

Chapter 199

PEACE AND GOOD ORDER

ARTICLE I

Offenses Endangering Public Safety

- § 199-1. Firearms; hunting
- § 199-2. Arrows, snowballs & other projectiles
- § 199-3. (Reserved)
- § 199-4. Fireworks
- § 199-5. Obstructing streets & sidewalks

ARTICLE II

Offenses Endangering Public Peace and Good Order

- § 199-6. Disorderly conduct
- § 199-6.1. Drug possession and usage
- § 199-6.2. Drug paraphernalia
- § 199-7. Drunkenness
- § 199-8. Tobacco products
- § 199-9. Noise
- § 199-10. False Alarms
- § 199-11. Obedience to officers and official signs

ARTICLE III

Offenses Endangering Public Morals & Decency

- § 199-12. Vagrancy and loitering
- § 199-12.1. Disorderly property
- § 199-13. Indecent conduct and language
- § 199-14. Curfew
- § 199-14.1. Truancy
- § 199-14.2. Theft
- § 199-14.2.1. Definitions
- § 199-14.3. Retail Theft
- § 199-14.3.1. Concealment of unpurchased merchandise
- § 199-14.4. Fraud on hotel or restaurant keeper recreational attraction, taxicab operator or gas station prohibited
- § 199-14.4.1. State Statute Adopted

ARTICLE IV

Offenses Against Public & Private Property

- § 199-15. Destruction of property
- § 199-15.1. Trespass to land
- § 199-15.2. Trespass to dwellings
- § 199-15.3. Trespass to construction site
- § 199-16. Littering

ARTICLE V

Enforcements

- § 199-17. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Fall Creek 10-4-1960 as Ch. 12 of the 1960 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Civil defense -- See Ch. 13.

Animals -- See Ch. 100.

Outdoor burning -- See Ch. 125.

Cigarettes -- See Ch. 128.

Intoxicating liquor & fermented malt beverages
See Ch. 154.

Nuisances -- See Ch. 184.

ARTICLE I

Offenses Endangering Public Safety

§ 199-1. Firearms; hunting.

- A. No person except a sheriff, constable, police officer or their deputies shall fire or discharge any firearm, rifle or spring or air gun of any description within the Village of Fall Creek or have any firearm, rifle or spring or air gun in his possession or under his control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container, provided that this section shall not prevent the maintenance and use of duly supervised rifle or

pistol ranges or shooting galleries authorized by the Village Board or the firing or discharging of BB guns upon private premises by persons over 16 or under the direct personal supervision of a parent or guardian.

- B. This section shall be deemed to prohibit hunting and trapping, with the exception of live-traps and trapping vermin, within the Village subject to the following exception: When acting in a manner consistent with Wisconsin law and administrative regulations, the Village Board shall, by resolution, declare a hunting season for any wild animal, as that term is defined at §29.001(90), Wis. Stats. Hunting shall be permitted within the Village limits but only for the wild animal designated by the Village Board and for such time period as is prescribed by it. For any and all other discharges of firearms or guns in the Village, except for air guns and BB guns, the Chief of Police is empowered, in his or her discretion, to issue written permits to owners or occupants of private premises or designees to shoot on such premises if he or she finds such privileges necessary for the protection of life or property and subject to such safeguards as he or she may impose for the safety of the lives and property of other persons within the Village. **[Amended 9-1-2005, 8-9-2007]**
- C. For the purposes of this ordinance “vermin” is defined as, but not limited to, house mice and Norway rats, voles, moles, gophers, ground squirrels, opossums, skunks, and other small mammals which are not protected by Wisconsin State Statutes or Administrative Code. For purposes of this definition, protected species and those for which established hunting seasons have been created including, but not limited to, raccoons, tree squirrels, and rabbits, may only be live trapped and transferred to an appropriate location, all in accord with Wisconsin Statutes and the Administrative Code. Under no circumstances may any person who engages in lawful trapping under this ordinance utilize leghold or conibear-style traps except as provided under Section B. In addition, the use of snares is prohibited. **[Added 9-18-2008]**

§ 199-2. Arrows, snowballs and other projectiles. [Amended 10-10-1991]

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any other person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village of Fall Creek, except archery ranges approved by the Village Board.

§ 199-3. (Reserved 1)¹

¹ Editor's Note: Former § 199-3, Open burning, was repealed 4-13-2000.

§ 199-4. Fireworks. [Amended 6-13-2011]

- A. Private use and sale. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks, except toy pistol paper caps, sparklers and toy snakes, within the limits of the Village unless he shall be authorized by a fireworks permit as hereinafter provided. The term "fireworks," as used in this section, shall be defined as provided in W.S.A. s. 167.10(1) and shall be deemed to include all rockets or similar missiles containing explosive fuel.
- B. Fireworks permits. Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the Village President. All applications shall be referred to the Fire Chief for investigation, and no permit shall be granted unless the Village President, or the Police Chief in the absence of the Village President, from the report of the Fire Chief, determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner.
- C. Certificate of Insurance. Before granting any fireworks permit, the Village President shall require the applicant to post with the Village Clerk-Treasurer a certificate of insurance naming the Village of Fall Creek as an additional insured in the sum of \$1,000,000 for the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit.
- D. A trained fireworks technician must be on site. This may be a volunteer or a professional from a Pyrotechnic Company. Verification of training must be presented with application.
- E. Location, Adequate Space, Access. Prior to the event, the proposed location should be reviewed to ensure adequate space needs are met and the area does not provide any fire hazard such as dry grass which could easily ignite from burning debris. An evaluation of the viewing location should be performed to ensure adequate and appropriate viewing space is provided. (Important – You must have at a minimum 70 feet of separation – land and water – for each 1" diameter shell.) Access to and around the displays, as well as the parking lot should be clear and unobstructed. Obtain the cooperation of the police department to ensure adequate exiting areas for pedestrians/vehicle traffic are provided. Arrangements for emergency vehicle access should be considered and maintained.
- F. Spectators shall be monitored. During the event, the activities of the crowd should be monitored to ensure spectators are not using dangerous fireworks in and around others.
- G. Clean up & safety precautions after the firework display. The end of the fireworks display does not signal an end to the need for safety precautions. The possibility of duds, burning materials, and other hazards require those performing the firing to inspect the grounds and safely remove potentially hazardous materials from the area.
- H. If it is expected that this will be an annual event, a debriefing session shall be held within one month of the event reviewing any problems and proposed solutions.

§ 199-5. Obstructing streets and sidewalks.

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

ARTICLE II
Offenses Endangering Public Peace and Good Order

§ 199-6. Disorderly conduct.

No person shall within the Village of Fall Creek:

- A. In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.
- B. Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

§ 199-6.1. Drug possession and usage. [Added 9-8-2005]

- A. Purpose. The people of Fall Creek specifically determine that the regulations herein contained concerning marijuana and cannabis are necessary to serve the ethical purpose of providing just and equitable legal treatment of the citizens of this community and to preserve the respect of such citizens for law, its process, and its administration.
- B. Definitions. As used in this subchapter, the following terms shall be defined as follows:

CANNABIS – The resin extracted from any part of the plant Cannabis Sativa L. or any other nonfibrous extract from any part of the plant containing delta 9-tetrahydrocannabinol.

MARIJUANA -- All parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. It does not include cannabis or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

PRACTITIONER --

- a. A physician, dentist, veterinarian, podiatrist, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

- b. A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state.

POSSESS – The possession of not more than twenty-eight (28) grams of cannabis, or one hundred and twelve (112) grams of marijuana.

PUBLIC PLACE – A place which is in public ownership or a place to which the public has access; distinguished from a private place.

- C. Public possession. No person shall possess marijuana or cannabis in a public place unless such marijuana or cannabis was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of her, his, or its professional practice.
- D. Penalty. A violation of Subsection (3) of this ordinance shall be subject to a forfeiture of up to one hundred dollars (\$100). For a second and each subsequent violation within 365 days of a previous violation hereunder, the forfeiture shall be no less than one hundred dollars (\$100) nor more than two hundred dollars (\$200).
- E. Violations are not a crime. A violation of this ordinance is not a crime and shall not subject a person found in violation thereof the loss of civil rights or to other disabilities imposed upon a person convicted of a crime. No entry or other record may be made which indicates that a person alleged or found to have violated this ordinance has been arrested for, charged with, prosecuted for, or convicted of a crime.

§ 199-6.2. Unlawful to use or possess drug paraphernalia. [Added 9-8-2005]

- A. No person may use, or possess with the intent to use, paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or other wise introduce into the human body a controlled substance in violation of Chapter 961, Wis. Stats. Any person who violates this section is subject to a forfeiture of not more than five hundred dollars (\$500). For a second and each subsequent violation within 365 days of a previous violation hereunder, the forfeiture shall be no less than five hundred dollars (\$500) nor more than eight hundred dollars (\$800).
- B. Wisconsin state statutes adopted. Section 961.571, Wis. Stats., and Section 961.572, Wis. Stats., are hereby adopted by reference including amendments thereto as may be adopted from time to time.

§ 199-7. Drunkenness. [Amended 10-12-1989]

- A. No person shall within the Village be habitually drunk or intoxicated so to disturb the good order and quiet of the Village or be found in any place within the Village in such a state of intoxication that he is unable to care for his own safety or for the safety of others.
- B. State underage drinking laws adopted.

- (1) Provisions of state law adopted by reference. All provisions of W.S.A. ss. 125.07(4)(a) and (b), 125.085 and 125.09(2), as they presently exist and as they may hereafter be amended, are hereby adopted by reference. [Amended 4-8-1999]
- (2) Penalties. Any person who violates the above-listed subsections adopted by this section shall be subject to the penalties set forth in W.S.A. s. 125.07(4)(c).

§ 199-8. Tobacco products. [Added 12-8-1994, Amended 11-18-2008, Amended 3-13-2017]

- A. In this section, the following terms shall have the meanings indicated:
- CIGARETTE -- Has the meaning given in W.S.A. s. 139.30(1m).
- LAW ENFORCEMENT OFFICER -- Has the meaning given in W.S.A. s. 30.50(4s).
- TOBACCO PRODUCTS -- Has the meaning given in W.S.A. s. 139.75(12).
- NICOTINE PRODUCTS -- Has the meaning given in W.S.A.s. 134-66(f).
- B. Except as provided in Subsection C, no person under the age of 18 may do any of the following:
- (1) Buy or attempt to buy any cigarette, tobacco product, or nicotine product.
 - (2) Falsely represent his or her age for the purpose of receiving any cigarette, tobacco product, or nicotine product.
 - (3) Possess any cigarette, tobacco product, or nicotine product.
- C. A person under the age of 18 may purchase or possess cigarettes, tobacco products, or nicotine products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under W.S.A. s. 134.65(1).
- D. A law enforcement officer shall seize any cigarette, tobacco products, or nicotine products involved in any violation of Subsection B committed in his or her presence.
- E. The penalty for a violation of this section shall be a forfeiture of \$25 plus court costs for the first offense, \$50 plus court costs for the second offense and \$100 plus court costs for the third and subsequent offenses. **[Amended 4-8-1999, Amended 11-18-2008]**
- F. No adult shall sell, trade, give away or otherwise transfer cigarettes, tobacco products, or nicotine products to a person under the age of 18 except as provided in Subsection C. **[Amended 11-18-2008]**
- G. Any person age 18 and over who shall violate Subsection F. shall, upon conviction, incur a penalty of \$50 plus court costs. **[Amended 11-18-2008]**

§ 199-8.1. Public school grounds and premises. [Added 2-8-2007]

It shall be unlawful for any person to commit the following acts on premises owned or rented by, or under the control of, a school board:

- A. Smoke or possess a lighted cigar, cigarette, pipe or any other instrument with which to smoke tobacco; or
- B. Place any tobacco product in one's mouth.

§ 199-9. Noise.

No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

§ 199-10. False alarms.

No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false.

§ 199-11. Obedience to officers and official signs.

- A. Obedience to officers. No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the Village while such officer is doing any act in his official capacity and with lawful authority.
- B. Assisting escape of prisoner. No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the Village.
- C. Personating police officers. No person shall personate a policeman or peace officer within the Village of Fall Creek.
- D. Obedience to traffic officers. No person shall fail or refuse to comply with any lawful order, signal or direction of a police officer.
- E. Instructions of signs and signals. No operator of a vehicle, passenger or pedestrian shall disobey the instructions of any official traffic sign or signal unless otherwise directed by a traffic officer.
- F. Eluding and fleeing from an officer. No operator of a vehicle, passenger or pedestrian, after having received a visual or audible signal from a police officer or a marked police vehicle, shall knowingly flee or attempt to elude any traffic officer by willful or wanton disregard of such signal, so as to interfere with or endanger the operation of the police vehicle or the traffic officer or other vehicles or pedestrians, nor shall he increase the speed of his vehicle or extinguish the lights of his vehicle in an attempt to elude or flee, nor shall an attempt be made to flee the scene on foot.

ARTICLE III
Offenses Endangering Public Morals and Decency

§ 199-12. Vagrancy and loitering.²

No person shall within the Village loiter or loaf about any public building, place or premises or wander about the streets, alleys, parks or other public places either by day or night whose actions give rise to a suspicion of wrongdoing and who is unable to give a satisfactory account of himself or who, having the physical ability to work, is without any visible means of support and does not seek employment or who derives part of his support from begging, prostitution, pandering, fortune-telling or as a similar imposter.

§ 199-12.1. Disorderly property [Added 4-13-2020]

- A. No person, as owner, agent of the owner, lessee, tenant, occupant, visitor, guest or as a trespasser of any building, enclosure, structure, tent, garden yard, room or other place within the Village shall permit or engage in “disorderly conduct” as defined in § 199-6 of this Code, or allow any disorderly conduct or excessive noise which causes a disturbance to others.
- B. It shall be unlawful for any person, firm, corporation, or other entity occupying or having charge of any building or premises, or any part thereof, to cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, stereo or other mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity.

§ 199-13. Indecent conduct and language.

No person shall use any indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the Village.

§ 199-14. Curfew.

No child 16 years of age or under shall loiter, idle or remain and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle or remain in or upon any of the streets, alleys or public places in the Village between the hours of 10:00 p.m. and 6:00 a.m. unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child. This section shall not be construed to prohibit such child from performing an errand or duty if directed by his parent or guardian or of urgent necessity or from pursuing the duties of his employment in an expeditious and orderly manner or from going to or from places of business or amusement or private homes.³

³ Editor’s Note: Original Sec. 12.03(5), Attire for Female Entertainers, Employees, Performances, as added 11-7-1972, which immediately followed this section, was deleted 4-8-1999.

§ 199-14.1. Truancy. [Amended 8-24-2006]

A. Purpose. A child who is seventeen (17) years of age is prohibited from being truant.

B. Definitions. The following definitions apply to all following sections:

TRUANT -- A pupil who is absent from school without an acceptable excuse for part or all of any day, on which school is held during a school semester.

ACCEPTABLE EXCUSE -- as defined in Wis. Stats. §§118.15 and 118.16(4).

C. Penalty. Upon finding that a child is truant, the court shall enter an order making one or more of the following dispositions:

- (1) An order for the child to attend school.
- (2) Children ages 16 and under will be imposed a forfeiture of fifty dollars (\$50.00) for each offense. Children ages 17 will be imposed a forfeiture of one hundred sixty dollars and eighty cents (\$160.80) for each offense. There will be a maximum accumulative forfeiture amount of not more than five hundred dollars (\$500.00) for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the child, the parents or guardian of the child, or both.

D. Sanctions. Upon finding that a child violates a condition of his or her court order under this section, the court may impose as a sanction on the child, any combination of the following:

- (1) Suspend the child's operating privilege, as defined in Wis. Stats. § 340.01(40), for not less than thirty (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.
- (2) Order the child to attend school.
- (3) Order the child to participate in counseling or a supervised work program or other community service work as described in Wis. Stats. § 938.34(5g). The costs of any such counseling, supervised work program or other community service work may be assessed against the child, the parents or guardian of the child, or both.
- (4) Order the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.

- (5) Order the child to attend an educational program as described in Wis. Stats. § 938.34(7d).
 - (6) Order the Department of Workforce Development to revoke, under Wis. Stats. § 103.72, a permit under Wis. Stats. § 103.70, authorizing the employment of the child.
 - (7) Order the child to be placed in a teen court program as described in Wis. Stats. § 938.342(1g)(f).
 - (8) Order a forfeiture of not more than five hundred dollars (\$500.00) plus costs, subject to Wis. Stats. § 938.37. All or part of the forfeiture plus costs may be assessed against the child, the parents or guardian of the child, or both.
 - (9) Order reasonable conditions consistent with Wis. Stats. § 118.163(2), including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
 - (10) Place the child under formal or informal supervision, as described in Wis. Stats. § 938.34(2) for up to one year.
 - (11) Order the child's parent, guardian or legal custodian to participate in counseling at the parents, guardians or legal custodian's own expense or to attend school with the child, or both.
- E. Contribution to Truancy. Any person of the age of 18 or older who contributes to or causes a child to be a truant, habitual truant, or dropout shall pay a forfeiture of one hundred sixty dollars and eighty cents (\$160.80) for each offense. There will be a maximum accumulative forfeiture amount of not more than five hundred dollars (\$500.00) for all violations committed during a school semester. If the adult defaults on the payment of forfeitures, the adult shall be imprisoned until the forfeiture and costs together with the subsequent costs are paid, but not more than sixty (60) days. Each day a violation continues shall constitute a separate offense.
- F. If any section or part of this section is adjudged unconstitutional or invalid by any Court of competent jurisdiction, the remainder of this section shall not be affected thereby.

§ 199-14.2 Theft. [Added 11-12-2012]

Whoever does any of the following may be penalized as provided in § 199-17.F.:

- A. Intentionally takes and carries away, uses, transfers, conceals, or retains possession of moveable property of another without the others consent and with intent to deprive the owner permanently of possession of such property.
- B. By virtue of his or her office, business, or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals, or retains

possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his or her authority, and with intent to convert to his or her use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his or her possession or custody by virtue of his or her office, business or employment, or as a trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his or her own use within the meaning of this paragraph.

- C. Having a legal interest in moveable property, intentionally and without consent, takes such property out of the possession of a pledge or another person having a superior right of possession with intent thereby to deprive the pledge or other person permanently of the possession of such property.
- D. Obtains title to property of another person by intentionally deceiving the person with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
- E. Intentionally fails to return any personal property which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement, within ten (10) days after the lease or rental agreement has expired.

§ 199-14.2.1 Definitions. [Added 11-12-2012]

For purposes of this section, certain terms are defined as follows:

MOVEABLE PROPERTY – Property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found in land.

PROPERTY – All forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a choice in action or other tangible rights.

PROPERTY OF ANOTHER -- Property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

RESIDENT – Meaning given in Wis. Statutes, Section 940.295(1)(p).

VALUE – The market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a choice in action or other tangible right, value means either the market value of the choice in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

§ 199-14.3 Retail Theft [Added 11-12-2012]

Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals, or retains possession of (or knowingly places a false indicia of price

upon) merchandise held for resale by a merchant without the merchant's consent and with the intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise may be subject to a forfeiture as provided in § 199-17.F.

§ 199-14.3.1 Concealment of unpurchased merchandise. [Added 11-12-2012]

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 evident of intent to deprive the merchant permanently of possession of the merchandise without paying the purchase price. The discovery of unpurchased merchandise concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person concealing the goods.

§ 199-14.3.2 Detention with probable cause. [Added 11-12-2012]

A merchant or merchant's adult employee who has probable cause for believing that a person had violated this section in his/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a peace officer, or to his/her parent/guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he/she shall not be interrogated or searched against his/her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this section entitles the merchant or his/her employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

§ 199-14.4 Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator or gas station prohibited. [Added 11-12-2012]

Whoever does any of the following may be penalized as provided in §199-17.F.:

- A. Having obtained any beverage, food, lodging, ticket or other means of admission, or other service or accommodation at any campground, hotel, motel, boarding or lodging house, restaurant, or recreational attraction, intentionally absconds without paying for it.
- B. While a guest at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally defrauds the keeper thereof in any transaction arising out of the relationship as guest.
- C. Having obtained any transportation service from a taxicab operator, intentionally absconds without paying for the service.
- D. Having obtained gasoline or diesel fuel from a service station, garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale at retail, intentionally absconds without paying for the gasoline or diesel fuel.

§ 199-14.4.1 State Statute Adopted. [Added 11-12-2012]

All provisions of § 943.21 of the Wisconsin Statutes, and any amendments thereto, with the exception of any criminal penalties and forfeitures, are adopted, and by reference made a part of

this section as if fully set forth herein. Any act required to be performed or prohibited by the statute incorporated herein by reference is required or prohibited by this section.

ARTICLE IV Offenses Against Public and Private Property

§ 199-15. Destruction of property.

No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Village or its departments or to any private person without the consent of the owner or proper authority.

§ 199-15.1. Trespass to land. [Added 1-14-2019]

Wisconsin Statutes s.943.13 regarding trespass to land, exclusive of penalty, is hereby adopted by reference and made an offense punishable as a violation of this chapter.

§ 199-15.2. Trespass to dwellings. [Added 1-14-2019]

Wisconsin Statutes s. 943.14 regarding trespass to dwellings, exclusive of penalty is hereby adopted by reference and made an offense punishable as a violation of this chapter.

§ 199-15.3. Trespass to construction site. [Added 1-14-2019]

Wisconsin Statutes s. 943.15 regarding trespass onto a construction site or into a building, dwelling, or room, exclusive of penalty, is hereby adopted by reference and made an offense punishable as a violation of this chapter.

§ 199-16. Littering.

No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the Village or upon any private property not owned by him or upon the surface of any body of water within the Village of Fall Creek.

ARTICLE V Enforcement

§ 199-17. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punished as follows:

- A. For a violation of §199-14 of this chapter, he shall forfeit not more than \$25 and the costs of prosecution and, in default of payment of such forfeiture and costs of

prosecution, shall be imprisoned in the county jail until the forfeiture and costs of prosecution are paid, but not exceeding five days, provided that for a first offense any person 18 years of age or under who shall be found violating the provisions of said section shall be warned of the penalty for such violation by any police officer of the Village and shall be taken and delivered to the custody of the person having legal custody over him, and for a second or subsequent offense he shall be dealt with according to the provisions of W.S.A. Ch. 48.

- B. For a violation of any other provision of this chapter, he shall be subject to a penalty as provided in Chapter 1, General Provisions, §1-19 of this Code.
- C. In addition to any penalty imposed for violation of § 199-15 of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates § 199-15 of this chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with W.S.A. s. 895.035. [**Amended 4-8-1999**]
- D. Any person violating § 199-11D or E may be fined not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent conviction within a year.
- E. Any person violating § 199-11F may be fined not less than \$50 nor more than \$300.
- F. Any person violating § 199-14.2 through § 199-14.4.1 may be fined: [**Added 11-12-2012**]
 - (1) If the value of the property, merchandise, beverage, food, lodging, accommodations, transportation, or other service does not exceed one hundred dollars (\$100.00), a forfeiture of not less than twenty-five dollars (\$25.00) nor more than two-hundred dollars (\$200.00) and the costs of the action;
 - (2) If the value of the property, merchandise, beverage, food, lodging, accommodations, transportation, or other service exceeds one hundred dollars (\$100.00) but not two-thousand five-hundred dollars (\$2,500.00), a forfeiture of not less than two-hundred dollars (\$200.00) nor more than five-thousand dollars (\$5,000.00), and the costs of the action;
 - (3) If the value of the property, merchandise, beverage, food, lodging, accommodations, transportation, or other service exceeds two-thousand five-hundred dollars (\$2,500.00), a forfeiture of not less than one-thousand dollars (\$1,000.00) nor more than ten-thousand dollars (\$10,000.00), and the costs of the action.