicly or privately owned.

(c) Licensed Premises. The area within a building or structure which is licensed to sell alcohol beverages, but not including parking lots, sidewalks, roadways or land which is adjacent to the building or structure and within the property boundary lines.

(2) **Conduct Prohibited.** No person shall consume any alcohol beverage in or upon any public property or public parking lot.

(3) **Conduct Prohibited Outside Licensed Premises.** No person who has purchased an alcohol beverage from any licensed premises shall consume said beverages or liquor outside of, but within the property boundary lines of, such premises.

(4) **Exceptions.** (a) The prohibitions in subs. (2) and (3) above shall not apply to those events or activities which are otherwise permitted or licensed by a county, city, village or town, including activities at the County Fair site and park activities authorized elsewhere in this code.

(b) The prohibitions in subs. (2) and (3) above shall not apply to those persons who transport unopened fermented malt beverages or intoxicating liquor from a point of purchase to their destination unless it is in violation of §346.93, Wis. Stats.

14.11 TAVERN CLOSING HOURS. (1) No premises for which a Class "B" license or permit is issued may remain open between the hours of 2 a.m. and 6 a.m., except as provided in this section. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m. On January 1 premises operating under a Class "B" license or permit are not required to close. Between 12 midnight and 6 a.m. no person may sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

(2) Class "A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 12 midnight and 8 a.m.

(3) Hotels and restaurants whose principal business is the furnishing of food and lodging to patrons, bowling alleys and golf courses may remain open for the conduct of their regular business but may not sell intoxicating beverages during the hours specified in sub. (1).

(4) Any person violating this section shall forfeit not more than \$200.

14.12 ANIMALS AND POULTRY NOT TO RUN AT LARGE. No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the County. "At large" means an animal is off the premises of its owner and upon any public street or alley, school grounds, public park or other public grounds or upon any private property without the permission of the owner of the property, provided an animal shall not be deemed to be at large if the following provisions apply:

(1) It is attached to a leash not more than 10 feet in length which is of sufficient strength to restrain the animal and the leash is held by a person competent to govern the animal and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden.

(2) It is properly restrained within a motor vehicle.

(3) It is engaged in the act of hunting or training for show, field trial or obedience trial purposes, in control of its owner or his agent competent to govern such animal at such distance, and not annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden.

14.13 REGULATION AND LICENSING OF DOGS. (1) **Dog License Required.** It shall be unlawful for any person in the County to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this section and §§174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of same.

(2) **Dog License Tax.** The minimum license fee for a dog, which may be increased by the municipality, shall be as follows:

(a) Unneutered Male Dog. \$8.

(b) Unspayed Female Dog. \$8.

(c) Neutered Male Dog. \$3.

(d) Spayed Female Dog. \$3.

(e) Dogs Reaching Five Months After July 1. One-half the fee.

(f) Replacement License. \$1.

(3) **Collection of License Taxes; Late Fees.** (a) The collecting official shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached licensable age. All late fees received or collected shall be paid into the local treasury as revenue of the town, village or city in which the license was issued.

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(b) The County Clerk is hereby authorized to accept deputization of the collecting official's responsibility under Ch. 174, Wis. Stats., from any town, village or city treasurer or other collecting official with the understanding that the local official must provide optional local licensing to local municipal residents, and further that all actual costs incurred by the County Clerk's office in the exercise of the collecting official's duties shall be charged against that local municipality's share of the dog license fund. No deputization may be accepted unless it is made in writing and approved by resolution or ordinance of the affected local municipality.

(c) Compensation of Municipal Officials. Each municipal listing official who is not a full-time, salaried municipal employee shall receive as compensation 75 cents for each dog listed to be audited and allowed by the board as other claims against the County and to be paid out of the dog license fund. Full-time municipal listing officials shall receive the same compensation and shall be required to pay the compensation into the town, village, or city treasury. The municipal collecting official is authorized to retain 75 cents for each license issued as compensation for the service, if not a full-time, salaried municipal employee. If the collecting official is a full-time, salaried municipal employee this compensation shall be paid into the treasury of the town, village or city.

(4) **Change of Ownership.** If there is a change in ownership of a licensed dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of \$2.

(5) **Transfer Prohibited.** No person shall use for any animal a license receipt or license tag issued for another animal.

(6) **Kennel License Option.** If authorized by the municipality where dogs are kept, the owners of kennels may opt to pay a kennel license fee of \$35 for a kennel of 12 dogs or less plus \$3 for each dog in excess of 12 in lieu of the fees provided in sub. (2) above and the collecting official shall issue tags for each dog owned by the kennel owners.

(7) **Rabies Vaccination Required.** It shall be unlawful for any person to keep a dog in the County which is over 5 months of age and has not received a rabies vaccination as required by §95.21(2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in §95.21(2)(f), Wis. Stats.

(8) **Definitions.** In this section, unless the context of subject matter otherwise require, the terms used shall be defined as follows:

(a) Owner. Any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.

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(b) At Large. A dog which is off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an automobile of any other person with the consent of the animal's owner shall be deemed to be upon the owner's premises.

(c) Kennel. Any establishment wherein dogs are kept for the purpose of breeding, sale or sporting purposes.

(9) **Restrictions on Keeping of Dogs**. It shall be unlawful for any person within the County to own, harbor or keep any dog which:

(a) Habitually pursues vehicles upon any street, alley or highway.

(b) Molests passersby or assaults or attacks any person without provocation.

(c) Is at large within the limits of the County.

(d) Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals.

(e) Kills, wounds or worries any domestic animal.

(10) **Dogs Running at Large and Untagged Dogs**. (a) Dogs 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, as defined in sub. (8)(b) above.

(b) Untagged Dogs. 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) Dogs Subject to Impoundment. Law enforcement officers or designated animal control agents shall attempt to capture and restrain any dog running at large and any untagged dog.

(d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits a dog to be untagged, the owner shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.

(11) **Duty to Report Animal Bite**. Every person, including the owner or person harboring or keeping a dog or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Sheriff.

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(12) **Quarantine or Sacrifice of Animals Suspected of Biting a Person or Being Infected with Rabies.** (a) Quarantine or Sacrifice of Animal. The County Health Officer may order a dog or other animal quarantined if the Officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The Officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(b) Quarantine Order. If a quarantine is ordered, the owner of the dog shall be subject to the provisions of §95.21(5), (6) and (8), Wis. Stats.

(13) **Setting Animals at Large Prohibited.** No person shall open any door or gate of any private premises for the purpose of setting any dog or other animal at large, except the owner of such animal.

(14) **Impounding and Disposition of Dogs.** (a) Enforcement. The Washington County Humane Society is the designated pound. A law enforcement officer or other person restraining a dog running at large shall notify the Washington County Humane Society or take such animal to the Humane Society. The officer shall attempt to identify the dog and notify the owner and shall keep a public record of all such dogs impounded. The Sheriff may appoint a deputy whose duty it shall be to seize all dogs running at large in the County.

(b) **Animal Control Agency.** 1. The Sheriff's Committee is hereby authorized to contract with or enter into an agreement with such person, persons, organization, or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of animals, disposition of impounded animals, and for assisting in the administration of rabies vaccination programs along with all other responsibilities the County may have not limited by law.

2. Washington County and/or its animal control agency or its designated agent shall not be liable to any person for the death, injury, or disease caused to any animal that has been impounded pursuant to this section.

(c) Release of Dog to Owner or Representative. The pound shall release the dog to the owner or his representative if the owner or representative:

1. Gives his or her name and address.
2. Presents evidence that the dog is licensed and vaccinated against rabies.
3. Pays the dog's boarding fee.

(d) Release of Dog to Person Other Than Owner. If the owner of the dog is unknown or does not reclaim the dog within 7 days, the pound may release the dog to a person other than the owner if such person:

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1. Gives his or her name and address.
2. Signs a statement agreeing to license the dog and have the dog vaccinated against rabies.

(15) **Penalties.** In addition to other penalties provided in this section, the following penalties are imposed:

(a) Failure to obtain Rabies Vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50 nor more than \$100.

(b) Refusal to Comply With Quarantine Order. An owner of a dog or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Town Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

14.14 KEEPING OF VICIOUS DOGS REGULATED. (1) **Definitions.** The terms used in this section are defined as follows:

(a) Vicious Dog. 1. Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.

2. Any dog which attacks a human being or another domestic animal without provocation.

3. Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog-fighting.

4. Any pit bull dog.

(b) Pit Bull Dog.

1. The pit bull terrier breed of dog.

2. The Staffordshire bull terrier breed of dog.

3. The American pit bull terrier breed of dog.

4. The American Staffordshire terrier breed of dog.

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5. Dogs of mixed breed or of other breeds than listed under subpars. 1. to 4. above whose breed or mixed breed is commonly known as pit bull, pit bull dog or pit bull terrier.

(2) **Requirements and Prohibitions.** (a) Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown in a sanctioned American Kennel Club show.

(b) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all applicable municipal zoning and building regulations. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) Prohibited in Multiple Dwellings. No vicious dog may be kept within any portion of any multiple dwelling.

(e) Signs. All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(f) Insurance. All owners, keepers or harborers of vicious dogs shall, within 30 days of the effective date of this section, provide proof to the Sheriff of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Sheriff. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

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(3) **Vicious Dog Determination.** The Sheriff or designee shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined in sub. (1) above. In the event the Sheriff makes a determination that a dog is "vicious," he shall so inform the owner, keeper or harbinger of such dog and provide such person with a copy of this section.

(4)(AM 03-42) **Appeal of Vicious Dog Determination.** Any person aggrieved by the determination of the Sheriff, as provided in sub. (3) above, may appeal such determination with the Public Safety Committee.

(5)(AM 03-42) **Disposition of Vicious Dogs.** Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by the Public Safety Committee or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

(6) **Penalty.** Any person who violates any provision of this section shall, upon conviction, be subject to the payment of a forfeiture, as provided in sec. 1.07 of this Code. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.

14.15 KEEPING OF WOLF-DOG HYBRIDS REGULATED. (1) **Definitions.** The terms used in this section are defined as follows:

(a) Wolf -Dog Hybrid. Any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote, jackal or dingo or resulting from the mating of any wolf-dog hybrid and another wolf-dog hybrid or a domesticated dog.

(b) Canine Animal. Includes all members of the family canidae except foxes.

(c) Domestic Dog. Canis familiaris.

(d) Wolf. Includes both canis lupus and canis niger.

(e) Coyote. Canis latrans.

(f) Jackal. Canis aureus.

(g) Dingo. Canis dingo.

(2)(AM 03-42) **Enclosure Requirements.** A wolf-dog hybrid may be kept only in an enclosure that meets the following minimum requirements:

(a) The enclosure shall be constructed of woven, galvanized after weaving wire, securely anchored by stainless steel or copper rings. Such enclosure shall be not less than 500 square feet in extent plus 250 square feet for each additional canine animal kept therein and shall be the location in which the animal is primarily kept.

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(b) The enclosure shall extend to a height of not less than 8 feet and shall be surrounded from ground level to a height of 4 feet by ¼ inch galvanized mesh screening.

(c) The base and top of the enclosure shall be constructed of securely anchored wire mesh and extend inward a distance of not less than 2 feet at the top of each enclosure at an angle of not less than 45', and at the base shall be covered by at least 4 inches of crushed stone.

(d) The enclosure shall be kept locked with a case hardened lock at all times when the animal is unattended and the enclosure shall have double entrance gates or doors so as to prevent an animal from escaping past an open gate or door.

(e) Any person who was, at the time of the enactment of this section, the owner of a single wolf-dog hybrid may obtain an exemption from the requirements of sub. (2) above by obtaining an inspection by the Sheriff or designee. The inspection fee shall be \$50. The Sheriff shall file a report with the Public Safety Committee as to the adequacy of the enclosure to protect the safety of the public and provide for the well being of the animal. The Committee shall review the report and if the Committee is satisfied that the owner has provided a secure enclosure that is adequate for the protection of the public and the well being of the animal, it may issue a written exemption from the terms of sub. (2) above. Such exemption shall be valid for the animal's lifetime provided, however, that a conviction of the owner for allowing the animal to run at large in violation of this section shall void such exemption. In issuing exemptions, the Committee shall consider the size and observed behavior of the animal and any prior convictions of the owner for allowing any animal to run at large. The Committee may require modifications to be made to existing enclosures as a condition of issuing an exemption.

(3) **Wolf-dog Bites; Sacrifice of Animal.** Every person, including the owner of a wolf-dog hybrid, who knows such animal has bitten any person shall immediately report such fact to the Sheriff. Pursuant to §95.21(4)(b) and (6), Wis. Stats., the Sheriff may kill such animal, taking care to preserve the head, and deliver such animal to a veterinarian for preparation of the carcass to be sent to the State Laboratory of Hygiene for testing.

(4) **Transportation.** A wolf-dog hybrid may be transported only if confined in a secure, locked container with no openings not covered with fine mesh screen. This subsection does not prohibit the walking of such animal on a leash, provided that said animal is muzzled at all times.

(5) **Registration Papers.** In order to insure compliance with the terms of this section, no person in possession of any registration papers, certificate, advertisement or other written evidence by which the blood lines of a canine animal found within the County or its ownership might be ascertained may refuse to produce the same for the inspection of any law enforcement, conservation or public health officer or court upon demand.

(6) **Exception.** The provisions of this section shall not apply to doctors of veterinary medicine in temporary possession of such animals in the ordinary course of their practices.

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(7) **Release Prohibited.** No person shall willfully or negligently release or abandon a wolf-dog hybrid.

(8) **Penalty.** Violation of any provision of this section, except sub. (7) above, shall be subject, upon conviction, to a forfeiture of not less than \$75 nor more than \$500 plus the costs of prosecution for each violation. Any person who violates sub. (7) above shall forfeit not more than \$1,000 plus the costs of prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense. Any person who is in default in the payment of forfeitures or costs imposed hereunder, unless found indigent by the court, shall be imprisoned in the County jail for up to 30 days for each violation or until payment has been made.

14.16 LITTERING. (1) In this section:

- (a) "Highway" has the meaning given in §340.01(22), Wis. Stats.
- (b) "Vehicle" has the meaning given in §340.01(74), Wis. Stats.
- (c) "Waters of the State" has the meaning given in §144.01(19), Wis. Stats.

(2)(AM 01-1) Except as provided in sub. (3) below, a person who does any of the following may be required to forfeit not more than \$500:

- (a) Deposits or discharges any solid waste on or along any highway, in any waters of the State, on the ice of any waters of the State or on any other public or private property.
- (b) Permits any solid waste to be thrown from a vehicle operated by the person.
- (c) Fails to remove within 30 days or otherwise abandons any automobile, boat or other vehicle in the waters of the State.
- (d) Deposits any solid waste into a refuse container on private property without permission.

(3)(AM 01-1) (a) Sub. (2)(a) and (d) do not apply to a person who places solid waste into a receptacle designed for solid waste, and intended for use by the public.

(b) Sub. (2) above does not apply to a person who deposits or discharges solid waste in conformance with Chs. 30, 31, 144, or 147, Wis. Stats., or a permit, license or other approval issued by the Department of Natural Resources under those chapters.

14.17 (Reserved)

14.18 MISUSE OF E911. (1) No person shall utilize the E911 emergency telephone number system for any purpose other than to report an emergency.

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(2) It shall be unlawful to report an alleged emergency knowing that the fact situation which he or she reports does not exist.

(3) An "emergency" under this section exists when the person reasonably believes that immediate response by public safety personnel is essential due to the risk or actual occurrence of;

(a) Death or great bodily harm.

(b) Property damage.

(c) Any other situation which mandates the immediate response of public safety personnel.

14.19 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

14.20 REMOVAL OF VEHICLES. In the event that a traffic officer, pursuant to §349.13, Wis. Stats., removes a vehicle or directs the removal of a vehicle as authorized by said statute, the operator or owner of the vehicle removed shall pay the reasonable charges for moving or towing or any storage involved. The charge for removal shall be the customary charge as determined by the Sheriff, but shall in no event exceed \$200.

14.21 WASHINGTON COUNTY FAIR PARK REGULATIONS. (1)(CR 99-18) The park regulations in Section 21.07 of this code are hereby incorporated by reference and shall apply to the Washington County Fair Park except where inconsistent with the specific regulations of this section.

(2)(CR 99-18) **Unlawful Conduct.** It shall be unlawful for any person to commit any of the following acts in or upon the grounds of the Washington County Fair Park Site.

(a) **Fence Jumping.** To enter any fenced area of the Fair Park so as to avoid paying the fee being charged. To climb, cross or jump the fence whether entering or exiting the park under any circumstances. All entry and exit shall be through gates provided and marked for that purpose.

(b) **Loitering in Parking Areas.** To loiter in any of the parking areas of the Washington County Fair Park during the time that any park event is in progress.

(c) **Alcohol.** To carry-in any alcoholic beverage into the Washington County Fair Park site during the time in which the Fair or any other public event is in progress.

14.22 DISORDERLY CONDUCT WITH A VEHICLE. (1)(CR 99-37) Whoever does any of the following is subject to a forfeiture as hereinafter provided.

(a) Upon a street or highway, makes or causes to be made any unreasonable noise which disturbs or tends to disturb the peace and quiet of any person in the vicinity thereof by squealing tires of a motor vehicle, or by causing loud and unnecessary acceleration of such motor vehicle.

(b) Operates a motor vehicle in such a manner as to cause dirt, stones, rubber or other debris to be thrown by the wheels of such motor vehicle upon the person or property of another or to be thrown in a manner creating or tending to create an unreasonable risk or hazard to others upon the roadway.

(2) Any person violating this section shall forfeit not more than \$200, together with the costs of prosecution, and in default of the payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not more than 90 days.

Sections 14.23 through 14.40 Reserved

14.41 ATTEMPT. (1) Whoever attempts to violate any provision of this chapter which requires intent shall be subject to the same penalty for the completed violation.

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

14.42 UNIFORM CITATION METHOD ADOPTED. (1)(AM 01-8) **Creation.** Pursuant to §66.0113, Wis. Stats., the County hereby elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.

(2) **Citation.** The citation shall contain the following:

(a) The name and address of the alleged violator.

(b) Factual allegations describing the alleged violation.

(c) The time and place of the offense.

(d) The section of the ordinance or Municipal Code violated.

(e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.

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- (f) The time at which the alleged violator may appear in court.
- (g) A statement which, in essence, informs the alleged violator, as follows;

1. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.

2. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.

3. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by §165.87, Wis. Stats., the jail assessment imposed by §53.46, Wis. Stats., the automation fee imposed by §814.635, Wis. Stats., and the court support service fee imposed by §814.634, Wis. Stats., not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons will be issued demanding him to appear in court to answer the complaint.

4. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the penalty assessment, the jail assessment, the automation fee, and the court support service fee.

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

- (i) Such other information as the County Board deems necessary.

(3) **Deposits.** (a) Each citation issued under this section, except those to which par. (d) below applies, shall specify a cash deposit as set forth in the Uniform Deposit and Misdemeanor Schedule of the Washington County Board of Circuit Judges or where applicable, the Washington County Deposit Schedule, which is hereby adopted by reference, which consists of the appropriate forfeiture, the current penalty assessment, the jail assessment, the automation fee and the court support service fee.

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

(c) The penalty assessment, the jail assessment, the automation fee, and the court support service fee, shall be added to all forfeitures hereunder, except where said forfeitures derive from citations issued for violations of ordinances for which State law controls or of ordinances involving nonmoving traffic violations. Said assessments shall be in an amount determined after deducting the court costs.

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(d) The deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed the maximum penalties provided in Ch. 48, Wis. Stats., plus the penalty assessment, the jail assessment, the automation fee, and the court support service fee, except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.

(4) **Deposit Schedule.** Any law enforcement officer issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit, as provided in sub. (3) above, that the alleged violator may make in lieu of court appearance.

(5)(AM 99-18)(AM 01-8)(AM 09-9) **Issuance of Citation.** (a) Any law enforcement officers may issue citations authorized under this section.

(b) The following County officials may issue citations with respect to those specific sections of this code which relate to their official responsibilities:

1. Planning and Parks Administrator, Assistant Planning and Parks Administrator, Land Use Inspectors and Land Use Technicians.
2. Park Superintendent and Park Supervisor.
3. County Conservationist.
4. County Highway Commissioner.
5. Any law enforcement officer.
6. County Health Officer or designee.

(6)(AM 01-8) **Procedure.** Section 66.0113(3), Wis. Stats., relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

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

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

14.43 PENALTIES. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 1.07 of this Code. In addition to any penalty imposed for violation of sec. 14.943.01(1) of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates sec. 14.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with §895.35, Wis. Stats.