

## **CHAPTER 15**

### **ORDERLY CONDUCT**

#### **15.01 OFFENSES ENDANGERING PUBLIC SAFETY**

- (1) Discharging and carrying firearms and guns prohibited
- (2) Throwing or shooting stones and other missiles
- (3) Discharge of bow and arrow
- (4) Burning restrictions
- (5) Negligent handling of burning materials
- (6) Interfering with or failing to assist in fire fighting
- (7) False alarms and interference with fire fighting
- (8) False fire alarms prohibited
- (9) Assisting the escape of prisoners
- (10) Sale and discharge of fireworks restricted
- (11) Obstructing streets and sidewalk prohibited

#### **15.02 OFFENSES ENDANGERING PUBLIC PEACE & GOOD ORDER & OTHER INTERESTS**

- (1) Disorderly conduct
- (2) Loud and unnecessary noise
- (3) Possession of switch blade knife
- (4) Carrying a concealed weapon
- (5) Carrying a firearm in a public building
- (6) Refusing to aide officer
- (7) Restricting or obstructing an officer
- (8) Impersonating an officer
- (9) Battery
- (10) Reckless use of a weapon

#### **15.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY**

- (1) Gambling, lotteries, fraudulent devices and practices prohibited
- (2) Loitering prohibited
- (3) Indecent conduct or language prohibited
- (4) Loitering of minors
  - (a) Curfew
  - (b) Responsibility of Parents
  - (c) Responsibility of Operators of Amusements
  - (d) Responsibility of Hotels, Motels and Rooming houses
  - (e) Loitering in School and Playground areas
- (5) Hazing
- (6) Possession of controlled substance
- (7) Intoxicated liquor not to be sold or consumed on the streets

#### **15.04 OFFENSES ENDANGERING PUBLIC & PRIVATE PROPERTY**

- (1) Definitions
- (2) Destruction of property prohibited
- (3) Littering prohibited
- (4) Criminal damage to property
- (5) Criminal trespass to land
- (6) Criminal trespass to dwellings
- (7) Use of cheating tokens
- (8) Receiving property from children
- (9) Theft
- (10) Receiving stolen property
- (11) Shoplifting
- (12) Dog-napping or cat-napping prohibited
- (13) Opening letters prohibited
- (14) Issuing worthless checks
- (15) Fraud on a hotel or restaurant keeper
- (16) Fraudulent tapping of electric wires or gas or water meters or pipes (941.36)

- (17) Removal of shopping cart
- (18) Theft of library material
- (19) Contributing to the delinquency of children
- (20) Making lewd or obscene or indecent drawings

## **15.05 PENALTIES**

### **15.01 OFFENSES ENDANGERING PUBLIC SAFETY**

*(1) DISCHARGING AND CARRYING FIREARMS AND GUNS PROHIBITED* – No person, except a sheriff, constable, police officer or their deputies, shall fire or discharge any firearm, rifle, spring or air gun of any description within the Village of Eagle, or have any firearm, rifle, spring or air gun in his/her possession or under his/her control unless it is enclosed within a carrying case or other suitable container, provided that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board. This sub-section shall be deemed to prohibit hunting within the Village, provided that the Chief of Police may issue written permits to owners or occupants of private premises to hunt or shoot on such premises, if he/she finds such privileges necessary for the protection of life or property, and subject to such safeguards as he/she may impose for the safety of the lives and property of other persons within the Village. A firearm is defined as a weapon capable of firing a projectile using an explosive charge as a propellant and capable of causing life threatening injury.

*(2) THROWING OR SHOOTING STONES & OTHER MISSILES PROHIBITED*

No person shall throw or shoot any object, stone, snowball or other missile or projectile, by hand or by any other means at any other person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place in the Village of Eagle.

*(3) DISCHARGE OF BOW AND ARROW –*

No person shall discharge a bow and arrow within the Village of Eagle with the exception of a child's toy not capable of causing bodily injury.

*(4) BURNING RESTRICTIONS–*

- (a) It shall be prohibited for any person to burn:

1. Refuse.
  2. Grass clippings.
  3. Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil and other petroleum products, solvents, tires and rubber.
  4. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.
- (b) It shall be prohibited for any person to:
1. Create an unattended fire.
  2. Allow the continuous smoldering of a fire.
  3. Burn upon any street, curb, gutter or sidewalk.
  4. Create a foul or offensive odor, noxious fumes, or cause smoke emissions that are reasonably offensive to occupants of surrounding property.
- (c) It shall be permissible for:
1. A homeowner or his/her designee to create a camp-style fire if such is contained within a manufactured fireplace, a pit, stone circle, or metal ring no more than four (4) feet in diameter.
  2. All fires must be continuously tended and supervised until the fire is extinguished and is cold.
  3. The person responsible for tending and supervising a fire shall have readily available, fire extinguishing equipment as may be necessary for the total control of the fire.
- (d) All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads, parks, or sidewalks. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- (e) The Fire Chief, Police Chief, or any authorized officer, agent, employee or representative of the Village of Eagle who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.
- (f) If any of the aforementioned officials noted in sub-section (e) of this section direct that a fire be extinguished for any reason, said fire must be extinguished immediately.
- (5) *NEGLIGENT HANDLING OF BURNING MATERIALS –*

- (a) No person shall handle burning material in a highly negligent manner.
  - (b) Burning material is handled in a highly negligent manner, if, under the circumstances, the person should realize that he/she creates an unreasonable risk and high probability of death or great bodily harm to another or serious damage to another property.
- (6) *INTERFERING WITH OR FAILING TO ASSIST IN FIRE FIGHTING –*
- (a) No person shall, without reasonable excuse, fail or refuse to render assistance when lawfully called upon to do so by a person known by him/her to be an officer of an organization established for the purpose of extinguishing fires or preventing fire hazards or refuses to obey a lawful order of known by him/her to be connected with such organization; or
  - (b) Interferes with accessibility to a fire hydrant by piling or dumping material near it without first obtaining permission from the appropriate municipal authority. Every day during which such interference continues, constitutes a separate offense.
- (7) *FALSE ALARMS AND INTERFERENCE WITH FIRE FIGHTING –*
- (a) No person shall intentionally:
    - 1. Give a false alarm to a public officer or employee, whether by means of a fire alarm system or otherwise; or
    - 2. Interfere with the proper functioning of a fire alarm system; or
    - 3. Interfere with the lawful efforts of firemen to extinguish a fire; or
    - 4. Interfere with, tamper with, or remove, without authorization any fire extinguisher, fire hose, or other fire fighting equipment.
- (8) *FALSE FIRE ALARMS PROHIBITED –* No person shall give or send or cause to be given or sent in any manner any alarm of fire which he/she knows to be false.
- (9) *ASSISTING THE ESCAPE OF A PRISONER –* No person shall intentionally aid any prisoner of person to escape from the lawful custody of a policeman or peace officer of the Village.
- (10) *SALE AND DISCHARGE OF FIREWORKS RESTRICTED –*
- (a) Except as otherwise specifically provided in this code, the statutory provisions of section 167.10 of the Wisconsin Statutes, describing and defining regulation of fireworks, are hereby adopted and by reference made a part of this code as fully set forth herein.

- (b) **PRIVATE USE AND SALE** – No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the United States interstate commerce commission regulations for packing and shipping of toy paper caps, gold star producing sparklers on wires which contain no magnesium, chlorate or perchlorate, and toy snakes which contain no mercury; or smoke novelties and party novelties which contain less than 20/500s of a grain of explosive mixture within the Village limits unless he/she shall be authorized by a fireworks permit as hereinafter provided.
- (c) **FIREWORKS PERMITS** – Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the Village Police Chief. All applications shall be referred to the Fire Chief for approval and no permit shall be granted unless the Chief determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons, and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the Village Police Chief shall require the applicant to post with the Village Clerk an approved indemnity bond in the sum of One Million (\$1,000,000.00) Dollars for the payment of all claims which may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit.
- (d) **RESPONSIBILITY OF PARENTS** – A parent or legally appointed guardian of any minor who shall knowingly permit such minor to purchase or have in his/her possession or to discharge any fireworks forbidden by this section, shall be deemed to have violated this section and such parent or guardian shall be personally liable for any damage caused by such possession or discharge of fireworks.
- (e) **FIREWORKS DEFINITION** - The term “fireworks” as used in this section, shall be as defined in section 167.10 (1) of the Wisconsin Statutes, and shall be deemed to include all rockets or similar missiles containing explosive fuel.

(11) *OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED* – No person shall stand, sit, loaf, loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

**15.02            OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER & OTHER INTERESTS**

(1) *DISORDERLY CONDUCT PROHIBITED* –

No person shall;

- (a) In a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.
- (b) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation, other than a bona fide athletic contest.

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

(3) *POSSESSION OF SWITCH BLADE KNIFE* –

- (a) No person shall manufacture, sell or offer to sell, transport, purchase, possess or go armed with any knife having a blade which opens by pressing a button, spring or other device in the handle or by gravity or by a thrust or movement.
- (b) Any such knife shall be confiscated by or surrendered to any police officer.

(4) *CARRYING A CONCEALED WEAPON* – No person, except a peace officer, shall be armed with a concealed and dangerous weapon except persons allowed to legally carry a concealed weapon by authority of State or Federal law. Such person shall be presumed to not be in violation of Section 15.02(5) unless other substantive evidence supports a violation.

(5) *CARRYING A FIREARM IN A PUBLIC BUILDING* –

(a) Definitions

- 1. Village held property is defined as buildings and/or real estate owned, leased or rented by the Village and includes but is not limited to the Village Park, Municipal

Building, Fire Department, Police Department, Library, Historical Society, Highway Department, Visitor's Center, property on which wells are located, and/or any other property or structure not listed herein.

2. "Possession. of a firearm" includes;
  - a. Physically possessing on one's person
  - b. Located within a lunge, reach or grab distance
  - c. Inside any vehicle or compartment of any vehicle whether locked or unlocked
- (b) The statutory provisions of Section 941 of the Wisconsin State Statutes describe and define regulations with respect to carrying of firearms. In addition to those restrictions set forth by Wisconsin Statutes, the Village of Eagle shall prohibit the "possession of a firearm" on or in any Village-held property.
- (c) No person shall go armed with a firearm into any building owned or leased by the state or any political subdivision of the state.
- (d) This section shall not apply to peace officers or armed forces or military personnel who go armed in the line of duty.
- (e) Exceptions –
  1. Citizens wishing to turn in, register, or have inspected, weapons at the Police Department or any other location authorized by the Chief of Police.
  2. Legitimate functions involving firearms sanctioned by the Village Board of Trustees and/or approved by the Chief of Police,
  3. The citizen presenting a firearm must receive verbal or written permission from an employee of the Police Department prior to the weapon entering said premises.
- (6) *REFUSING TO AID OFFICER* –
  - (a) No person, without reasonable excuse, shall refuse or fail, upon command, to aid any person known by the person to be a peace officer.
  - (b) This section does not apply if under the circumstances the officer was not authorized to command such assistance.
- (7) *RESTRICTING OR OBSTRUCTING OFFICER* –
  - (a) No person shall knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.
  - (b) In this section:



1. "Officer" means a peace officer or other public officer or public employee having the authority by virtue of his/her office or employment to take another into custody.
  2. "Obstructs" includes without limitation knowingly giving false information to the officer with intent to mislead him/her in the performance of his/her duty including the service of any summons or civil process.
- (c) No person shall, by violating this section, hinder, delay or prevent an officer from properly serving or executing any summons or civil process, is civilly liable to the person injured for any actual loss caused thereby and to the officer of his/her superior for any damages adjudged against either of them by reason thereof.
- (8) *IMPERSONATING AN OFFICER* – No person shall impersonate a peace officer with intent to mislead others into believing that the person is actually a peace officer.
- (9) *BATTERY* – No person shall cause bodily harm to another by an act done with intent to cause bodily harm to that person or another without his/her consent of the person so harmed.
- (10) *RECKLESS USE OF A WEAPON* –
- (a) No person shall endanger another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife, or bow and arrow; or
  - (b) Operates or is armed with a firearm while under the influence of an intoxicant; or
  - (c) Intentionally points a firearm at or toward another.

### **15.03            OFFENSES ENDANGERING PUBLIC MORALS & DECENCY**

- (1) *GAMBLING, LOTTERIES, FRAUDULENT DEVICES & PRACTICES PROHIBITED* – Except as provided by State Statutes, all forms of gambling, lotteries and fraudulent devices and practices are prohibited within the limits of the Village. Any peace officer or policeman of the Village is hereby authorized to seize anything devised solely for gambling or found in actual use for gambling within the Village and to dispose thereof after a judicial determination that said device was used solely for gambling or found in actual use for gambling.
- (2) *LOITERING PROHIBITED* – No person shall within the Village loiter or loaf about any public building, place or premises or wander about the streets, alleys, parks or other public places either by day or night.

(3) *INDECENT CONDUCT AND LANGUAGE PROHIBITED* – No person shall use any indecent, vile, profane or obscene language or conduct himself/herself in any indecent, lewd, lascivious or obscene manner within the Village.

(4) *LOITERING OF MINORS* –

- (a) *CURFEW* - It shall be unlawful for any persons under the age of 18 years to congregate, loiter, wander, stroll, stand or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or any public places in the Village of Eagle either on foot or in or upon any conveyance being driven or parked thereon between the hours of 11 PM and 5 AM of the following day unless accompanied by a parent, guardian, or other adult person having the care, custody, or control of such minor except during Kettle Moraine Days until 12:30 AM.
- (b) *RESPONSIBILITY OF PARENTS* – It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a person under the age of 18 years to suffer or permit or by inefficient control to allow such minor to congregate, loiter, wander, stroll, stand, or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or any public places in the Village of Eagle between the hours of 11 PM and 5 AM of the following day unless accompanied by a parent, guardian, or other adult person having the care, custody, or control of such minor; provided that any parent, guardian, or other adult person herein who shall have made missing person notification to the police department shall not be considered to be in violation of this section.
- (c) *RESPONSIBILITY OF OPERATORS OF PLACES OF AMUSEMENT* – It shall be unlawful for any person, firm, or corporation operating places of amusement or entertainment or any agent, servant, or employee of any such person, firm, or corporation to permit any person under the age of 18 years to enter or remain in such places of amusement or entertainment between the hours of 11 PM and 5 AM unless such minor is accompanied by a parent, guardian, or other adult person having the care, custody or control of such minor.
- (d) *RESPONSIBILITY OF HOTELS, MOTELS AND ROOMING HOUSES* – It shall be unlawful for any person, firm, or corporation operating a hotel, motel, lodging or rooming house, or the agents, servants or employees, to permit any person under the age

of 18 years to visit, loiter, idle, wander or stroll in any portion of such hotel, motel, lodging or rooming house, between the hours of 10 PM and 7 AM of the following day; providing, however that the provisions of this subsection shall not apply when the minor is accompanied by a parent, guardian, or other adult persons having the care, custody and control of such minor.

(e) **LOITERING IN SCHOOL AND PLAYGROUND AREAS** – It shall be unlawful for any person not in official attendance or on official business to enter in, to congregate, loiter, wander, stroll, stand or play in any school building in the Village of Eagle or in or about any playground area adjacent thereto between the hours of 7 AM and 4 PM on official school days.

(5) **HAZING** – No person shall engage in or incite hazing which results in or is likely to result in bodily harm to another in any school.

(6) **POSSESSION OF A CONTROLLED SUBSTANCE & PARAPHEMNALIA** – It shall be unlawful for any person to possess a controlled substance, other than a controlled substance classified in Schedule I and II under section 961 of the Wisconsin Statutes, which is a narcotic drug, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of, a practitioner while acting in the course of his/her professional practice, or except as otherwise authorized by Chapter 961 of the Wisconsin Statutes. It shall also be unlawful for any person to possess any item used to ingest or partake in a controlled substance other than described above.

(7) **INTOXICATED LIQUOR NOT TO BE SOLD OR CONSUMED ON STREETS** –

(a) **NO SALE ON STREETS** – No person shall sell or serve, or offer to sell or sell any intoxicating liquor or fermented malt beverage upon any public street, alley, sidewalk or public property of the Village without a license or permit therefore.

(b) **NO CONSUMPTION ON STREETS** – No person shall consume any intoxicating liquor or fermented malt beverage upon any public street, alley or sidewalk or public property of the Village.

(c) **EXCEPTIONS-**

1. Consumption of alcoholic beverages is permitted in parks as regulated in Chapter 18 of the Municipal Code 18.02(7)(c).

2. Consumption of alcoholic beverages is permitted on public sidewalks, streets, or public property for a period of two (2) hours before the start of, during, and two (2) hours after the end of the Kettle Moraine Days parade.

#### **15.04        OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY**

##### *(1) DEFINITIONS –*

1. “Property” means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other intangible rights.
2. “Movable property” is property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights, and things growing on or affixed to, or found in land.
3. “Value” means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible rights; value means either the market value of the chose in action or other right or the intrinsic value of the document, which ever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.
4. “Property of Another” includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

*(2) DESTRUCTION OF PROPERTY PROHIBITED* – No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Village or its departments or to any private person without the consent of the owner or proper authority.

*(3) LITTERING PROHIBITED* – No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the Village or upon any private property not owned by him/her or upon the surface of any body of water within the Village of Eagle.

(4) *CRIMINAL DAMAGE TO PROPERTY* – No person shall intentionally cause damage to any physical property of another without his/her consent. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the village or its departments or to any private person without the consent of the owner or proper authority.

(5) *CRIMINAL TRESPASS TO LAND* –

(a) No person shall:

1. Enter any enclosed or cultivated land of another with intent to catch or kill any birds, animals, or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities; or
2. Enter or remain on any land of another without consent; or
3. Hunt, shoot, fish or gather any product of the soil on the premises of another, or enter said premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so; or
4. Enter any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant not to do so.

(6) *CRIMINAL TRESPASS TO DWELLINGS* –

- (a) No person shall intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provide a breach of the peace.
- (b) For the purpose of this section, “dwelling” shall include outbuildings and appurtenant structures adjacent to the dwelling house.

(7) *USE OF CHEATING TOKENS* – No person shall obtain the property or services of another by depositing anything which he/she knows is not lawful money or an authorized token in any receptacle used for the deposit of coins or tokens.

(8) *RECEIVING PROPERTY FROM CHILDREN* – No person shall:

- (a) As dealer in second hand articles or junk, purchase any personal property except old rags and waste paper, from any minor without the written consent of the parent or guardian; or

- (b) As a pawn broker or other person who loans money and takes personal property as security therefore, receives personal property as security for a loan from any minor without the written consent of the parent or guardian.

(9) *THEFT* –

- (a) No person shall intentionally take or carry away, uses, transfers, conceals, or retains, possession of movable property of another without his/her consent and with intent to deprive the owner permanently of possession of such property.
- (b) By virtue of his/her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally used, transfers, conceals, or retains possession of such money, security instrument, paper or writing without the owners consent, contrary to his/her authority, and with intent to convert to his/her own use or to the use of any other person, except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his/her possession or custody by virtue of his/her office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prime facie evidence of an intent to convert to his/her own use within the meaning of this section.
- (c) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property.
- (d) Obtains title to property of another by intentionally deceiving him/her with a false representation that is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. “False representation” includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
- (e) Intentionally fails to return any personal property which is in his/her possession or under his/her control by virtue of a written lease or written rental agreement, within 10 days after the lease or rental agreement has expired.

(10) *RECEIVING STOLEN PROPERTY*– No person shall intentionally receive or conceal stolen property.

(11) *SHOPLIFTING* –

- (a) No person shall intentionally alter an 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 without his/her consent and with full intent to deprive the merchant permanently of possession, or the full purchase price of such merchandise.
- (b) The intentional concealment of unpurchased merchandise which continues from one area to another is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of 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.
- (c) A merchant or merchants, adult employee who has probable cause for believing that a person has violated this section or his/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a police officer, or to his/her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make a phone call, but he/she shall not be interrogated or searched against will before the arrival of a police officer who may conduct a lawful interrogation of the accused person.  
Compliance with this subsection entitles the merchant or his/her employee effecting the detention to the same defense in any action as if available to a police officer making an arrest in the line of duty.

(12) *DOGNAPPING AND CATNAPPING AND MISTREATING OF ANIMALS –*

- (a) No person may take the dog or cat of another from one place to another without the owner's consent or cause such a dog or cat to be confined or carried out of this state or held for any purpose without the owners consent. This section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties.
- (b) No person may treat any animal, whether belonging to himself/herself or another, in a cruel manner. This section does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinary practices.

(13) *OPENING LETTERS –*

- (a) No person shall knowing that he/she does not have the consent of either the sender or the addressee, intentionally opens any sealed letter or package addressed to another; or

- (b) Knowing that a sealed letter or package has been opened without the consent of either the sender or addressee, intentionally publishes any of the contents thereof.

(14) *ISSUING WORTHLESS CHECKS –*

- (a) No person shall issue any check or other order for the payment which, at the time of issuance, he/she intends not to be paid.
- (b) Any of the following is prima facie evidence that the person at the time he/she issued the check or other order for payment of money intended it should not be paid:
  - 1. Proof that, at the time of issuance, the person did not have an account with the drawee;
  - 2. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within 5 days after receiving notice of non-payment or dishonor to pay the check or other order; or
  - 3. Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within 5 days after receiving notice of non-payment or dishonor to pay the check or other order.
- (c) This section does not apply to a post dated check or to a check given for a post consideration, except a payroll check.

(15) *FRAUD ON HOTEL OR RESTAURANT KEEPERS –*

- (a)
  - 1. No person shall, having obtained any food, lodging or other service or accommodation at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally absconds without paying for it.
  - 2. While a guest at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally defrauds the keeper thereof in any transaction arising out of the relationship as guest.
- (b) Under this section, prima facie evidence of an intent to defraud is shown by:
  - 1. 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 campground, hotel, motel, boarding or lodging house, or restaurant, 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.



2. The failure or refusal of any guest at a campground, hotel, motel, boarding or lodging house or restaurant, to pay, upon written demand the established charge for food, lodging or other service or accommodation actually rendered.
3. 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.
4. The drawing, endorsing, issuing or delivery to any campground, hotel, motel, boarding or lodging house, or restaurant of any check, draft, or order for payment of money upon any bank or other depository, in payment of established charges for food, lodging or other service or accommodation, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

(16) *FRAUDULENT TAPPING OF ELECTRIC WIRES OR GAS OR WATER METERS OR PIPES –*

- (a) No person shall without permission and for the purpose of obtaining electrical current, gas or water with intent to defraud any vendor of electricity, gas or water by doing any of the following:
  1. Connects or causes to be connected by wire or any other device with the wire, cables or conductors of any such vendor.
  2. Connects or disconnects the meters, pipes or conduits of the vendor or in any other manner tampers or interferes with the meters, pipes or conduits, or connects with the meters pipes or conduits by pipes conduit or other instruments.
- (b) The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, is presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through the meters, pipes, conduits or attachments has with intent to defraud, created or caused to be created the conditions. The presumption does not apply to any person furnished with gas, electricity or water for less than 31 days or until there has been at least one meter reading.

(17) *REMOVAL OF SHOPPING CARTS –* No person shall intentionally remove a shopping cart or stroller from either the shopping area or a parking area adjacent to the shopping area to another place without authorization of the owner or person in charge and with the intent to deprive the owner permanently of possession of such property.

(18) *THEFT OF LIBRARY MATERIAL* –

(a) In this section :

1. “Archives” means a place in which public or institutional records are systematically preserved.
2. “Library” means any public library, library of an educational, historical or eleemosynary institution, organization or society; archives; or museum.
3. “Library material” includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, 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 or loan to or otherwise in the custody of a library.

(b) No person shall intentionally take or carry away, transfer, conceal or retain 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.

(c) 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 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.

(d) The official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his/her presence, may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace office; or to the persons 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/her will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a police officer making an arrest in the line of duty.

(19) *CONTRIBUTING TO THE DELINQUENCY OF CHILDREN –*

- (a) No person 18 years or older who intentionally encourages or contributes to the delinquency of any child as defined in section 938.02 (3m) of the Wisconsin Statutes, or the neglect of any child. This subsection includes intentionally encouraging or contributing to any act by a child under the age of 10 years which would be a delinquent act if committed by a child 10 years of age or older.
- (b) Any parent, guardian or legal custodian who by neglect, or disregard of the morals, health or welfare of his/her or her child contributes to the delinquency of that child. This subsection includes neglect or disregard on the part of the parents which results in the commission or probable commission by a child under the age of 10 of an act which would be a delinquent act if committed by a child 10 years of age or older.
- (c) An act or failure to act contributes to the delinquency or neglect of a child, although the child does not actually become neglected or delinquent, if the natural and probable consequences of that act or failure to act would be to cause the child to become delinquent or neglected.

(20) *MAKING LEWD OR OBSCENE OR INDECENT DRAWINGS -* No person shall make any lewd, obscene or indecent drawings or writings in public or in a public place.

**15.05        PENALTIES**

- (1) Violation of any provision of this chapter shall be subject to a penalty as provided in section 30.04 of this code.
- (2) In addition to any penalty imposed for violation of section 15.04 (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, parents or legal guardians of any unemancipated minor child who violates section 15.04(1) of this chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property.