

CHAPTER 18 - POLICE REGULATION ORDINANCES

18.01 GENERAL PROVISIONS

(1) Definitions. For the purpose of this chapter, the definitions of words and phrases contained in Chapters 161, 939 through 948, and Section 990.01 of the Wisconsin Statutes are hereby adopted and by reference made a part hereof with the same force and effect as if fully set forth herein.

(2) Incorporation of Certain Statutory Offenses. The sections and subsections of the Wisconsin Statutes describing, defining, and prohibiting conduct, and cross references contained therein, which are enumerated from time to time in this chapter, are hereby adopted and by reference made a part of this chapter with the same force and effect as if fully set forth herein, inclusive of any provision relating to penalties. Any act required to be performed or prohibited by any statute incorporated by reference is required or prohibited by this chapter.

(3) Interpretation. In those enumerated sections and subsections of Wisconsin Statutes:

(a) Whenever the work "crime" is used, it shall be taken to mean "offense".

(b) Whenever the phrase "criminal intent" is used, it shall be taken to mean "intent".

(c) An attempt to commit an offense requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute such offense and that he performs acts toward the commission of the offense which demonstrate, under all circumstances, that he formed that intent and would have committed the offense except for the intervention of another person or some other extraneous factor.

(d) Whoever is concerned in the commission of the offense is a principal and may be charged with and convicted of the commission of the offense although he did not directly commit it and although and the person who directly committed it has not been convicted or has been convicted of some other offense based on the same act.

(e) A person is concerned in the commission of the offense if that person:

(1) Directly commits the offense; or

(2) Intentionally aids and abets the commission of it; or

(3) Is a party to a conspiracy with another to commit or advises, hires, counsels, or otherwise procures another to commit it.

18.02 OFFENSE AGAINST BODILY SECURITY

Village Ordinance-Chapter 18

The following state statutes are hereby adopted and by reference made a part of this ordinance as if fully set forth herein:

940.19	Battery
940.201	Abuse of Children
940.20(1), (2), (3), and (4)	Battery to peace officer, fireman
940.24	Injury by negligent use of weapon
940.30	False imprisonment
940.225(3)(m)	Sexual Assault

18.03 OFFENSES AGAINST PUBLIC SAFETY AND WELFARE

(1) The following state statutes are hereby adopted and by reference made a part of this ordinance as if fully set forth herein:

961.41(3)	Possession of controlled substances
941.01	Negligent operation of vehicle
941.10	Negligent handling of burning materials
941.11	Unsafe burning of buildings
941.12	Interfering with or failure to assist in firefighting
914.13	False alarms and interference with firefighting
941.20(1) and (2)	Reckless use of weapons
941.22	Possession of pistol by minor
941.23	Carry concealed weapons

Village Ordinance-Chapter 18

941.24	Possession of switchblade knife
941.33	Hazing
941.35	Emergency telephone call
961.571	Drug Paraphernalia; Definitions
961.572	Drug Paraphernalia; Determination
961.573	Drug Paraphernalia; Possession of Drug Paraphernalia
961.574	Drug Paraphernalia; Manufacture or Delivery of Drug Paraphernalia
961.575	Drug Paraphernalia; Delivery of Drug Paraphernalia to a Minor
961.576	Drug Paraphernalia; Advertisement of Drug Paraphernalia

(2) Firearms and Ammunition; Discharge, Possession and Sale; Dangerous Weapons.

(a) Discharging and Carrying of Firearms. No person except a sheriff, police officer or other law officer shall fire or discharge any firearm, rifle, spring gun, air gun, or pneumatic pellet gun of any description within the Village of Deerfield or have any firearm in his possession or under his control unless it is unloaded and broken down or enclosed within a carrying case or other suitable container.

(b) Possession of Ammunition By Minors. No minor person shall have in his possession any ammunition for any spring gun, air gun, or pneumatic pellet gun unless accompanied by parent, guardian or any person 18 years of age or older.

(c) Sale to Minors. No person shall intentionally sell or give any dangerous weapon as defined in '939.22(1), Wisconsin Statutes, or any other firearm, rifle, or ammunition to a minor unless accompanied by parent or legal guardian.

(d) Permit to Discharge Spring Gun, Air Gun and Pneumatic Pellet Gun. Any person desiring to discharge a spring gun, air gun and pneumatic pellet gun

Village Ordinance-Chapter 18

within the Village limits shall obtain a permit from the Chief of Police, which permit shall be for a specific time and purpose.

(3) Throwing or Shooting of Arrows, Stones and other Missiles Prohibited. No person shall throw, shoot or swing any dangerous weapon as defined in ' 939.22(10), Wisconsin Statutes, or any other object, arrow, stone, snowball, or other missile or projectile, by hand or by any other means at any person at, in, or into any building, street, sidewalk, alley, highway, park, playground, or other public place within the Village of Deerfield.

(4) Sale and Discharge of Fireworks Restricted.

(a) Private Use and Sale. No person shall sell, expose or offer for sale, use, keep, discharge, or explode any fireworks except toy pistol paper caps, sparklers, and toy snakes within the limits of the Village unless he shall be authorized by a fireworks permit as herein provided. The term "fireworks" as used in this section shall be defined as provided in ' 167.10(1), Wisconsin Statutes and shall be deemed to include all rockets, or similar missiles, containing explosive fuel.

(b) 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 Board. All applications shall be referred to the Fire Chief for investigation, and no permit shall be granted unless the Village Board, from a report of the Fire Chief, determines that the applicant will use the fireworks in a public exhibition; that all reasonable precautions will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the Village Board shall require the applicant to post with the Village Clerk an approved indemnity bond in the sum of Five Hundred Thousand Dollars (\$500,000.00) for the payment of all claims that may arise by reason of injuries to persons or property from the handling, use, or discharge of fireworks under such permit.

(5) Blasting. It shall be unlawful to blast within the limits of the Village of Deerfield, unless the person or firm desirous of blasting first secures a permit from the Village Clerk and provides an approved indemnity bond in the sum of Five Hundred Thousand Dollars (\$500,000.00), and provides notice to the Chief of Police and Fire Chief of date, time and location of such blast.

(6) Possession, Sale and Manufacture of Certain Weapons Prohibited.

(a) No person shall sell, manufacture, purchase, possess, or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Suchai" or similar weapon, within the Village of Deerfield.

(b) No person shall be armed with or possess any brass knuckles, clubs, or other such items designed primarily as weapons in any public place within the Village of Deerfield.

18.04 OFFENSE AGAINST PUBLIC AND PRIVATE PROPERTY

(1) The following state statutes are hereby adopted and by reference made a part of this ordinance as if fully set forth herein:

943.01	(Criminal) damage to property
943.11	Entry into locked vehicle
943.13	(Criminal) trespass to land
943.14	(Criminal) trespass to dwellings
943.20	Theft
943.21	Fraud on hotel or restaurant keeper
943.23	Operating Vehicle without owners consent
943.24	Issue of worthless check (check under \$50.00) (check under \$100.00) (check under \$500.00)
943.26	Removing or damaging encumbered real property
943.34	Receiving stolen property
943.37	Alteration of property identification marks
943.38	Forgery
943.41	Credit card crimes
943.45	Obtaining telecommunications services by fraud
943.50	Shoplifting

(2) Loitering. A person commits a violation of this section if he loiters or prowls 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 actor takes flight on the appearance of a peace officer, refuses to identify himself or manifestly endeavors to

Village Ordinance-Chapter 18

conceal himself or any object. Unless flight by the actor or other circumstances make it impractical, a peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence or conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

(3) Littering Prohibited. No person shall throw any glass, 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.

(4) Unlawful Trespass on Private Property.

It shall be unlawful for any person, to trespass upon the property or buildings belonging to another person without the permission of the lawful owner or occupant.

(5) Unlawful Alteration of Public Property. It shall be unlawful for any person, firm, or corporation to in any way alter or borrow from (eg. remove soil from) any property of the Village without first obtaining approval by the Village Board.

(6) It shall be unlawful for any person to use any tobacco product on premises owned by the Deerfield Community School District, or its successor school district, except that the use of tobacco products may be allowed on premises owned by the Deerfield Community School District, or its successor school district, and rented to another person for noneducational purposes.

18.05 OFFENSES AGAINST PUBLIC PEACE, GOOD ORDER AND OTHER PUBLIC INTERESTS

(1) State Laws Adopted. The following state statutes are hereby adopted and by reference made a part of this ordinance as if fully set forth herein:

947.01	Disorderly Conduct
943.015	Bomb Scares
947.06	Unlawful assemblies and their suppression
946.32	False swearing
947.15	Contributing to the delinquency of children

Village Ordinance-Chapter 18

946.40	Refusing to aid officer
946.41	Resisting or obstructing officer
946.42	Escape
	Impersonating a peace officer
946.71	Interfering with the custody of child
946.72	Tampering with public records and notices
948.02	Mistreating animals
948.03	Dog napping and catnapping
948.13	Providing proper food and drink to confined animals
	Providing proper shelter for animals
948.15	Animals neglect, or abandoned
944.20	Lewd and lascivious behavior
947.04	Drinking in or on common carriers
944.21	Obscene Material or Performance

(2) Prohibition of Noises Disturbing the Public Peace. No person or persons, firm or corporation occupying or having charge of any building or premises, or any part thereof, shall within the Village of Deerfield:

(a) Make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented or is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.

(b) Cause, suffer or allow any loud, excessive, or unusual noise in the operation or use of any radio, phonograph or other mechanical or electrical device, instrument or

Village Ordinance-Chapter 18

machine, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity.

(c) Keep or allow to be kept any animal or bird which shall habitually by any noise disturb the peace and quiet of any person in the vicinity therein.

(d) No person, firm or corporation shall use or operate, in or upon any public street, or from any aircraft, any device, apparatus or instrument for the amplification of the human voice or any sound of noise, or other sound-making or sound-reproduction device except between the hours of 11:00 a.m. to 7:00 p.m., Sunday through Friday, and from 9:00 a.m. to 7:00 p.m., on Saturday, provided however, that such restrictions shall not apply to churches broadcasting or reproducing music by sound-reproducing devices on Sunday or religious holidays, or to the production of sounds of any nature produced incidental to the operation of any governmental function or to the production of sounds of any nature produced incidental to the operation of any authorized emergency vehicles or to the use of sound producing equipment authorized pursuant to Wis. Stats. or the use of sound-producing equipment used incidental to any street use or parade permit. No person, firm or corporation shall make or announce his vocation or presence for the purpose of advertising, or in connection with the buying or selling of any goods, wares, merchandise, services, or anything whatsoever, or with the carrying on of any trade, occupation, vocation or profit-making activity, an immediate or excessive use of the voice, or of any bell, gong, horn, instrument, article or device. The violation of this section in connection with any license or permit shall be cause for the revocation thereof.

(3) **Repealed - O95-12**

(4) Possession of False Identification. No person shall knowingly possess identification that has been altered so as to not be true and accurate, nor shall any person present for identification purposes a document that is not true and accurate identification of said person.

(5) Assisting Escape of Prisoner. No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer in the Village of Deerfield.

(6) Public Obscene Language and Sexual Conduct Prohibited. No person shall in any public place use any obscene language or obscene sexual conduct within the Village of Deerfield.

Definitions:

(a) "Language" means words, sounds, gestures, or any combination thereof.

(b) "Obscene" means language or sexual conduct which:

1. taken as a whole appears to prurient interest in sex, and

2. which taken as a whole portrays sexual conduct in a patently offensive way, and

3. which taken as a whole does not have serious literary, artistic, political or scientific value.

(7) **Repealed - O95-12**

(8) Burning Grass and Trash Restrictions. No person shall kindle any fire, except for cooking purposes in an appropriate receptacle, within the Village of Deerfield without first securing a written permit from the Fire Chief who shall issue such permit only upon conditions imposed by the Fire Chief.

18.06 PENALTY FOR VIOLATING SECTIONS 18.02 THROUGH 18.05

(1) Any person violating a Section 18.02 through 18.05 may required to forfeit not less than Twenty Dollars (\$20.00) and not more than Five Hundred Dollars (\$500.00).

18.07 WORTHLESS CHECKS.

(1) Whoever issues any check or other order for the payment of money less than \$500.00 which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this section and the penalties for such actions are set forth below.

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

(a) Proof that, at the time of issuance, the person did have an account with the drawee; or

(b) Proof, that at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within 5 days after receiving notice of nonpayment or dishonor to pay the check or other order; or

(c) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order.

(3) The penalties to be imposed for a violation of this section are as follows:

Any person violating any provision of this section shall forfeit not less than \$20.00 nor more than \$500.00, together with the costs of persecution; and in default of payment of said forfeiture and costs of prosecution shall be imprisoned in the Dane County Jail until such forfeiture and costs of prosecution are paid but not to exceed 90 days.

18.08 USE OF GLACIAL DRUMLIN BICYCLE TRAIL.

(1) Wisconsin Administrative Code Adopted. The following provisions of Chapter NR45 of the Wisconsin Administrative Code, entitled "State Parks and State Forests Miscellaneous," describing and defining regulations with respect to the use of lands, structures, and property owned, under easement, leased or administered by the State of Wisconsin, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein:

NR45.03	Definitions
NR45.04(1)(a)	Defacing State Property
NR45.04(2)	Closing Hours
NR45.04(3)(a)	Disorderly Conduct
NR45.04(3)(d)	Disposal of Waste
NR45.04(3)(e)	Noise
NR45.04(3)(f)	Soliciting
NR45.04(3)(g)	Destruction of Property
NR45.04(3)(h)	Ban on Alcohol
NR45.05(1)	Traffic and Parking
NR45.05(2)	Abandoned Vehicles
NR45.05(3)	Recreational Vehicle Operation
NR45.06(1)	Regulation of Animals
NR45.06(4)	Prohibiting Animals on Ski Trail
NR45.07	Regulation of Fires
NR45.09(1)	Prohibiting Hunting
NR45.10(1)	Prohibiting Camping

(2) Acts Required or Prohibited. Except as otherwise specifically provided in the Village Ordinances, any act required to be performed or prohibited by the Wisconsin Administrative Code sections adopted herein is required or prohibited by this section.

(3) Penalty. Any person violating any provision of this section shall forfeit not less than \$20 nor more than \$500, plus the costs of prosecution.

18.09 PROVISIONS REGARDING JUVENILES AND UNDERAGE PERSONS

(1) Purpose. To the extent practical, ordinances specifically related to juveniles or underage persons shall be included in this section of the Village Ordinances.

(2) Juvenile Drinking Offenses. (formerly Vill. Ord. ' 18.05(3))

(a) The following state statute is hereby adopted and by reference made apart of this ordinance as if fully set forth herein: ' 125.07

(b) The penalty provision of ' 18.09(10) shall not limit the penalty provisions available under (a).

(3) Curfew. (formerly Vill. Ord. ' 18.05(7))

(a)Children Under Sixteen. It shall be unlawful for any person under the age of 16 to be upon the streets, alleys, or other public places in the Village of Deerfield between the hours of 10:00 p.m. and 5:00 a.m. on weeknights, Sunday through Thursday, and 11:00 p.m. to 5:00 a.m. on weekends, Friday through Saturday, unless accompanied by his or her parents or guardian.

(b) Children 16 and Up to the Age of 18. It shall be unlawful for any person 16 and over and up to the age of 18 to be upon the streets, alleys, or other public places in the Village of Deerfield between the hours of 11:00 p.m. and 5:00 a.m., Sunday through Thursday, and 12:00 a.m. and 5:00 a.m. Friday and Saturday, unless accompanied by his or her parent or guardian.

(c) Parents or Guardian. It shall be unlawful for any parent or guardian to permit any minor under the ages specified in paragraphs (a) and (b) of this subsection to be upon the street or alleys or other public places in the Village of Deerfield during the hours specified herein.

(d) Exceptions. 18.09(3)(a), (b), and (c) shall not apply to a minor when coming to or from function authorized by their parent or guardian.

(e) Penalties. Any person who violates this section shall, upon conviction thereof, forfeit not more than \$25.00 for the first offense plus the cost of prosecution, and for the second and subsequent offense, not to exceed \$50.00 plus the cost of prosecution.

(4) Habitual Truancy. (formerly Vill. Ord. ' 18.09(1), as amended)

Village Ordinance-Chapter 18

(a) Prohibition of Habitual Truancy. A child is prohibited from being a habitual truant or dropout.

(am) Prohibition of Truancy. A person is prohibited from being a truant.

(b) Definitions. For the purposes of this section:

(i) "Dropout" has the meaning given in Wis. Stats. ' 118.153(1)(b).

(ii) "Habitual Truant" means a pupil who is absent from school without an acceptable excuse for part or all of 5 or more days on which school is held during the semester.

(iii) "Acceptable Excuse" shall mean an acceptable excuse as defined in Wis. Stats. ' 118.15.

(iv) "operating privilege" has the meaning given in Wis. Stats. ' 340.01(40).

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

(bm) Penalty for Truant. Upon finding that a person is a truant, the court shall enter an order making one or more of the following dispositions:

(i) Ordering the person to attend school.

(ii) Ordering the person, the parents or guardian of the person, or both to pay all or part of the following forfeitures:

1. Not more than \$50.00 plus costs for the first offense.
2. Not more than \$100.00 plus costs for a second or subsequent violation committed within 12 months of the previous violation.

(iii) Any forfeiture ordered pursuant to the ordinance shall be subject to Wis. Stats., ' 938.37, and no person may be subject to a maximum cumulative fine of more than \$500 for all violations committed during a school semester.

(c) Penalty for Habitual Truant. Upon finding that a child is a habitual truant, the court shall enter an order making one or more of the following dispositions:

Village Ordinance-Chapter 18

(i) Suspend the child's operating privilege for not less than 30 days nor more than one year. The municipal court 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.

(ii) Order the child to participate in counseling, community service or a supervised work program as described in Wis. Stats., ' 938.34(5g). The costs of any such counseling, community service or supervised work program may be assessed against the person, the parents or guardian of the person or both. Any county department of human services or social services, community agency, public agency, or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting that person.

(iii) 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.

(iv) Order the child to attend an education program as described in Wis. Stats. ' 938.34(7d).

(v) Order the person to attend school

(vi) A forfeiture of not more than \$500 plus costs, subject to Wis. Stat., ' 938.37. All or part of the forfeiture may be assessed against the person, the parents or guardian of the person, or both.

(vii) Any other reasonable conditions consistent with this ordinance, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

(viii) Order the person to be placed under formal or informal supervision, as described in Wis. Stat., ' 938.34(2), for up to one year.

(ix) Order the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's expense or to attend school with the person or both.

Village Ordinance-Chapter 18

(d) Penalty for Dropout. Upon finding that a child who is at least 16 years of age but less than 18 years of age is a dropout, the court may suspend the child's operating privilege until the child reaches the age of 18. The municipal court judge shall immediately take possession of any suspended license and forward it to the Wisconsin Department of Transportation, together with a notice stating the reason for and duration of the suspension.

(e) Coordination with the Deerfield School District. It is the intent of this ordinance that its provisions be complementary to the Deerfield School District's procedures as may be established to administer and insure attendance in the Deerfield Schools. Such administrative procedures and any all such penalties as may be available to the Deerfield School District are also made available to the Deerfield Municipal Court, and are hereby incorporated by reference.

(f) References to State Statutes. This ordinance shall be interpreted in a manner consistent with Wis. Stats. ' 118.163 (1993-94), as may be amended, modified, repealed or otherwise altered by the State Legislature.

(5) Contribution to Truancy. (formerly Vill. Ord. ' 18.09(2), as amended)

(a) Prohibition of Acts Contributing to Truancy. Wis. Stats. ' 948.45 (1993-94), entitled "Contributing to Truancy" defines the offenses that the State considers to knowingly encourage and contribute to truancy. Said statute, as may be amended, is adopted by reference in order to define the offenses against the peace and good order of the Village of Deerfield, provided the penalty for a commission of such offenses hereunder shall be limited to the forfeiture imposed under subsection (b) herein.

(b) Penalty. Any person who violates this section shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 together with costs of prosecution.

(6) Juvenile and Underage Smoking.

(a) Purchase or Possession of Tobacco Products Prohibited. The following state statute prohibiting the purchase or possession of tobacco products is hereby adopted and by reference made apart of this ordinance as if fully set forth herein: ' 48.983 (1993-94), as may be amended.

Village Ordinance-Chapter 18

(b) Penalty. As provided in Wis. Stats. ' 48.983 (1993-94), a law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Wis. Stats. ' 48.983(2) committed in his or her presence. In addition, a law enforcement officer may issue a citation with a forfeiture of \$25.00, plus costs, for the first offense and \$50.00, plus costs, for the second and subsequent violations.

(7) Reserved for Future Use.

(8) Reserved for Future Use.

(9) Dispositional Alternatives and Sanctions for Juveniles. In addition to other penalties provided in section 18.09 and permitted by law, the Village of Deerfield Municipal Court is authorized to utilize the procedures, dispositional alternatives and sanctions for juveniles set forth in the Juvenile Justice Code found in Chapter 938 of the Wisconsin States, which is hereby adopted by reference as if set forth fully herein. [096-12]

(a) The following sections regarding jurisdiction, procedures, dispositional alternatives and sanctions are hereby specifically noted and adopted by reference:

Jurisdiction and Proceedings:

Wis. Stats. ' 938.17

Wis. Stats. ' 938.237

Dispositional Alternatives:

Wis. Stats. ' 938.342 Truancy/School Dropout Ordinance Violations

Wis. Stats. ' 938.343 Civil Law or Ordinance Violations

Wis. Stats. ' 938.344 Liquor, Beer and Drug Violations

Sanctions:

Wis. Stats ' 938.355(6)

(b) This section is enacted under the authority of Wis. Stats. ' 938.17(2)(cm).

(10) Penalty for Juvenile and Underage Violations. Except where expressly stated otherwise, and to the extent permitted by current state law¹, the maximum penalty for juveniles and other underage offenders shall be the penalty that may be imposed on adults for committing the same violation. Any such order shall include a finding that the child alone is financially able to pay and shall allow up to 12 months for payment, if required by current state law. If a child fails to pay the forfeiture, the court may suspend any license or operating privileges as permitted by state law. Where no parallel offense and/or penalty exists for adult offenders, the maximum forfeiture shall be the maximum forfeiture permitted for juveniles or underage violators under current state law.

(11) Severability. If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

18.10 NON-MOVING TRAFFIC VIOLATION AND REGISTRATION PROGRAM

Pursuant to the provisions of Section 345.28(4) of the Wisconsin Statutes, the Village elects to participate in the non-moving traffic violation and registration program of the Wisconsin Department of Transportation and pay the costs established by the Department under Wis. Stat. Sec. 85.13; such costs shall, in turn, be assessed against persons charged with non-moving traffic violations. The Village Police Chief shall be responsible for monitoring the program for compliance with the requirements set forth in Wis. Stats. Sec. 345.28(4).

18.11 FEE FOR ANSWERING ALARMS

(1) Generally. Each false alarm requires response of public safety personnel, involves unnecessary expense to the village, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the village. Such false alarms constitute a public nuisance and must be abated.

(2) Intentional. No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.

(3) False Alarms – Administrative Charges. Any person, business, corporation or other entity having permissible alarm system with alarm device(s) at one or more locations in accordance with this chapter shall pay to the village a charge for false alarms responded to by the police or fire department according to the following schedule for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies:

¹ See Wis. Stats. ' ' 48.237, 48.343, and 48.344 (1993-94), as may be amended.

Village Ordinance-Chapter 18

- a. Responded to by police department:
 - i. First two false alarms for a location: no charge;
 - ii. Third false alarm per location: twenty-five dollars (\$25.00);
 - iii. Fourth false alarm per location: Thirty-five dollars (\$35.00);
 - iv. Fifth false alarm per location: Forty-five dollars (\$45.00);
 - v. Sixth and subsequent false alarm per location: sixty-five dollars (\$65.00).
- b. All false alarms responded to by fire department firefighting personnel and apparatus, in addition to a police response:
 - i. First two false alarms for a location: no charge;
 - ii. Third and subsequent false alarm per location: one hundred dollars (\$100.00).

This subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the police or fire department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of “false alarm.” Failure to pay such administrative charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeiture(s) which may be imposed under subsection D of this section for violation of this section for allowing or maintaining condition(s) or act(s) violative of the intent of this section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution.

(4) Other Violations. Any person, corporation or other entity violating this chapter in, any manner, other than for collection of unpaid administrative charges treated in subsection A of this section, shall be subject to forfeiture as provided in Section 1.16.010 of this code. When any premises located in the village is owned, leased or occupied by two or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this chapter are complied with, and each person may be subjected to a penalty on violation of this section.

(5) Default of Payment for Forfeiture and/or Costs. On default of payment of forfeiture and/or costs under the immediately subsections C and/or D of this section, such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six months. Upon nonpayment of the fee, the amount due may be placed on the tax roll as a special charge pursuant to Section 66.0627, Wis. Stats. (Amended during 2004 codification; prior code 5-4-9)