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POLICE ORDINANCES

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Part 1 -- Penalties.

6.01 Penalties. (1) Forfeiture. Any person who violates any provisions of this chapter other than the parking ordinances in Sections 6.15(5) or 6.16 shall, upon conviction thereof, forfeit not less than \$25.00 or more than \$500.00 and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof but not exceeding thirty (30) days.

(2) Juveniles. If a child aged sixteen (16) or older fails to pay the forfeiture imposed by the Court of civil jurisdiction, the Court may suspend any license issued under Wis. Stat. Ch. 29, for not less than thirty (30) days, nor more than ninety (90) days, or suspend the child's operating privileges defined in Wis. Stat. § 340.01(4) for not less than thirty (30) days, nor more than ninety (90) days.

(3) These ordinances may be enforced by injunction.

(4) [REPEALED AND REPLACED BY CH. 22].

(5) [REPEALED AND REPLACED BY CH. 22].

6.02 [REPEALED AND REPLACED BY CH. 22].

6.03 [REPEALED AND REPLACED BY CH. 22].

6.04 [RESERVED].

Part 2 -- Statutes Adopted By Reference.

6.05 State Statutes Adopted By Reference.

(1) Under authority of Wis. Stat. §§ 30.77(2), 59.54(22), and 349.06(1), Manitowoc County hereby

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adopts the provisions of Wis. Stat. ch. 23; Wis. Stat. §§ 30.50 through 30.715 and the rules of the Department of Natural Resources promulgated thereunder; Wis. Stat. chs. 125, 167, 174, 340 to 348, and 350; Wis. Stat. § 943.21; and Wis. Admin. Code chs. MVD and TRANS; as published in the most recent revision of the specific code, rule, or statute that is in effect at the time this ordinance or any amendment to this ordinance is adopted and as is subsequently amended or renumbered.

(2) County ordinance violations under this section shall be cited by the state statute or rule number and the words “Manitowoc County Ordinances.” Example: “Wis. Stat. § 343.43, Manitowoc County Ordinances.” Example: “Section MVD 13.05, Manitowoc County Ordinances.”

6.06 [RESERVED].

Part 3 -- Offenses Against Property

6.07 Trespass to Land. (1) Whoever does any of the following may be punished as provided in Section 6.01 herein:

(a) Enters 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.

(b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

(c) Hunts, shoots, fishes, or gathers any product of the soil on the premises of another, or enters said premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.

(d) Enters any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.

(2) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For land to be

posted, a sign at least eleven (11) inches square must be placed in at least two (2) conspicuous places for every forty (40) acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word “owner” if the person giving the notice is the holder of legal title to the land and by the word “occupant” if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected within six (6) months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

(3) Whoever erects on the land of another signs which are the same as or similar to those described in sub. (2) without obtaining the express consent of the lawful occupant of or holder of legal title to such land may be penalized as provided in Section 6.01 herein.

(4) Nothing in this section shall prohibit a representative of a labor union from conferring with any employee provided such conference is conducted in the living quarters of the employee and with the consent of the employee occupants.

(5) Any authorized occupant of employer-provided housing shall have the right to decide who may enter, confer, and visit with him in the housing area he occupies.

6.08 Trespass to Dwellings. Whoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace, may be penalized as provided in Section 6.01 herein.

6.09 Entry Onto Construction Site, Building, School Grounds, or Premises. (1) Whoever enters a construction site or the locked and enclosed building, dwelling, or room of another, or school grounds without the consent of the owner or person in lawful possession of the premises may be penalized as provided in Section 6.01 herein.

(2) In this section: (a) “Construction site” means the site of the construction, alteration, painting, or repair of a building, structure, or other work.

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(b) "Owner or person in lawful possession of the premises" includes a person on whose behalf a building or dwelling is being constructed altered, painted, or repaired and the general contractor or sub-contractor engaged in that work.

(c) "School grounds" means the property of a public or private school, including the school yards and buildings and all appurtenant areas thereto.

6.10 Theft. Whoever intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another, having a value not in excess of \$100.00, without his consent and with intent to deprive the owner permanently of possession of such property may be penalized as provided in Section 6.01 herein.

6.11 Attempted Theft. Whoever intentionally attempts to permanently deprive an owner of his or her property by carrying it away, concealing it, or retaining possession of it without the consent of the owner is guilty of attempted theft and may be penalized as provided in Section 6.01 herein.

6.12 Damage to Property. (1) Whoever intentionally causes damage to any physical property of another without the person's consent may be penalized as provided in Section 6.01 herein.

(2) Where more than one item of property is damaged pursuant to a single intent and design, the damage to all the property may be prosecuted as a single offense.

(3) In any case of damage involving more than one act of criminal damage but prosecuted as a single offense, it is sufficient to allege generally criminal damage to property committed between certain dates. On the trial, evidence may be given of any such damage committed on or between the dates alleged.

6.13 Worthless Checks. (1) Whoever within a fifteen(15) day period issues one or more checks or other orders for payment amounting in the aggregate to \$100.00 or less which, at the time of issuance the person intends shall not be paid is guilty of a violation of this section.

(2) This section shall not apply to any person who has been convicted of violating Wis. Stat. §

943.24 or found guilty of violating this section within the five (5) year period before issuance of the first check or order for payment charged under this section.

(3) 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 not have an account with the drawee;

(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 five (5) days after receiving notice of the 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.

(4) This section does not apply to a postdated check or to a check given for past consideration, except a payroll check.

6.14 Retail Theft. (1) In this section:

(a) "Merchant" includes any "merchant" as defined in Wis. Stat. § 402.104(3), or any innkeeper, motelkeeper, or hotelkeeper.

(b) "Value of merchandise" means:

1. For property of the merchant, the value of the property; or

2. For merchandise held for resale the merchant's stated price of the merchandise or, in the event of altering, transferring, or removing a price marking or causing a cash register or other sales device to reflect less than the merchant's stated price the difference between the merchant's stated price of the merchandise and the altered price.

(2) Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals, or retains possession of

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merchandise held for resale by a merchant or property of the merchant without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise is guilty of retail theft and may be penalized as provided in Section 6.01 herein.

(3) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store 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.

(4) (a) In any action or proceeding for violation of this section, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

(b) A merchant or merchant's adult employee is privileged to defend property as prescribed in Wis. Stat. § 939.49.

6.15 Airport Safety and Security. (1) Definitions. In this section, the following words have the meaning given in this subsection:

(a) "Pedestrian." Any person afoot.

(b) "Vehicle." Every device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.

(c) "Emergency Equipment." Crash, fire, and rescue, or police motor vehicles, and such other equipment as the airport manager may designate as necessary to safeguard airport runways, taxiways, ramps, buildings, and other property.

(d) "Service, Maintenance, and Construction Equipment." Approved equipment normally operated by the fixed base operator and/or the Federal Aviation Administration on landing areas, runways, taxiways, and peripheral roads for the servicing, maintenance, and construction of airport

facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with Manitowoc County.

(e) "Airport Manager" means the airport manager or a person designated by the airport manager to act on his or her behalf.

(f) "Parking" means stopping or leaving a vehicle standing in any place except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic.

(g) Long term parking is defined as parking a vehicle for a period of more than three days.

(2) Operation of Vehicles on Runways, Taxiways, and Ramps.

(a) No vehicle shall enter, be driven upon, or operated upon any airport runway, taxiway, ramp, tie-down area, or any area posted by signs prohibiting the entrance thereon. No operator of a vehicle shall disobey the instructions of any sign posted to regulate parking or vehicular traffic on or about the Manitowoc County Airport unless otherwise directed by the airport manager or a law enforcement officer.

(b) The provisions of this section shall not apply to emergency equipment or service, maintenance, and construction equipment when engaged in performing normal duties.

(c) The Airport Manager may authorize aircraft and hangar owners to operate a vehicle within the fenced boundary of the airport to reach their aircraft or hangars. Aircraft owners desiring to operate a vehicle for this purpose shall secure authorization in advance and may operate a vehicle only in accordance with the authorization provided. Aircraft and hangar owners shall access the airport from Freedom Way and shall proceed from Freedom Way to their aircraft or hangars following the route authorized by the Airport Manager. All such vehicles shall be operated at a speed of ten (10)

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miles per hour or less and no vehicle may pass over any runway, taxiway, or ramp except as authorized by the Airport Manager.

(d) The Airport Manager may authorize appropriate county, FAA, FBO, law enforcement, and fire department personnel to operate vehicles within the fenced boundary of the airport. All such vehicles shall be operated in accordance with the authorization provided by the Airport Manager.

(e) No person may operate any vehicle or travel on the on ramp between north and south hangar areas unless expressly authorized to do so by the Airport Manager.

(3) Speed of Vehicles. No vehicle shall be driven on any road within the perimeter of the airport or upon any other airport area in excess of any specified or posted speed limit or, in the absence of a specified or posted speed limit, at an imprudent, unreasonable, or unsafe speed.

(4) Pedestrian Traffic on Airport. No pedestrian shall be allowed beyond the administration area or upon the apron or aircraft tie-down area unless for the purpose of embarking in or disembarking from an aircraft, or unless authorized by the Airport Manager. Pedestrian traffic is prohibited on taxiway, runways, and outlying areas of the airport except for those employees of the City, County, State, Federal Government, or contractors engaged in airport construction or maintenance or service work.

(5) (a) Vehicle Parking. All vehicles parked on the airport shall be parked in areas designated by the Airport Manager and in accordance with posted signs or other markings. No vehicle may be parked at any time in any area used for the movement of aircraft unless expressly authorized by the Airport Manager. Such authorization shall not be granted contrary to the provisions of Federal Aviation Regulations Part 107 or Part 139.

(b) North and South Parking Zones. The airport shall be divided into a North Parking Zone, which includes the green T hangar and all hangars located north of the green T hangar, and a South Parking Zone, which includes all hangars located south of the green T hangar and excludes the green T hangar. No one other than a hangar owner may park in the North and South Parking Zones unless authorized to do so

by the Airport Manager.

(c) North Parking Zone. Hangar owners in the North Parking Zone may park their vehicles behind or inside their hangars. Hangar owners in the North Parking Zone may park between hangars only with the consent of the adjoining hangar owner. No one may park on the black top or grass in front of any hangar in the North Parking Zone.

(d) South Parking Zone. Hangar owners in the South Parking Zone may park their vehicles in back of and inside their hangars. Hangar owners may also park within ten (10) feet of the front of their hangar, except that all parking is prohibited on the ramp in front of hangars in the South Parking Zone during any period when snow removal is needed or is taking place.

(e) Long Term Parking. Long term parking at the terminal building or fixed base operator parking lots shall be reported in advance to the Airport Manager or the fixed base operator. Long term parking of vehicles outside of any hangar must be reported in advance to the Airport Manager.

(f) Removal of Parked Vehicles. The Airport Manager may move, remove, or cause any improperly parked vehicle to be moved or removed and the cost of moving or removing any such vehicle shall be paid by the owner, operator, or person who claims the vehicle.

(5m) Outside Storage Prohibited. No person may store any vehicle, equipment, or other property outside a hangar without advance authorization from the Airport Manager.

(6) Fueling Standards at the Manitowoc County Airport. In order to promote development and use of the Manitowoc County Airport in a manner which is consistent with public safety and environmental protection, the Manitowoc County Board has adopted the following standards of fuel tanks at the Manitowoc County Airport.

(a) Fuel Farm Area. The Highway Committee shall designate an area on the Manitowoc County Airport master plan which shall be developed as the fuel farm. The fuel farm may be located near or next to the tanks used by the fixed base operator.

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(b) Fuel tanks allowed. 1. Any person or corporation meeting the standards of this ordinance shall be allowed to establish a fuel tank upon issuance of a permit by the Highway Department.

2. Any fuel tank which is in use prior to the effective date of this ordinance may continue to be used until the earlier of:

a. The date it is removed from service by its owner due to failure or age, or

b. Ten years from the effective date [February 28, 2000] of this ordinance.

3. Minimum standards. No person or corporation shall be issued a permit for installation and maintenance of a fuel tank unless they meet the following standards:

a. Financial responsibility. The tank owner shall meet the financial responsibility standards imposed by Wis. Admin. Code Ch. Comm. 10 and other applicable regulations.

b. Written agreement. The tank owner shall enter into a written agreement with Manitowoc County in which the owner promises to strictly comply with all of the conditions of this ordinance.

c. Tanks. i. The minimum tank size allowed shall be 10,000 gallons.

ii. Tanks must meet the requirements of the United States Department of Transportation, Environmental Protection Agency, Wisconsin Department of Natural Resources and Department of Industry, Labor, and Human Relations, including but not limited to Wis. Admin. Code Ch. Comm. 10 for construction and leak control.

iii. Above-ground tanks shall not be permitted in the fuel farm.

iv. Placement and operation of tanks shall meet all federal, state, and local standards, including AC 150/5230/4, the Aircraft Fuel Storage, Handling, and Dispensing on Airports advisory circular.

v. Prior to approval of an application for a fuel tank permit, the proposed fuel tank owner shall submit a written plan showing the tank's proposed

location, fuel grades to be stored, estimated annual volume, experience and training of fueling personnel, provisions for security, and safety and the method of transporting fuel from the tank to the aircraft.

d. Use of tanks. Tanks shall be used exclusively for fueling aircraft owned by the tank owner or leased for the exclusive use of the tank owner. No tank owner may sell, share, or in any manner provide fuel to any aircraft not owned by the tank owner.

e. Fueling. Tank owners shall fuel their aircraft in an area designated as the "fueling area" by the Highway Department.

f. Flowage Fee and Taxes. The highway committee may establish a per gallon fuel flowage fee, subject to approval by county board resolution, that must be paid on or before the 10th day following the last day of any month in which fuel is dispensed. A tank owner is responsible for the timely payment of the fuel flowage fee and any taxes due on fuel dispensed from the tank. The tank and its contents are security for any flowage fees and taxes due.

4. After the effective date of this ordinance, no person may install, establish, or bring onto the airport grounds any fuel tank (including gas cans or jerry cans of any size whatsoever) unless the tank is permitted under subsection (a) of this subsection. No person may fuel an aircraft except from a fuel tank which is approved under this Section.

5. Any person who violates the prohibitions of this ordinance shall be guilty of a class C forfeiture under the provisions of this Code. Violations of the standards of this ordinance shall constitute a threat to the public health and safety and may be enjoined by the Manitowoc County Circuit Court.

(7) Enforcement. It shall be the duty of the Sheriff of the County of Manitowoc to enforce the provisions of this Ordinance.

(8) Penalty. Any person who violates any provision of this ordinance shall upon conviction thereof forfeit not less than \$10.00 nor more than \$200.00 for each offense, together with the costs of prosecution. A separate violation shall be deemed committed on each day during which a violation

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occurs or continues. Any person who is in default in the payment of forfeitures or costs imposed hereunder, unless found indigent by the court, shall be imprisoned in the Manitowoc County Jail for up to 30 days for each offense or until payment has been made.

6.16 Parking Regulations. (1) Definitions. For the purpose of this section:

(a) "Vehicle" shall mean any device in, upon, or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

(b) "Parking area" shall mean Manitowoc County owned areas located in Blocks 270, 271, 272, and 273 in the City of Manitowoc and established for the use of parking facilities.

(c) "Person" shall mean and include any individual, firm, co-partnership, association, or corporation.

(d) "Operator" shall mean and include any individual who shall operate a vehicle as the owner thereof, or as the agent, employee, or permittee of the owner, or is in the actual physical control of a vehicle.

(e) "Park" or "parking" shall mean the standing of a vehicle, whether occupied or not, upon a parking area otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

(f) "Parking space" shall mean any space which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the surface of the parking area.

(2) It shall be unlawful for anyone except for persons hereinafter enumerated to park their vehicles in the parking areas in Blocks 270, 271, 272, and 273 which are adjacent to or near the Manitowoc County Courthouse in the City of Manitowoc during the hours from 8:00 A.M. to 6:00 P.M. Monday through Friday.

(a) Parking areas reserved for use of the public shall be designated by public signs stating the time limit and rules for extended parking periods and shall be restricted to use by such persons when they are conducting official business in the Manitowoc County Courthouse or Manitowoc County Jail-Traffic Center.

(b) Parking areas restricted for use of public officials and County employees shall be designated by public signs and shall be restricted to the use of judges, members of the Manitowoc County Board of Supervisors, Manitowoc County officers or County employees when any of such persons are conducting official business in said Manitowoc County Courthouse or Manitowoc County Jail-Traffic Center.

(c) Such persons entitled to use said parking areas as described in (b) above shall first obtain from the Manitowoc County Clerk a permit authorizing such use of the premises, subject to the approval of the Public Works Committee in matters of policy or dispute. The permit may be revoked by the Sheriff, County Clerk, or Public Works Committee at any time they deem that the necessity for which the permit was issued has ceased to exist. Notice of such action of revocation shall be given to each person affected thereby by mail addressed to such person and to such address as was given when the permit was issued.

(d) There shall be no charge for parking. Manitowoc County, Wisconsin, reserves the right to dump and place snow upon the above spaces without restriction under subsection (4)(f) of this Section.

(3) Designation of Parking Spaces. The Public Works Director is hereby directed and authorized to mark off individual parking spaces in the parking areas designated and described in subsection (b) of this Section and in such other zones as may hereafter be established, said parking spaces to be designated by lines painted or durably marked on the surface of the parking area. The Public Works Department shall mark parking spaces as needed to facilitate needs of the public officials, employees, and persons having official business in nearby county buildings, but shall not designate any parking spaces for use by specific persons except as authorized by the Public Works Director, the Public Works Committee, or by court order. Designated areas may be used by

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County employees for unloading and loading County supplies or materials when authorized by the Public Works Director or Public Works Committee.

(4) Violations. It shall be unlawful and a violation of the provisions of this ordinance for any person:

(a) To cause, allow, permit, or suffer any vehicle registered in the name of, or operated by such person to be parked overtime, or beyond the legal parking time established for any parking zone as herein described.

(b) To cause, allow, permit, or suffer any vehicle registered in the name of, or operated by such person to be parked in any area other than the area that the permit has been issued for.

(c) To cause, allow, permit, or suffer any vehicle registered in the name of, or operated by such person to be parked in any of the parking zones without the proper permit.

(d) To park any vehicle across any line or marking of a parking space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.

(e) To deface, injure, tamper with, break, destroy, or impair the usefulness of any parking sign installed under the provisions of this ordinance.

(f) To park any vehicle in said parking areas from 10:00 p.m. to 6:00 a.m. in the period from November 1 to April 1 when such parking area has been barricaded and closed for snow removal purposes.

(5) Removal. It shall be the duty of the Sheriff to remove any vehicles which are in violation of this ordinance with the cost of such removal being paid by the operator, owner, or person who claims said vehicle.

(6) Penalties. The penalty for violating any of the provisions of this section shall be five dollars (\$5.00) for each offense. If the penalty is not paid within seventy-two (72) hours after the offense, the penalty shall be increased to ten dollars (\$10.00). The Manitowoc County Sheriff's Department is hereby vested with authority to receive payment of

these penalties, which shall be deposited with the Manitowoc County Treasurer.

(7) Enforcement. The Manitowoc County Sheriff's Department is hereby empowered to enforce the provisions of this Section and to issue citations for violations of this Section.

(8) Parking On Highways. No person may park a motor vehicle on the shoulder of any highway in Manitowoc County except to await emergency repair service. No motor vehicle may be parked awaiting emergency road service for more than four (4) hours. Any motor vehicle parked on a highway for twenty four (24) hours or more is deemed abandoned and may be removed under the provisions of Section 15.07 of this Code.

(9) Nonmoving violation and registration program. The County of Manitowoc hereby elects to participate in the nonmoving traffic and registration program of the State of Wisconsin under Wis. Stat. § 345.28(4), and to pay the costs assessed by the Wisconsin Department of Transportation under Wis. Stat. § 85.13, which costs shall be assessed against the person charged with nonmoving traffic violations. The Manitowoc County Sheriff's Department shall be responsible for compliance with the requirements of Wis. Stat. § 345.28(4).

6.17 Littering. (1) No person may deposit, discharge, or leave any solid waste on or along any highway, road, public or private property, in the waters of the State, or on ice formed on waters of the State.

(2) No person may permit any other person to discharge or deposit solid waste from a motor vehicle operated by that person.

(3) No person may deposit, leave, or discharge on any property or in any waterway any used tires, hazardous materials, appliances, or any other article which is required by law or ordinance to be disposed of in a particular fashion.

(4) No person may deposit or allow to be deposited on lands located in this county soil which was removed from property located outside this county which is contaminated with gasoline, diesel fuel, no. 1 or no. 2 fuel oil, kerosene, aviation gasoline, or jet fuel. This subsection does not apply

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to landfills properly licensed for the disposal or remediation of petroleum contaminated soil.

(5) Any person violating this ordinance may be penalized as provided in section 6.01 of this Code, each day a violation continues is a separate offense.

6.18 Storage and Disposal of Automobiles, Tires, Junk, and Other Miscellaneous Waste.

(1) Purpose. Manitowoc County has found it necessary to regulate by ordinance the storage and disposal of automobiles, tires, junk, and similar miscellaneous waste due to the fact that there has been a proliferation of unlicensed junk yards, tire piles, and dumps of similar miscellaneous materials within Manitowoc County. The proliferation presents a threat to the public health and safety of the citizens of Manitowoc County and to the natural environment and property values of Manitowoc County. The provisions of this subsection of this ordinance are adopted pursuant to the authority granted to Manitowoc County by Wis. Stat. §§ 59.07(38) & (51), 84.31(2)(b) & (9), 175.25, and 342.40(3).

(2) Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as having the same meaning as they have in common law, the Wisconsin Statutes or Wisconsin Administrative Code, to give this ordinance its most reasonable application. Words used in the present tense include the future, and vice-versa. Words used in the singular include the plural, and vice-versa. The word "shall" is always mandatory, the word "may" is always permissive.

(a) "Junk" means any of the following junk materials:

1. Any junk or scrap metal.
2. Any junk or scrap wood.
3. Junk metal alloy.
4. Junk synthetic or organic material.
5. Two or more junked, ruined, dismantled or wrecked motor vehicles or machinery or parts thereof.
6. A collection of twenty (20) or more used tires

that are not being put to a use. (Tires used to hold down covers over hay or straw are exempt).

7. Unusable appliance(s).

8. All or parts of dismantled buildings or structures that were not originally parts of the land's principal or accessory buildings and have not been reconstructed within six (6) months of their deposit on the land. (i.e. Dismantled buildings or parts thereof, that are or were imported or relocated to a site are junk on that site.)

9. All or parts of dismantled buildings or structures that were originally part of the land's principal or accessory use which have been destroyed by act of man or nature and have been dismantled or destroyed for more than eighteen (18) months.

(b) "Illegal Junk Yard" means any place other than a licensed junk yard, which is maintained, owned, operated, or used for the storage, keeping, processing, buying, or selling of junk outside of buildings.

(c) "Screened" means hidden from view in a manner that is compatible with the surrounding environment and permitted under the applicable zoning regulations.

(3) Prohibited Activities. No person, group of persons, company, firm, corporation, or any other entity shall within the unincorporated areas of Manitowoc County:

(a) Operate an illegal junk yard;

(b) Store or dispose of any junk as defined by this ordinance except in accordance with all applicable state and local regulations;

(c) All illegal junk yards in violation of this ordinance are public nuisances.

(4) Exceptions. (a) This ordinance is not intended to regulate or place limitations on any legally licensed junk yard, salvage dealer, sanitary landfill, or other junk, waste disposal, or storage activity for which a valid license from the State of Wisconsin and/or other necessary municipal issuing authority is required and has been issued and all such

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licenses are in full force and effect.

(b) Nothing in this ordinance is intended to prohibit the storage of idle but operable farm equipment.

(c) Any junk or junk yard that is screened from view is exempt from the provisions of this ordinance (For example, the storage of materials behind a barn or other building and which can not be seen from any adjacent public or private road is exempt from the requirements of this ordinance. Junk materials enclosed behind a fence that can not be seen from any public or private road are exempt from the requirements of this ordinance.)

(5) Administration and Enforcement. (a) Code Enforcement. The Manitowoc County Board of Supervisors hereby assigns the duties of administering this subsection of this ordinance as follows:

1. The Manitowoc County Planning and Park Commission shall administer that part of this ordinance relating to junk and junk yards referred to in Section 6.18(3)(a), (b), and (c) of this ordinance. The Commission shall appoint a director, code administrator, and other qualified staff employees to assist the Commission to perform all the duties assigned to them by this ordinance.

(b) Persons shall allow access to the Commission staff to their property for the purposes of enforcing this ordinance.

(c) Any written complaints filed by a Town Official on behalf of a Town Board pursuant to formal Town Board action (such as a resolution or motion in the Boards' minutes) shall be investigated as expeditiously as practical and the results of that investigation shall be provided in writing to the complaining Town Board. (Town Boards shall, whenever possible, initially investigate any violations of this ordinance within their jurisdiction and refer the results of their investigation and recommendation in writing to the Manitowoc County Planning and Park Commission.)

(6) Violations and Penalties. (a) Whenever a violation of this ordinance is found, the Planning and Park Commission may take one or more of the following actions:

1. Order the violation corrected by the property owner by removal and proper disposal of the material within a specified period ranging from one (1) to thirty (30) days; or

2. Issue a citation for violation of this ordinance pursuant to this ordinance; or

3. When violations are initiated and pursued by the Manitowoc County Planning and Park Commission, proper legal action shall be brought through the Manitowoc County Corporation Counsel's Office which may include injunctive relief, and additional forfeiture actions through the process of summons and complaint or other proper legal recourse.

(b) The Manitowoc County Circuit Court may, upon the petition of and at the request of the County, order removal of the violating junk, vehicles, tires, etc., at County expense. The County shall then invoice the property owner for all such costs incurred. If that invoice is not paid within thirty (30) days, the County may place the amount of the invoice on the tax rolls as special assessment against the property in question.

(c) Injunctive relief can also be requested requiring the property owner or other party in possession of the property to remove the violating junk, vehicles, tires, etc., and have those items properly stored or disposed of and any county cost incurred in the removal of such items be assessed against the violating possessor of that property and/or owners.

(d) Any person, firm, corporation, or other legal entity failing to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$75 nor more than \$500, plus costs of the prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense. Any person who is in default of payment of these forfeitures and costs and who is not found to be indigent by the court shall be imprisoned in the Manitowoc County Jail for up to thirty (30) days for each violation or until payment has been made.

(7) Construction with zoning ordinances. This section is a police ordinance regulating the manner in which materials meeting the definition of "junk" are stored on land. This ordinance shall not be

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construed to authorize use of land for storage of junk on any parcel solely by virtue of compliance with this section. Storage of junk must be authorized by both this ordinance and the applicable zoning ordinance.

Part 4 – Offenses Against Public Peace and Order

6.19 Disorderly Conduct. Whoever in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance is guilty of disorderly conduct and may be penalized as provided in Section 6.01 herein.

6.20 Disorderly Conduct With Injury. Whoever in a public or private place engages in violent, abusive, or indecent or other disorderly conduct under circumstances which tend to cause or provoke a disturbance and which results in bodily injury to another person, is guilty of disorderly conduct with injury and may be penalized as provided in Section 6.01 herein.

6.21 Disorderly Conduct With A Motor Vehicle. Whoever shall operate a motor vehicle in a manner which tends to cause a disturbance of traffic or persons is guilty of disorderly conduct with a motor vehicle and may be penalized as provided in Section 6.01 of this Chapter.

6.215 Lake Michigan Boating Restriction. (1) Purpose. The purpose of this ordinance is to provide a safety zone to protect against sabotage at the Point Beach Nuclear Plant.

(2) Restricted Area. No person shall operate any vessel, raft, or seaplane on the waters of Lake Michigan within the buoyed restricted area adjacent to the Point Beach Nuclear Plant.

(3) Posting. A sign containing a summary, synopsis, or outline of this ordinance or containing a map showing the restricted area, or both, shall be posted at each public landing within the county that provides access to the waters of Lake Michigan.

(4) Penalty. Any person violating this ordinance shall forfeit \$50 upon conviction for the first offense;

\$100 upon conviction for the second offense; and \$500 upon conviction for the third and any subsequent offense within one year.

(5) Severability. The provisions of this ordinance are severable and the invalidity of any part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

(6) Effective Date. This ordinance shall become effective upon publication.

6.217. Launching and Loading Watercraft.

(1) Power Launching and Loading Prohibited. It is unlawful to launch or load a watercraft at a public landing by using the watercraft's main, auxiliary, or trolling motor to move the watercraft onto or off of its trailer or any other device used to transport the watercraft. A person may use ropes, straps, winches, or similar devices to launch or load the watercraft.

(2) Speed Limit. A person operating a watercraft must operate the watercraft at the "slow-no-wake" speed while at, approaching, or leaving a public landing. "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

(3) Penalties. (a) A person will, upon a conviction for a violation of sub. (1), forfeit \$100, together with the costs of prosecution, for a first offense.

(b) A person will, upon conviction for a violation of sub. (1), forfeit \$250, together with the costs of prosecution, for a second offense.

(c) A person will, upon conviction for a violation of sub. (1), forfeit \$500, together with the costs of prosecution, for a third and any subsequent offense.

(d) A person will, upon a conviction for a violation of sub. (2), forfeit \$50, together with the costs of prosecution.

(e) A person will, upon conviction for a second violation of sub. (2) within a 24 month period, forfeit \$100, together with the costs of prosecution.

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6.22 Carrying Concealed Weapon Prohibited.

Any person, except a peace officer, who goes armed with a concealed and dangerous weapon may be penalized as provided in Section 6.01.

6.23 Animals Running At Large. (1) No owner or keeper of any domestic or captive wild animal may permit that animal to run at large out of the animal's designated enclosure or off a leash.

(2) This section does not apply to:

(a) Dogs being used in hunting or trained for hunting on the property of their owner or another who has consented to the animal's presence.

(b) Farmers transporting livestock under control or direction of herdsman.

(c) Farmers allowing livestock to forage or range on lands in which such foraging or ranging is authorized by the owner.

(d) Domestic animals running on the property of their owner or another who has consented to the animal's presence.

6.231 Poisonous Snakes. (1) No person, firm, corporation, or other legal entity shall own or possess a poisonous snake within this County unless they shall have on file with the Manitowoc County Sheriff's Department either:

(a) A statement in writing signed by a licensed veterinarian which describes the type of snake owned or possessed and further states that said snake has been surgically rendered incapable of injecting venom into persons or animals, or

(b) A statement in writing, signed by a licensed physician, which describes the type of snake owned or possessed and further states that a supply of anti-venin, sufficient in the opinion of the physician for the medically appropriate treatment of an individual who may be bitten by said snake is currently on hand in a named hospital located in Manitowoc County, and the expiration date thereof. Said statement shall permit the said individual to own or possess said snake until thirty (30) days prior to the expiration date of the anti-venin; at which time it must be renewed by the endorsement thereon by a licensed physician of a new expiration date for the supply of

anti-venin herein described. All expenses in connection with compliance with this paragraph shall be paid by the owner or possessor of said snake, including the cost of anti-venin.

(b) The cost of compliance with this ordinance shall not be defense to a violation hereof.

(c) Violation of this ordinance shall be punishable upon conviction by a forfeiture of not less than \$75.00 nor more than \$500.00, plus the costs of prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense. Any person who is in default in the payment of forfeitures or costs imposed hereunder, unless found indigent by the court, shall be imprisoned in the Manitowoc County Jail for up to thirty (30) days for each violation or until payment has been made.

6.232 Wolf/dog Hybrids to be Properly Confined. (1) The owner of any wolf/dog hybrid as hereinafter defined, and the owner of any property on which a wolf/dog hybrid is kept, shall see that the animal is at all times confined according to the minimum requirements of this ordinance.

(2) A wolf/dog hybrid is defined as any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote, jackal, or dingo or resulting from the mating of any wolf/dog hybrid and another wolf/dog hybrid or a domesticated dog. As used herein:

(a) the term "canine animal" includes all members of the family *canidae* except foxes;

(b) the term "domesticated dog" means *canis familiaris*;

(c) the term "wolf" includes both *canis lupus* and *canis niger*;

(d) the term "coyote" means *canis latrans*;

(e) the term "jackal" means *canis aureus*;

(f) the term "dingo" means *canis dingo*.

(3) A wolf/dog hybrid may be kept only in an enclosure that meets the following minimum requirements:

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

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

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

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

(4) A wolf/dog hybrid may be transported only if confined in a secure, locked container with no openings not covered with fine mesh screen. This paragraph does not prohibit the walking of such animals on a leash, subject to the requirements of local leash laws.

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

(6) The foregoing provisions of this ordinance shall not apply to Doctors of Veterinary Medicine in temporary possession of such animals in the ordinary course of their practice.

(7) Any person who was, at the time of the enactment of this ordinance, the owner of a single wolf/dog hybrid as defined herein, may obtain an

exemption from the requirements of subsection (3) hereof by obtaining, prior to the effective date of this ordinance, an inspection by the County Health Department of the enclosure currently provided for said animal. If the Health Department is satisfied that the owner has provided a secure enclosure that is adequate for the protection of the public and the well-being of the animal, it may issue a written exemption from the terms of subsection (3). Such exemption shall be valid for the animal's lifetime, provided, however, that a conviction of the owner for allowing the animal to run at large in violation of a statute, county, or municipal ordinance shall void such exemption. In issuing exemptions, the Health Department shall consider the size and observed behavior of the animal, and any prior convictions of the owner for allowing any animal to run at large. The Health Department may require modifications to be made to existing enclosures as a condition of issuing an exemption.

(8) Violation of any of the foregoing provisions of this ordinance shall be punishable upon conviction by a forfeiture of not less than \$75.00 nor more than \$500.00, plus the costs of prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense. Any person who is in default in the payment of forfeitures or costs imposed hereunder, unless found indigent by the court, shall be imprisoned in the Manitowoc County Jail for up to thirty (30) days for each violation or until payment has been made.

(9) No person shall willfully or negligently release or abandon a wolf/dog hybrid as defined herein within this county.

(10) Any person who violates paragraph (9) of this ordinance shall forfeit not more than Ten thousand Dollars (\$10,000.00) plus the costs of prosecution for each violation. Any person who is in default in the payment of forfeitures or costs imposed hereunder, unless found indigent by the court, shall be imprisoned in the Manitowoc County Jail for up to thirty (30) days for each violation or until payment has been made.

6.24 Noise Prohibited. (1) Definitions. The following definitions shall apply to the interpretation of the provisions of this ordinance.

(a) "Motor Vehicle" shall mean any vehicle such

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as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts, and any other vehicle which is self-propelled, excluding however, from this definition of motor vehicle any of the foregoing when such vehicle or equipment shall be used during actual farming operations.

(b) "Sound Level Meter" shall mean an instrument or apparatus including a microphone, an output meter, and weighing networks for the measurement of sound pressure levels.

(2) Noise Prohibited. It shall be unlawful for any person to willfully make or continue or cause to be made or continued, noise above decibels as measured by a sound level meter and from the sources and during the hours as set forth in Section 6.24(3)(a)-(c).

(3) (a) Motor vehicles weighing less than 8,000 pounds. The allowable limit is 80 decibels on an "A" weight scale at any time.

(b) Radios, television sets, record and tape equipment, sound speaker systems, sound amplifiers. The allowable limit is 80 decibels on an "A" weight scale during the hours from 7:30 a.m. to 10:30 p.m.

(c) Radios, television sets, record and tape equipment, sound speaker systems, sound amplifiers. The allowable limit is 60 decibels on an "A" weight scale during the hours from 10:30 p.m. to 7:30 a.m.

(d) Sound pressure levels shall be measured at a height of at least four feet (4') above the immediate surrounding surface and fifteen feet (15') from its source for motor vehicles and the sound pressure level shall be measured at least four feet (4') above the immediate surrounding surface and at a minimum of twenty-five feet (25') from the owner or tenant property line whereon the noise is produced in all other situations herein provided for.

(4) Exceptions. Service clubs, churches, fire departments, and sportsman's clubs located within Manitowoc County shall be allowed to operate at the highest decibel level provided for in this ordinance until midnight of any day.

6.241 Shining Animals. (1) Definitions. As

used in this section:

(a) "Department" means the Wisconsin Department of Natural Resources.

(b) "Dwelling" means any building, structure, or premises, or part of a building, structure, or premises, used and occupied for human habitation or intended to be so used, and includes any appurtenances belonging to it or usually enjoyed with it.

(c) "Flashlight" means a battery operated light designed to be carried and held by hand.

(d) "Light" includes flashlights, automobile lights, and other lights.

(e) "Peace officer" has the meaning designated under Wis. Stat. § 939.22(22).

(f) "Shining" means the casting of rays of a light on a field, forest, or other area for the purpose of illuminating, locating, or attempting to illuminate or locate wild animals.

(2) Presumption. A person casting the rays of light on a field, forest, or other area which is frequented by wild animals is presumed to be shining wild animals. A person may introduce evidence to rebut this presumption.

(3) Shining deer or bear while hunting or possessing weapons prohibited.

(a) Prohibition. No person may use or possess with intent to use a light for shining deer or bear while the person is hunting deer or bear or in possession of a firearm, bow and arrow, or crossbow.

(b) Exceptions. This subsection does not apply:

1. To a peace officer on official business.
2. To an employee of the department on official business.
3. To a person authorized by the department to conduct a game census or to observe bear for educational purposes.

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(4) Shining wild animals while hunting or possessing weapons prohibited.

(a) Prohibition. No person may use or possess with intent to use a light for shining wild animals while the person is hunting or in possession of a firearm, bow and arrow, or crossbow.

(b) Exceptions. This subsection does not apply:

1. To a peace officer on official business, an employee of the department on official business, or a person authorized by the department to conduct a game census.

2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes, or other unprotected animals during the open season for the animals hunted.

(5) Shining wild animals after 10 p.m. during certain times of the year prohibited.

(a) Prohibition. No person may use or possess with intent to use a light for shining wild animals between 10 p.m. and 7 a.m. from September 15 to December 31.

(b) Exceptions. This subsection does not apply:

1. To a peace officer on official business, an employee of the department on official business, or a person authorized by the department to conduct a game census or to observe bear for educational purposes.

2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes, or other unprotected animals during the open season for the animals hunted.

3. To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes, or other unprotected animals.

4. If rules promulgated by the department specifically permit a person to use or possess a light for shining wild animals during these times.

(6) Shining animals near dwellings, farm buildings, or farm structures.

(a) Prohibition. No person who is engaged in shining animals may do so within 500 feet of any dwelling, farm building, or farm structure or cause or permit rays of light to fall upon or illuminate any dwelling, farm building, or farm structure.

(b) Exceptions. This subsection does not apply:

1. To a peace officer on official business.

2. To an employee of the department on official business.

(7) Penalties.

(a) A person who violates subsection (3) shall be subject to the penalties set forth by Wis. Stat. § 29.245(7)(a).

(b) A person who violates subsection (4) or (5) shall be subject to the penalties set forth by Wis. Stat. § 29.245(7)(b).

(c) A person who violates subsection (6) shall be subject to the penalties set forth in MCC § 6.01.

6.25 Tire Squealing. Whoever operates a motor vehicle in such a manner that excessive and unnecessary noise is emitted by the tires of such vehicle may be penalized as provided in Section 6.01 herein.

6.255 Possession of Marijuana. (1) This ordinance is adopted under the authority of Wis. Stat. § 59.54(25).

(2) It is unlawful for any person to possess 8 grams or less of marijuana, as defined in Wis. Stat. § 961.01(14), subject to the exceptions in Wis. Stat. § 961.41(3g); but no citation may be issued under this ordinance to a person who has a previous conviction for possession of drug paraphernalia or for any other drug related offense.

(3) A person who violates any provision of this ordinance is subject to a forfeiture of not less than \$50 nor more than \$500, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the

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forfeiture and costs are paid, but may not be imprisoned for more than 30 days.

6.256 Possession of Drug Paraphernalia. (1) This ordinance is adopted under the authority of Wis. Stat. § 59.54(25m).

(2) It is unlawful for any person to use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this Wis. Stat. ch. 961; but no citation may be issued under this ordinance to a person who has a previous conviction for possession of drug paraphernalia or for any other drug related offense.

(3) A person who violates any provision of this ordinance is subject to a forfeiture of not less than \$50 nor more than \$500, together with the costs of prosecution. A person who is in default of payment is subject to imprisonment in the county jail until the forfeiture and costs are paid, but may not be imprisoned for more than 30 days.

6.26 Lewd and Lascivious Behavior. Any person who commits an indecent act of sexual gratification with another with knowledge that they are in the presence of others, or publicly or indecently exposes a sex organ may be penalized as provided in Section 6.01.

6.27 Obscenity. (1) The County Board intends that the authority to prosecute violations of this section shall be used primarily to combat the obscenity industry and shall never be used for harassment or censorship purposes against materials or performances having serious artistic, literary, political, educational, or scientific value. The County Board further intends that the enforcement of this section shall be consistent with the first amendment of the United States Constitution and Article I, Section 3 of the Wisconsin State Constitution, and the compelling state interest in protecting the free flow of ideas.

(2) Definitions. In this section:

(a) "Community" means this state.

(b) "Internal revenue code" means Title 26 of the United States Code, as amended.

(c) "Obscene material" means a writing, picture, sound recording, or film which:

1. The average person applying contemporary community standards, would find appeals to the prurient interest if taken as a whole;

2. Under contemporary community standards, describes or shows sexual conduct in a patently offensive way; and

3. Lacks serious literary, artistic, political, educational, or scientific value, if taken as a whole.

(d) "Obscene performance" means a live exhibition before an audience which:

1. The average person, applying contemporary community standards, would find appeals to the prurient interest if taken as a whole;

2. Under contemporary community standards, describes or shows sexual conduct in a patently offensive way; and

3. Lacks serious literary, artistic, political, educational, or scientific value, if taken as a whole.

(e) "Sexual conduct" means the commission of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus, or lewd exhibition of human genitals.

(f) "Wholesale transfer or distribution of obscene material" means any transfer for a valuable consideration of obscene material for purposes of resale or commercial distribution; or any distribution of obscene material for commercial exhibition. "Wholesale transfer or distribution of obscene material" does not require transfer of title to the obscene material to the purchaser, distributee, or exhibitor.

(3) Whoever does any of the following with knowledge of the character and content of the material or performance and for commercial purposes is subject to the penalties under subsection (5):

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(a) Imports, prints, sells, has in his or her possession for sale, publishes, exhibits, or transfers any obscene material.

(b) Produces or performs in any obscene performance.

(c) Requires, as a condition to the purchase of periodicals, that a retailer accept obscene material.

(4) Whoever does any of the following with knowledge of the character and content of the material is subject to the penalties under subsection (5):

(a) Transfers or exhibits any obscene material to a person under the age of 18 years.

(b) Has in his or her possession with intent to transfer or exhibit to a person under the age of 18 years any obscene material.

(5) (a) Except as provided under paragraphs (b) to (e), any person violating subsection (3) or (4) is subject to a forfeiture of not less than \$150.00 nor more than \$1,000.00.

(b) If the person violating subsection (3) or (4) has one prior conviction under this section, the person is subject to a forfeiture of not less than \$300.00 nor more than \$2,000.00.

(c) If the person violating subsection (3) or (4) has two or more prior convictions under this section, the person is subject to a forfeiture of not less than \$1,000.00 nor more than \$5,000.00.

(d) Prior convictions under paragraphs (b) and (c) apply only to offenses occurring on or after the effective date of this paragraph.

(e) Regardless of the number of prior convictions, if the violation under subsection (3) or (4) is for a wholesale transfer or distribution of obscene material, the person is subject to a forfeiture of not less than \$1,000.00 nor more than \$20,000.00.

(5m) A contract printer or employee or agent of a contract printer is not subject to prosecution for a violation of subsection (3) regarding the printing of material that is not subject to the contract printer's editorial review or control.

(6) Each day a violation under subsection (3) or (4) continues constitutes a separate violation under this section.

(7) The district attorney may submit a case for review under Wis. Stat. § 165.25(3m). No civil proceeding under this section may be commenced against any person for a violation of subsection (3) or (4) unless the attorney general determines under Wis. Stat. § 165.25(3m) that the proceeding may be commenced.

(8) (a) The County Board finds that the libraries and educational institutions under paragraph (b) carry out the essential purpose of making available to all citizens a current, balanced collection of books, reference materials, periodicals, sound recordings, and audiovisual materials that reflect the cultural diversity and pluralistic nature of American society. The County Board further finds that it is in the interest of the state to protect the financial resources of libraries and educational institutions from being expended in litigation and to permit these resources to be used to the greatest extent possible for fulfilling the essential purpose of libraries and educational institutions.

(b) No person who is an employee, a member of the board of directors, or a trustee of any of the following is liable to prosecution for violation of this section for acts or omissions while in his or her capacity as an employee, a member of the board of directors, or a trustee of:

1. A public elementary or secondary school.
2. A private school, as defined in Wis. Stat. § 115.001(3r).
3. Any school offering vocational, technical, or adult education that:
 - a. Is a vocational, technical, and adult education district school, is a school approved by the educational approval board under Wis. Stat. § 38.51 or is a school described in Wis. Stat. §§ 38.51(9)(f), (g), or (h); and
 - b. Is exempt from taxation under section 501(c)(3) of the internal revenue code.
4. Any institution of higher education that is

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accredited, as described in Wis. Stat. § 39.30(1)(d), and is exempt from taxation under section 501(c)(3) of the internal revenue code.

5. A library that receives funding from any unit of government.

(9) In determining whether material is obscene under subsections (2)(c) 1. and 3., a judge or jury shall examine individual pictures or passages in the context of the work in which they appear.

6.28 Fair Housing. (1) Intent. It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this County that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation, handicap, religion, national origin, sex, or marital status of the person maintaining a household, lawful source of income, age, or ancestry.

(2) Definitions. In this section unless the context requires otherwise:

(a) "Condominium" means property subject to a condominium declaration under Wis. Stat. Ch. 703.

(b) "Condominium association" means an association as defined in Wis Stat. § 703.02(1m).

(c) "Discriminate" and "discrimination" mean to segregate, separate, exclude, or treat any person or class of persons unequally because of sex, race, color, handicap, sexual orientation, religion, national origin, sex, or marital status of the person maintaining a household, lawful source of income, age, or ancestry. It is intended that the factors set forth herein shall be the sole basis for prohibiting discrimination.

(d) "Handicap" means any physical disability or developmental disability as defined under Wis. Stat. § 51.01(5)(a).

(e) "Housing" means any improved property, including any mobile home as defined in Wis. Stat. § 66.058, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as a home or residence.

(f) "Unimproved residential lot" means any residential lot upon which no permanent building or

structure containing living quarters has been constructed.

(3) Discrimination Prohibited. It is unlawful for any person to discriminate:

(a) By refusing to sell, lease, finance, or contract to construct housing or by refusing to discuss the terms thereof.

(b) By refusing to permit inspection or exacting different or more stringent price, terms, or conditions for the sale, lease, financing, or rental of housing.

(c) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

(d) By publishing, circulating, issuing, or displaying, or causing to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign in connection with the sale, financing, lease, or rental of housing, which states or indicates any discrimination in connection with housing.

(e) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.

(f) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

(4) Exceptions. (a) Nothing in this section shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.

(b) Nothing in this section shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(c) Nothing in this section shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

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(5) Representations Designed to Induce Panic Sales. No person may induce or attempt to induce any person to sell, rent, or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sexual orientation, or economic status, or by representations to the effect that such present or prospective entry will or may result in a) the lowering of real estate values in the area concerned; b) a deterioration in the character of the area concerned; c) an increase in criminal or antisocial behavior in the area concerned; or d) a decline in the quality of the schools or other public facilities serving the area.

(6) Animals Assisting the Handicapped. (a) If an individual's vision, hearing, or mobility is impaired, it is discrimination on the basis of handicap for any person to refuse to rent or sell housing to the individual, cause the eviction of the individual from rental housing or a condominium, require extra compensation from an individual as a condition of continued residence in rental housing or a condominium, or engage in the harassment of the individual because he or she keeps an animal specially trained to lead or assist individuals with impaired vision, hearing, or mobility if all of the following apply:

1. Upon request, the individual shows to the lessor, seller, or representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing, or mobility.

2. The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

(b) Paragraph (6) (a) does not apply in the case of rental of an owner occupied dwelling if the owner or a member of his or her immediate family occupying the dwelling possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

(7) Interference, Coercion, or Intimidation. No person may coerce, intimidate, threaten, or interfere

with any person in the exercise or enjoyment of any right granted or protected by this section, or with any person who has aided or encouraged another person in the exercise or enjoyment of any right granted or protected by this section.

(8) Requiring References. Nothing in this section prohibits an owner or agent from requiring that any person who seeks to buy, rent, or lease housing supply information concerning family, marital, financial, and business status but not concerning race, color, physical condition, developmental disability as defined in Wis. Stat. § 51.01(5), sexual orientation, or creed.

(9) Penalty. (a) Any person who wilfully violates this section or any lawful order issued under this section shall, for the first violation, forfeit not less than \$100.00 nor more than \$500.00.

(b) Any person adjudged to have violated this section within five (5) years after having been adjudged to have violated this section, for every violation committed within the five (5) years, shall forfeit not less than \$500.00 nor more than \$5,000.00.

6.285 Social Host Ordinance. (1) This ordinance may be referred to as the Social Host Ordinance.

(2) The purpose of this ordinance is to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and to hold any person who hosts an event or gathering where persons under 21 years of age possess or consume alcohol responsible regardless of whether the person hosting the event or gathering supplied the alcohol.

(3) Definitions. For purposes of this section, the following terms have the following meanings:

“Allow” or “host” means to aid, conduct, entertain, organize, supervise, control, or permit an event or gathering.

“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process

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produced.

“Alcoholic beverage” means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

“Control” means having the authority or power, or both, to direct, manage, oversee, or restrict the affairs, assets, or business of a person or entity.

“Event” or “gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

“Parent” means a person having legal custody of a juvenile as a natural, adoptive, or step parent; a legal guardian; or a person to whom legal custody has been given by court order.

“Present” means at hand or in attendance.

“Public or private property” includes, but is not limited to, any apartment, condominium, dwelling unit, farm, field, hall, hotel room, home, land, meeting room, motel room, park, place of assembly, or yard, whether occupied on a temporary or permanent basis and whether leased, owned, rented, or used with or without permission or compensation.

“Underage person” is any individual under 21 years of age.

(4) Prohibited Acts. (a) It is unlawful for any person to allow or host an event or gathering at or on any private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will possess or consume any alcohol or alcoholic beverage if the person fails to take reasonable steps to prevent possession or consumption by any underage person, even if the person who allows or hosts the event or gathering is not present at the event or gathering.

(b) It is unlawful for any person to intentionally

advise, aid, conspire with, counsel, hire, or otherwise procure another person to commit a prohibited act.

(5) Exceptions. (a) This ordinance does not apply to a person who procures for or dispenses, gives, or sells alcohol or any alcoholic beverage to an underage person if the underage person is in the direct company of the underage person’s parent, guardian, or spouse and the parent, guardian, or spouse has attained the legal drinking age, has consented to the underage person possessing or consuming the alcohol or alcoholic beverage, and is in a position to observe and control the underage person.

(b) This ordinance does not apply to legally protected religious observances.

(c) This ordinance does not apply to an underage person who is lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(6) Penalties. (a) A person will, upon conviction for a violation of any provision of this ordinance, forfeit not less than \$1,000 nor more than \$5,000 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution.

(b) A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days for each offense. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.

6.29 Open After Hours. **(1)** No tavern, bar, club, restaurant, or other holder of a license to sell alcohol beverages either in original packages or by the drink may sell or serve fermented malt beverages or intoxicating liquors except during the hours in which the establishment is permitted to operate by local ordinances and/or state law.

(2) No tavern, bar, restaurant, club, or other holder of a license to sell alcohol beverages may give away fermented malt beverages or intoxicating

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liquors with intent to evade this section.

(3) No tavern, bar, restaurant, club, or other holder of a license to sell alcohol beverages may allow any person to consume alcohol beverages or remain on premises or loiter on the premises outside of the hours in which the establishment is permitted to operate by local ordinances and/or state law.

(4) Each service of alcohol beverages to an individual in violation of subsections (1) or (2) and each person consuming alcohol beverages or loitering or remaining on premises after hours shall constitute a separate offense.

(5) Anyone violating this section may be penalized as provided in section 6.01 of this Chapter.

6.295 Feeding Deer Prohibited. (1) (a) No person may place or allow any device or any fruit, grain, mineral, plant, salt, vegetable, or other material to be placed outdoors on any public or private property for the purpose of attracting or feeding deer.

(b) Each property owner shall have the duty to remove any materials placed on the owner's property in violation of this ordinance. Failure to remove such materials within 24 hours after notice from the County shall constitute a separate violation of this ordinance.

(c) Each property owner shall have the duty to remove any device placed on the owner's property to which deer are attracted or from which deer actually feed. Alternatively, a property owner may modify such a device or make other changes to the property that prevent deer from having access to or feeding from the device. Failure to remove such a device or to make such modifications within 24 hours after notice from the County shall constitute a separate violation of this ordinance.

(2) Rebuttable Presumptions. (a) There is a rebuttable presumption that the placement of fruit, grain, mineral, plant, salt, vegetable, or other materials in an aggregate quantity of more than two quarts at the height of less than five feet off the ground is for the purpose of feeding deer.

(b) There is a rebuttable presumption that the placement of fruit, grain, mineral, plant, salt,

vegetable, or other materials in an aggregate quantity of more than two quarts in a drop feeder, automatic feeder, or similar device regardless of the height of the fruit, grain, mineral, plant, salt, vegetable, or other material is for the purpose of feeding deer.

(3) Exceptions. (a) Naturally Growing Materials. This ordinance does not apply to naturally growing materials, including, but not limited to fruit, grain, nuts, seeds, and vegetables.

(b) Planted Materials. This ordinance does not apply to planted materials growing in gardens, as standing crops, or in a wildlife food plot.

(c) Stored Crops. This ordinance does not apply to stored crops provided that the stored crop is not intentionally made available to deer.

(d) Incidental Spills. This ordinance does not apply to spills of seed materials intended for planting or to crop materials that have been harvested if the spills are incidental to normal agricultural operations and such materials are not intentionally made available to deer.

(e) Authorized by County Board. This ordinance does not apply to feeding that is authorized by county board resolution on a temporary basis for a specific public purpose.

(4) Penalty. Any person violating any provision of this section shall forfeit not less than \$50 nor more than \$500 for each offense, together with the costs of prosecution. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues. Any person who defaults in the payment of a forfeiture or the costs of prosecution may be imprisoned in the county jail until the forfeiture and costs are paid, but such imprisonment shall not exceed 30 days. This paragraph does not preclude the county from taking any appropriate action to abate, prevent, or remedy a violation of any provision of this section.

Part 5 -- Offenses Against Law Enforcement Or Government

6.30 Resisting or Obstructing Officer. Whoever knowingly resists or obstructs (as defined in Wis. Stat. § 946.41 (2) (b)) an officer (as defined

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in Wis. Stat. § 946.41 (2) (a)) or the coroner while such officer or coroner is doing any act in his or her official capacity and with lawful authority may be penalized as provided in Section 6.01.

6.31 Harassment or Assault of Police Dog. (1)

No person may harass a police dog or treat a police dog in a cruel manner.

(2) No person may strike, hit, kick, maim, injure, or assault a police dog.

(3) As used in this section:

(a) "Police dog" means a dog which is used regularly by the Manitowoc County Sheriff's Department or another law enforcement agency operating within Manitowoc County.

(b) "Harass" means to tease, verbally abuse, torment, provoke, incite, or aggravate by means which induce unnecessary or unreasonable pain, suffering, or agitation.

(c) "Cruel" means causing unnecessary, excessive, or unreasonable pain or suffering or injury.

(4) This section shall not apply to any action of a veterinarian or assistant to a veterinarian to provide care for a police dog. This section shall not prevent a Sheriff's deputy or peace officer from restraining or destroying a police dog where necessary to protect the life or safety of a person.

(5) Whoever violates Section 6.31(1) is guilty of Harassment of a Police Dog and may be penalized as provided in Section 6.01 herein. Whoever violates Section 6.31(2) is guilty of assaulting a police dog and may be penalized as provided in Section 6.01 herein.

6.32 Alarm Systems. (1) Definitions. In this section:

(a) "Alarm System" shall mean any electrical or mechanical device for the detection of an unauthorized entry on premises for the alerting others of the commission of an unlawful act or both, for the detection of a fire, and when activated, emits a sound or transmits a signal or message or both.

(b) "False Alarm" shall mean a signal from an alarm system which results in a call direct or indirect, to the Manitowoc County Sheriff's dispatch necessitating unnecessary response by any emergency response unit normally dispatched via the Manitowoc County Sheriff's dispatch.

(c) "Person" shall mean any individual, partnership, corporation, or other entity.

(d) "Private Alarm System" is any alarm system not owned or leased by Manitowoc County.

(2) [REPEALED].

(3) Prohibitions. (a) False alarm. No person owning, leasing, using, or possessing a private alarm system shall cause or permit the giving of a false alarm whether intentional or accidental, which is caused by human error, by electrical or mechanical dysfunction, or both.

(b) [REPEALED].

(4) Penalty. (a) For the first violation of (3)(a) by a person involving an alarm system installed in a building, the Sheriff's Department shall issue a written warning indicating the penalties applicable under (b) of this subsection and ordering correction of any alarm defects.

(b) For violations by a person involving an alarm system which has been the subject of a previous written warning issued by the Sheriff's Department within the one (1) year period immediately preceding the date on which the violation occurred, the violator may be penalized as provided in Section 6.01 herein.

(c) [REPEALED].

6.33 Welfare Fraud. (1) No person in this county shall, with intent to secure public assistance under Wis. Stat. Chapter 49, whether for himself or herself, or for some other person, willfully make any false representation.

(2) Violation of this section shall be punishable by a forfeiture of not less than \$25.00 nor more than \$500.00.

6.34 School Truancy. (1) In this section:

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(a) “Dropout” shall have the meaning given in Wis. Stat. § 118.163(1)(a).

(b) “Habitual truant” shall have the meaning given in Wis. Stat. § 118.163(1)(b).

(c) “Operating privilege” shall have the meaning given in Wis. Stat. § 118.163(1)(c).

(d) “Truant” shall have the meaning given in Wis. Stat. § 118.163(1)(d).

(2) A person under the age of 18 years of age is prohibited from being a truant. In the event that a person under the age of 18 years is found to be a truant, the following dispositions shall be available to the court:

(a) An order for the person to attend school.

(b) A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stat. § 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(3) A person under the age of 18 years of age is prohibited from being a habitual truant. In the event that a person under the age of 18 years is found to be a truant, the following dispositions shall be available to the court:

(a) Suspension of the person’s operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

(b) [RESERVED].

(c) An order for the person to remain at home except during hours in which the person 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 person to leave his or her home if the person is accompanied by a parent or guardian.

(d) [RESERVED].

(e) An order for the Wisconsin Department of Workforce Development to revoke, under Wis. Stat. § 103.72, a permit under Wis. Stat. § 103.70 authorizing the employment of the person.

(f) [RESERVED].

(g) An order for the person to attend school.

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

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

(j) [RESERVED].

(k) An order for the person’s parent, guardian, or legal custodian to participate in counseling at the parent’s, guardian’s, or legal custodian’s own expense or to attend school with the person, or both.

(4) A court may suspend the operating privilege of a person who is at least 16 years of age but less than 18 years of age and who is a dropout until the person reaches the age of 18. The court 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 the duration of the suspension.

(5) This ordinance is applicable and may be enforced in any city, village, or town located in the county regardless of whether the city, village, or town has enacted an ordinance under Wis. Stat. § 118.163(1m), (2), or (2m).

(6) A citation for a violation of this section may be issued by any law enforcement officer or peace officer of the county or of any city, village, or town within the county.

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6.35 Indoor Clean Air. In order to promote public and employee health and abate the nuisance of tobacco smoke and consumption within public buildings, the following regulations are adopted to restrict smoking of tobacco within the various facilities owned and operated by Manitowoc County.

(1) Definitions. As used in this section:

(a) "County building" means all enclosed structures owned by Manitowoc County except the University of Wisconsin Center - Manitowoc County.

(b) "Private office" means an area for work which is completely enclosed by walls which reach from floor to ceiling and has a door which can be completely closed.

(c) "Public meeting" means all meetings involving Manitowoc County officials or employees to which the public is invited or legally entitled to attend.

(d) "Smoke" means to burn tobacco in any manner, or to burn tobacco substitutes, and includes carrying, using, or inhaling smoke of tobacco products or substitutes, whether contained in pipes, cigars, cigarettes, water pipes, or other instrumentality.

(2) It shall be unlawful for any person to smoke in any county building.

(3) Exception. It shall not be unlawful for any person who voluntarily or involuntarily resides on a temporary or long term basis at the Manitowoc Health Care Center to smoke in a designated indoor smoking area at the Manitowoc Health Care Center provided that:

(a) the designated smoking area is posted as a smoking area in accordance with the requirements of Wis. Stat. § 101.123(4)(b),

(b) the designated smoking area is enclosed and exhausted directly to the outside and away from air intake ducts,

(c) the designated smoking area is maintained under sufficient negative pressure with respect to all surrounding space to contain all tobacco smoke

within the designated area, and

(d) no Manitowoc Health Care Center or other Manitowoc County employee, except in an emergency, shall be required to enter the designated smoking area while smoking is occurring or while tobacco smoke is present.

(4) No person may remove, deface, hide, or mutilate a "No smoking" or "Smoking allowed" sign.

(5) Chewing tobacco or spitting tobacco juice is absolutely prohibited in all county buildings.

(6) Any person violating this ordinance may be required to forfeit not less than \$10 nor more than \$50. Each instance of smoking shall constitute a separate offense. No one may be prosecuted unless they have first been warned of the consequences of violating this ordinance by a law enforcement officer. This ordinance may be enforced by issuance of a citation, in which case the deposit amount shall be \$10 together with costs, assessments and fees as set by the legislature.

HISTORY

12/19/67: Adopted.

10/21/1980: Sec. II, par. 19 repealed and recreated; sec. IV, par. 7 amended; secs. XII B.5. repealed and recreated; sec. XVI.A repealed and recreated.

9/15/81: Sec. IV.A.7.1.a repealed and recreated and sec. IV.A.7.1.b amended by Ord. No. 81-117.

3/16/82: Sec. II, par. 36.1 created; sec. VIII.C.8 amended, sec. VIII.I.C.5 amended; sec. VIII,II.C.17 created; sec. IV.A.9 created; sec. XII.B.7.e created by Ord. No. 82-218.

11/15/88: Codified as Chapter 8 by Ord. No. 88/89-117.

01/17/95: Sec. 6.232 created by Ord. No. 94/95-127 with sub. (8) and (9) effective upon publication and the remaining provisions effective 90 days after publication on 04/17/95.

05/16/95: Sec. 6.05 amended by Ord. No. 95/96-36.

6/18/02: Sec. 6.16(3) amended by Ord. No. 2002/2003-36 effective June 27, 2002.

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8/19/03: Sec. 6.295 (originally 6.30 but renumbered to avoid duplication) created by Ord. No. 2003/2004-53 effective August 29, 2003.

3/16/04: Sec. 6.215 created by Ord. No. 2003/2004-135 effective March 25, 2004.

5/16/06: Sec. 6.05(1) amended by Ord. No. 2006/2007-13 effective May 24, 2006.

8/23/2007: Secs. 6.255 and 2.256 created by Ord. No. 2007/2008-58 effective September 1, 2007.

9/16/2008: Sec. 6.05 amended by Ord. No. 2008/2009-72 effective September 24, 2008.

07/21/2009: Sec. 6.15(6)(b)3.f. amended by Ord. No. 2009/2010-41 effective July 31, 2009.

09/22/09: Sec. 6.217 created by Ord. No. 2009/2010-63 effective October 1, 2009.

09/22/09: Sec. 6.285 created by Ord. No. 2009/2010-67 effective October 3, 2009.