

CHAPTER 9

PEACE AND ORDER

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PEACE AND ORDER 9.01

PEACE AND ORDER ORDINANCE - adopted & amended in 1975, amended by ORD. #3-82.

9.01 STATE STATUTES ADOPTED. The following enumerated sections of the Wisconsin Statutes, in connection with the described misdemeanor offenses, preceded by the numeral 9 to indicate their adoption as County ordinance violations, are hereby adopted and by reference made a part of this Code as of fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section.

- 9.943.13 Trespass to land
- 9.943.21 Fraud on hotel or restaurant keeper
- 9.947.01 Disorderly conduct
- 9.947.012 Unlawful use of telephone
- 9.947.013 Harassment

9.02 REGULATION OF WEAPONS WITHIN COUNTY BUILDINGS AND GROUNDS. (ORD. #2-2011)

(1) **Weapons Prohibited within County Buildings and Grounds.** No person in the possession of a weapon shall enter or remain in any part of a building or grounds that is owned, occupied, or controlled by Langlade County if the County has notified the public that weapons are prohibited on the premises.

(2) **Posting requirement.** The Public Property Committee is authorized to designate County buildings and/or grounds that are subject to this regulation by posting a notice as required by law. (Wis. Stat. Secs. 943.13(2)(am) & (bm)).

(3) **Applicable Weapons.** This regulation applies to the following weapons: firearm (Sec.167.31 (1) (c), Wis. Stats.), handgun, taser or other electric weapon (Sec. 941.295 (1c) (a), Wis. Stats.), a knife of any length including a switchblade knife (Sec. 941.24, Wis. Stats.) or billy club. This regulation does not apply to a pocket folding knife having a blade length of less than 3 inches.

(4) **Exceptions.**

(a) This regulation does not apply to any weapon stored in a vehicle driven or parked in any part of the building or grounds used for parking vehicles.

(b) This regulation does not apply to active law enforcement personnel authorized to carry a weapon.

(5) **Consistency.** At all times, the provisions of this Ordinance shall be interpreted, applied and enforced consistent with Sections 66.0409 & 943.13 Wisconsin Statutes, any subsequent amendments thereto and any administrative regulations promulgated for the enforcement of the state-wide concealed carry weapons law. Any revisions to Sections 66.0409 & 943.13 Wisconsin Statutes are incorporated by reference herein.

(6) **Enforcement.** The Langlade County Sheriff's Department shall have the authority to take appropriate enforcement action pursuant to Chapter 943 of Wisconsin Statutes.

(7) **Penalties.** The penalties for violation of this Ordinance shall be established by Section 25.04 of the Langlade County Code of Ordinances.

(8) **Severability.** In the event any section, subsection, clause, phrase or portion of this Ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this Ordinance. It is the legislative intent of Langlade County that this Ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

9.03 FAIR AND OPEN HOUSING.

(1) The County Board of Langlade County hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto. Langlade County endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein; and recognizes familial status as a protected class as adopted by the federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implemented under 24 CFR Part 14 et al (January 23, 1989). (Ord. #1-95, Ord. #5-98, Ord. #5-2001)

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

(3) The Housing Authority shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the County to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

9.04 JUVENILE DRINKING OFFENSES. (ORD #1-82)

The following enumerated sections of the Wisconsin Statutes, preceded by the numeral 9 to indicate their adoption as County ordinance violations, in connection with the described juvenile drinking offenses, together with their respective penalties, are hereby adopted and by reference made a part of this chapter as if fully set forth herein, pursuant to 125.10(2), Wis. Stats. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the Statutes incorporated herein are intended to be made part of this section.

- 9.125.07(4)(a)1. Procures or attempts to procure alcohol beverages
- 9.125.07(4)(a)3. Enters, knowingly attempts to enter or is on licensed premises
- 9.125.07(4)(a)4. Falsely represents age
- 9.125.07(4)(b) Knowingly possesses or consumes
- 9.125.085(3)(b) Identification card violations
- 9.125.09(2) Possession of alcohol beverages on school grounds prohibited

Any person violating any of the subsections of this Ordinance shall be subject to the citation and forfeiture procedures of Wisconsin Statutes, Section 778.25.

9.05 TRUANCY. (Ord. #2-89 & Ord. #6-2001)

(1) PROHIBITION OF HABITUAL TRUANCY. A child is prohibited from being a habitual truant.

(2) DEFINITIONS. For purposes of this section:

- (a) "Habitual Truant" shall mean a pupil who is absent from school without an acceptable excuse for either of the following:
 - 1. Part or all of 5 or more days out of 10 consecutive days on which school is held during a semester.
 - 2. Part or all of 10 or more days on which school is held during a school semester.
- (b) "Acceptable Excuse" shall mean an acceptable excuse as defined in 118.15 and 118.16(4), Wis. Stats.
- (c) "Truant" or "Truancy" means any absence of part or all of one (1) or more days from school without an acceptable excuse.

(3) PENALTY FOR HABITUAL TRUANCY. Upon a finding that a child is a habitual truant, the court shall enter an order making one or more of the following dispositions:

- (a) Suspend the child's operating privilege, as defined in 340.01(40), Wis. Stats., for not less than 30 days nor more than 90 days. The judge shall immediately take possession of the suspended license and forward it to the Wisconsin Department of Transportation together with a notice stating the reason for and duration of the suspension.
- (b) Order the child to participate in counseling, community service or a supervised work program under

48.34(9), Wis. Stats.

- (c) Order the child to remain at home except during the hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.
- (d) Order the child to attend an educational program under 48.34(12), Wis. Stats.
- (e) Order the revocation of the child's work permits.
- (f) Order the parent, guardian or legal custodian of the child to participate in counseling at his or her own expense.
- (g) Order the child to forfeit the sum of not less than \$10.00 nor more than \$25.00.

(4) CONTRIBUTING TO TRUANCY. Any person 17 years of age or older who knowingly encourages or contributes to the truancy of a child shall be subject to a forfeiture pursuant to the penalty provisions contained in Section 25.04, Langlade County Code of Ordinances.

(5) PARENT OR GUARDIAN LIABILITY FOR TRUANCY.

- (a) Any person having control of a child who is between the ages of 6 and 18 years and has not graduated from high school, shall cause the child to attend school regularly during the full period of hours that the public or private school in which the child is enrolled is in session.
- (b) Any person found to have violated Subsection (5)(a) above, shall be subject to a forfeiture pursuant to the penalty provisions contained in Section 25.04, Langlade County Code of Ordinances.

9.06(1) PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY A PERSON UNDER 18 YEARS OF AGE PROHIBITED: (ORD #6-2000)

- 1. Section 938.983 Wis. Stats., is hereby adopted in its entirety.
 - a. No person under 18 years of age may do any of the following:
 - (1) buy or attempt to buy any cigarette or tobacco product;
 - (2) falsely represent his or her age for the purpose of receiving any cigarette or tobacco product;
 - (3) possess any cigarette or tobacco product.
- 2. A person under 18 years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a licensed retailer.
- 3. Penalty: Any person under 18 years of age violating the provisions of this Ordinance shall be subject to a forfeiture not to exceed **\$25.00** for each violation. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of 9.06(1)1 above committed in his or her presence.

9.06(2) EMERGENCY TELEPHONE CALLS. (Ord. #2-94)

(1) PURPOSE AND INTENT. The County Board, pursuant to 59.025 and 59.026, Wis. Stats., does hereby adopt 146.70(10), Wis. Stats., regulating the use of emergency telephone calls and further does hereby ordain to promote the public health and safety as follows.

(1) DEFINITIONS.

- (a) "Emergency" means a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

(2) INTENTIONAL MISUSE OF EMERGENCY "911" TELEPHONE SYSTEM PROHIBITED.

(a) Any person who intentionally dials the telephone number "911" to report an emergency, knowing that the fact situation which he or she reports does not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more than 90 days or both for the first offense and shall be fined not more than \$10,000 or imprisoned not more than 5 years or both for any other offense committed within 4 years after the first offense.

(b) Any person who discloses or uses, for any purpose not related to the operation of a basic or sophisticated system, any information contained in the data base of that system shall be fined not more than \$10,000 for each occurrence.

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9.06(3) ESTABLISH A SURCHARGE FOR THE COUNTY-WIDE “911” EMERGENCY TELEPHONE SYSTEM.

Pursuant to Section 146.70(3)(b), Wisconsin Statutes, a county may levy a charge on all service users in the county to finance the costs related to the establishment of a basic or sophisticated 911 emergency telephone system in that county if certain conditions are met as follows:

- (1) Implementation of a 911 emergency telephone system.
 - (a) Langlade County has implemented, under a joint powers agreement with all municipalities within the county, a county-wide 911 emergency telephone system.
- (2) Contract with service provider.
 - (a) Langlade County has entered into a contract with a service supplier for the establishment of a county-wide 911 emergency telephone system. The current contract is on file for inspection in the County Clerk’s Office.
- (3) Surcharge for 911 emergency telephone services.
 - (a) The contracted provider of 911 emergency telephone services is authorized to impose a surcharge for 911 emergency telephone services.
- (4) Establishment of a surcharge for 911 emergency telephone services.
 - (a) Langlade County hereby adopts a plan for the 911 emergency telephone system which includes the authorization for the contracted service supplier to implement a surcharge for the emergency telephone services as authorized by statute or administrative rule and by the Public Service Commission of Wisconsin.

9.07(1) RESTRICTIONS ON KEEPING OF DOGS. (ORD. 1-2004)

(1) DEFINITIONS.

- (a) “Dog”. An animal that is a member of the canine family.
- (b) “Running at large”. A dog is considered running at large if it is off the premises of its owner and not under the control of the owner or some other person.

(2) DOGS RUNNING AT LARGE.

(a) No person having in his/her possession or ownership any dog shall allow the same to run at large within the County. The owner of any dog, whether licensed or unlicensed, shall keep his/her dog so as not to allow the dog to interfere with the passing public or neighbors. Any dog running at large unlicensed and required by state law or County Ordinance to be licensed shall be seized and impounded by a law enforcement officer or animal warden.

(b) No person shall tie, stake or fasten any dog within any street, road, highway or other public place within the County or in such a manner that the dog has access to any portion of a street, road, highway or other public place. A dog shall not be considered to be running at large if it is on a leash and/or otherwise under control of a person physically able to control it when the dog is off of the owner's premises.

(c) Exception for legal hunting activities. A dog is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.

(3) UNLICENSED AND UNTAGGED DOGS.

(a) The owner of any dog shall acquire and attach to the dog any licenses required by state law, administrative rule or local ordinance.

(b) The owner of a dog shall attach a valid license tag and rabies vaccination tag to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(4) VICIOUS DOGS DECLARED PUBLIC NUISANCES.

(a) Dogs that attack or otherwise injure humans or domestic animals are declared public nuisances. A dog is vicious if it bites or inflicts injury to any person in unprovoked circumstances off the owner's premises.

(b) No person having charge of or occupying any building or premises shall keep a vicious dog.

(5) EXCEPTIONS.

(a) This Ordinance does not apply to dogs for the blind, deaf and mobility-impaired and dogs kept for scientific, educational or law enforcement purposes (pursuant to Wisconsin Statutes).

(6) ENFORCEMENT.

(a) When behavior that constitutes a violation of this Section is observed by a law enforcement officer, or is reliably reported to a law enforcement officer, a warning or citation may be issued to the owner of a dog for violation of this Ordinance.

(b) Forfeitures for violations of this Ordinance are set forth in the penalty provisions contained in Section 25.04, Langelade County Code of Ordinances.

(c) This Ordinance shall not apply to any municipality within Langelade County which has adopted similar animal control ordinances.

9.07(2) IMPOUNDMENT OF DOGS.

(1) IMPOUNDING OF DOGS.

(a) In addition to any forfeiture penalty hereinafter provided for a violation of this Section, a law enforcement or animal control officer may impound any dog: that habitually pursues any vehicle upon any street, road or highway; assaults or attacks any person; is at large within the County; is unlicensed; kills, wounds or worries any domestic animal; or is infected with rabies.

(2) CLAIMING DOGS; DISPOSAL OF UNCLAIMED DOGS.

(a) Seizure. A law enforcement officer or any animal control officer appointed by the County may attempt to capture and restrain dogs running at large or in violation of any other provision of this Ordinance, and shall confine and capture or restrain dogs in a suitable enclosure. After seizure of dogs under this Section by a law enforcement or animal control officer, the dog shall be impounded.

(b) Retention and Disposition of Unclaimed Animals. All dogs apprehended shall be kept for no more than three (3) days in a suitable enclosure and if such dog is not claimed by the rightful owner, representative or keeper within such time, said dog shall be transmitted to the Humane Society to be handled in accordance with Wisconsin Statutes and the policies of that facility.

(c) Responsibility for the Costs of Impoundment. The owner or keeper of the dog shall be responsible for any and all costs incurred while the dog is impounded. If the owner of the dog cannot be determined or if the owner of the dog fails to claim the dog within 10 days of impoundment, then the municipality from which the dog was seized by law enforcement shall be responsible for the costs of impoundment.

9.08 RESTRICTION ON THE SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS TO A PERSON UNDER THE AGE OF 18. (Ord. #3-2006)

(1) Adoption of Wisconsin Statute Section 134.66. The restrictions on the sale or gift of cigarettes or tobacco products contained in Wisconsin Statute Section 134.66 are adopted in entirety and are incorporated by reference herein. The conduct regulated by this Ordinance shall be in strict conformity with Wisconsin Statute Section 134.66 and any revisions or amendments thereto.

(2) Applicability. This Ordinance shall not apply within any municipality that has adopted or adopts a similar ordinance under Wisconsin Statute Section 134.66.

(3) Investigations. Unannounced investigations to determine compliance with this Ordinance shall meet the requirements of Wisconsin Statute Section 134.66 and any standards established by the Department of Health and Family Services.

(4) Enforcement. This Ordinance may be enforced by a law enforcement officer or the Public Health Officer or the Health Officer's designee, by the issuance of a citation.

(5) Penalties. The penalties for violation of this Ordinance shall be established by the Board of Health in conformance with the penalties established by Wisconsin Statute Section 134.66 and Section 25.04 of the Code of Ordinances.

(6) Severability. Each section, paragraph, sentence, clause, word and provision of this Ordinance is severable and if any portion shall be deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than the portion affected by such decision.

(7) Effective Date. This Ordinance shall be in force and effect from and after its passage and publication.

Ord. #3-2006 Adopted 3-21-2006

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9.10 PENALTY. Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter or any rule, regulation or order promulgated herein shall be subject to a penalty as provided in 25.04 of this Code of Ordinances.