CHAPTER IX
ORDERLY CONDUCT

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AMENDING SECTION 9.01 OF THE TOWN CODE

SECTION 9.01 Discharging & Carrying Firearms & Guns Prohibited

1. No person shall fire or discharge any firearm, rifle, spring or air gun, nor shall any person have any firearm, etc., in his possession or under his control unless that firearm, etc., is unloaded and knocked down or enclosed within a carrying case or either suitable container, within the Town of East Troy, excepting while such person is in the following areas of said Town:
   a. On lakes located wholly or partially within the Town in accordance with State Hunting Regulations.
   b. On land designated as an “Agricultural” or “Conservation” District under the Walworth County Zoning Ordinance as adopted by the Town on July 14, 1975, and in accordance with State Hunting Regulations.
   c. On a shooting range, target range, or trap and skeet range, provided such a range has an adequate backstop of earth or gravel.

2. Notwithstanding the provisions of subsection (1) above, no person shall fire or discharge any firearm, rifle, spring or air gun at any location in said Town which is within 100 yards of any building without the permission of the owner or occupant.

3. The provision of this Section shall not apply to a sheriff, constable, police officer or deputies on special assignment.

4. The Town Police Chief may grant a permit for the lawful use of a firearm, in areas not exempted under the previous subsections, such as for pest extermination to any adult resident of the Town. Such permit shall be valid for a specified period.

5. Any person violating this ordinance shall, upon conviction thereof, forfeit not less than $5.00 nor more than $25.00, together with costs of prosecution, and in default of payment of said forfeiture and costs, shall be imprisoned in the County Jail until the said forfeiture and costs are paid, not to exceed 10 days.

SECTION 9.02 THROWING OR SHOOTING OF ARROWS, STONES & OTHER MISSILES PROHIBITED.

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 person or at, in or into any building, street, sidewalk, alley, highway, park, playground, or other public place within the Town.

SECTION 9.03 SALE & DISCHARGE OF FIREWORKS RESTRICTED.

1. No person shall sell, expose or offer for sale, use, keep, discharge or explode any firecrackers, blank cartridges, toy pistols or cannons, toy canes or cannons in which explosives are used, contrivances using explosive caps or cartridges, sparklers, display wheels, the type of balloon which requires fire underneath to propel the same, torpedoes, sky rockets, roman candles, aerial suits, American or Chinese bombs or other fireworks of like construction, or any fireworks containing any explosive or flammable compound, or any tablets or other devices commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulfides of lead, barium, antimony, arsenic, mercury, nitroglycerin, phosphorus or any compound containing any of the same or other modern explosives, within the Town of East Troy, except as hereinafter provided.
2. Nothing herein contained shall prohibit the use of fireworks other than those prohibited by subsection (6) for pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals or for the protection of crops from predatory birds or animals by agricultural producers that have been granted a permit for such display or protective use by the Chairman of the Town and permits issued for crop protection shall state the type of fireworks to be used for such purpose and the owner or lessee of said land on which said fireworks are installed shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

a. The provisions of Section 8.07 of this Code shall control the issuing of permits.

b. The issuing officer may require an indemnity bond with good and sufficient sureties for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under such permit. Such bond, if required, shall be taken in the name of the Town. The bond, if required, shall be taken in the name of the Town. The bond, if required, together with a copy of the permit shall be filed with the office of the Clerk of the Town.

3. Nothing herein contained shall prohibit the use or sale of blank cartridges for circus or theatrical purposes or signal purposes in athletic contests or sports events or use by militia, police or military organization; nor the use or sale of colored flares or torpedoes for railway, aircraft or highway signal purposes.

4. Nothing in this section shall be construed to prohibit any resident wholesaler, dealer or jobber from selling fireworks other than those prohibited by subsection (6) at wholesale, but only when the same are shipped or delivered directly outside of the Town and it is otherwise lawful.

5. The following provisions shall apply to places where fireworks are stored or handled.

a. Such premises shall be equipped with fire extinguishers approved by the Fire Chief.

b. Smoking shall be prohibited where fireworks are stored or handled.

c. It is hereby made the duty of every wholesaler, dealer or jobber keeping, storing, or handling within the Town of East Troy, fireworks of any description to notify the Fire Chief immediately of the receipt of such fireworks or the removal thereof from one location to another and the location where such fireworks are stored. No such fireworks shall be stored in any building used for dwelling purposes or in any building situated within 50 feet of any building used for dwelling purposes or in places of public assemblage or with 50 feet of any gasoline dup, gasoline filling station or gasoline bulk station or any building in which gasoline or volatile liquid is sold in quantities in excess of one gallon.

6. Under no circumstances shall any person sell, keep for sale, manufacture or bring into this Town for use therein any fire balloon, mortars excepting mortars used for special display purposes or cannon, or any explosive cane, toy pistol, toy revolver or other contrivance using explosive caps or cartridges, any Chinese firecrackers more than 2 inches in length or more than 3/8 inch in diameter (outside measurements of container) or any article containing a compound of mercury or yellow phosphorus.

7. Prohibitions and penalties provided herein shall not apply to toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission Regulation for packing and shipping of toy paper caps are used or to toy pistol paper caps so manufactured, the sale and use of which shall be permitted at all times.
8. The prohibitions and penalties provided for herein shall not apply to:
   a. Gold Star producing sparklers or wires which contain no magnesium, chlorate or perchlorate and;
   b. Toy snakes which contain no mercury; the sale and use of which shall be permitted at all times.
9. The prohibitions and penalties provided for herein shall not apply to smoke novelties and party novelties which contain less than 20/500ths of a grain of explosive mixture.

SECTION 9.04 OBSTRUCTION STREETS AND SIDEWALKS PROHIBITED.

   No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge of public ground within the Town 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.

SECTION 9.05 DISORDERLY CONDUCT PROHIBITED.

   No person shall within the Town:
   1. In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or other disorderly conduct which tends to cause or provoke an immediate disturbance of public order.
   2. Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
   3. With intent to annoy another, make a telephone call whether or not conversation ensued.

SECTION 9.06 LOUD AND UNNECESSARY NOISE PROHIBITED.

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

SECTION 9.07 FALSE ALARMS PROHIBITED.

   1. No person shall give or cause to be given or sent in any manner any alarm of fire or other emergency which the person knows to be false.
   2. All individual and business owners of property equipped with a security alarm system shall maintain and operate the system so as to prevent false alarms. In the event the security alarm system falsely signals an alarm which causes the Town of East Troy police, Fire, or other rescue personnel to respond in any fashion, the individual or business owner of the property shall pay a fee of $85.00 to the Town of East Troy. This fee shall be charged for each false alarm, without regard to whether the false alarm was intentional, unintentional, negligent, or accidental. If found to be intentional, a forfeiture up to $500.00 per offense shall be imposed.

   a. Security Alarm System. For purposes of this subsection, “security alarm system” shall mean all alarms, bells, horns, whistles or other devices designed to alert of impending burglary, theft, property damage, or other threat against the property. “Security alarm systems” shall include alarm systems designed to warn of fires.
b. False Alarm. For purposes of this subsection, a “false alarm” shall mean an alarm from a security alarm system which reasonably induces police, fire, or other rescue personnel to respond, and for which such authorities upon reasonable inquiry find no probable cause to believe that the alarm was caused by impending burglary, theft, property damage or other threat against the property. The fact that an alarm has sounded shall not be considered, by itself, as probable cause to believe that the alarm was caused by impending burglary, theft, property damage or other threat against the property.

c. Burden of proof. If the circumstances are established to prove that a “false alarm” has occurred, an individual or business owner of property contesting the fee shall have the burden of proving probable cause to believe that the alarm was caused by impending burglary, theft, property damage or other threat against the property. The fact that an alarm has sounded shall not be considered, by itself, as probable cause to believe that the alarm was caused by impending burglary, theft, property damage or other threat against the property.

d. Burden of proof. If the circumstances are established to prove that a “false alarm” has occurred, an individual or business owner of property contesting the fee shall have the burden of proving probable cause to believe that the alarm was caused by impending burglary, theft, property damage or other threat against the property and only if that burden is met will the fee and or forfeiture be waived.

SECTION 9.08 OBEDIENCE TO OFFICERS.

No person shall resist or in any way interfere with any officer of the Town while such officer is doing any act in his official capacity and with lawful, authority, or shall refuse to assist an officer in carrying out his duties when so resulted by the officer.

SECTION 9.09 ASSISTING ESCAPE OF PRISONER PROHIBITED.

No person shall in the Town intentionally aid any prisoner or person in escaping from the lawful custody of a policeman or police officer.

SECTION 9.10 IMPERSONATING POLICE OFFICER PROHIBITED.

No person shall in the Town of East Troy impersonate a policeman or peace officer.

SECTION 9.11 GAMBLING, LOTTERIES, FRAUDULENT, DVICES AND PRACTICES PROHIBITED.

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the Town. Any police officer or policeman of the Town is hereby authorized to seize anything devised solely for gambling or found in actual use for gambling within the Town and to dispose thereof after a judicial determination that said device was used solely for gambling or found in actual use for gambling.

SECTION 9.12 PROSTITUTION PROHIBITED.

No person shall operate or be an inmate of a house of prostitution or engage in prostitution with the Town.
SECTION 9.13 VAGRANCY AND LOITERING PROHIBITED.
Repealed

SECTION 9.14 CURFEW.
1. No child under the age of 18 years shall loiter, idle, wander or play either on foot or in a vehicle of any nature upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, other public premises, vacant lots or any unsupervised places in the Town any night after 11:00 P.M.
2. No parent, guardian or adult having the custody of any child under the age of 18 years shall permit such child to violate this section.
3. Penalties.
   a. Any child found violating the provisions of subsection (1) may be reported to the County Juvenile Court as a child alleged to be in need of protection or services in accordance with §48.13, Wisconsin Statues.
   b. Such child over the age of 14 may be tried in the Civil Court if the Juvenile Court Judge waives jurisdiction as provided in §938.18, Wisconsin Statutes.
4. The arresting officer shall advise the parent, guardian or custodian of a child as soon as convenient after such violation, and if the violation is considered serious enough or such child is a repeater, shall report the same to the Juvenile County Judge of Walworth County.

SECTION 9.15 INDECENT CONDUCT AND LANGUAGE PROHIBITED.
No person shall use any indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the Town.

SECTION 9.16 OBScene LITERATURE.
No person shall within the Town sell, offer for sale, give away, exhibit or possess any obscene book, pamphlet, paper, card, picture, toy or device.

SECTION 9.17 INDECENT ADVERTISING PROHIBITED.
No person shall within the Town display any indecent advertisement.

SECTION 9.18 DESTRUCTION OF PROPERTY PROHIBITED.
No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Town or its departments, or give such property to any private person, without the consent of the owner or proper authority.

SECTION 9.19 BURNING.
1. Intent. It is the intent of this ordinance to minimize air pollution, smoke, and noxious odors, and to maximize composting of leaves, grass, brush, and other biodegradable materials suitable for composting.
2. No person shall start, permit, assist or aid in the starting of any fire to burn yard or other wastes in the Town between the hours of 6:00 P.M. and 8:00 A.M. Safety requirements in all cases shall include the personal attendance and supervision of the
applicant and necessary fire controls. No fire shall be started or permitted to continue when wind conditions create an unreasonable risk of carrying hot embers or other burning materials onto neighboring properties, which shall be presumed to occur during times when winds exceed nine (9) miles per hour.

3. No person shall burn garbage, trash, wet or green yard waste, or any other substance emitting any offensive odor or smoke within the Town.

4. No person shall burn any leaves, grass, brush, or construction materials within 15 feet of any Town sidewalk, street, road, building, or roadside ditches, culverts, or other intermittent water courses or surface waters so as to allow for ash run off into surface waters.

5. No person shall go upon the property of another and start any fire of any kind without permission from the owner and compliance with this ordinance.

6. Burning of structures exceeding 100 square feet of floor space shall be permitted only if approval and on-site supervision is obtained by the Fire District. The burning of structures shall require that all reasonable efforts be made to minimize the open burning of oil products or bi-products, and other noxious or hazardous substances. An on-site inspection shall be made by the Fire Chief, or his designee, before approval is granted.

7. The Fire District may charge fees which bear a reasonable relationship to the Fire District’s costs.

8. Any person found to violate this ordinance shall be subject to a fine of not less than $50.00, nor more than $500.00 per incident.

9. Exceptions Outdoor fires or burning shall be exempt if the same qualifies under the following exceptions:
   a. Fires for cooking purposes.
   b. Supervised or attended campfires (burning of wood only).
   c. Burning of stumps or branches exceeding four (4) inches in diameter.
   d. Burning materials form tree or fence lines on farm properties.
   e. Burning off of fields or open spaces for purposes of vegetation renewal.

SECTION 9.20 LITTERING PROHIBITED.

1. The purpose of this section is to regulate and prohibit the throwing or depositing of litter in public places in the Town and to control the depositing of litter on private premises.

2. Definitions. For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.
   a. “Aircraft” is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word “aircraft” shall include helicopters and lighter than aire dirigibles and balloons.
   b. “Authorized private receptacle” is a litter storage and collection receptacle so constructed as to reasonably repel the elements.
c. "Town" is the Town of East Troy, Wisconsin.
d. "Garbages" is animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
e. "Litter" is, but is not limited to garbage, refuse, rubbish, trimmings, clipping, rocks, cans bottles, and the like and all other waste material which is thrown or deposited as herein prohibited tends to create a danger to public health and safety and welfare.
f. "Park" is a park, reservation, playground, beach, recreation center or any other public area in the Town, owned or used by the Town and devoted to active or passive recreation.
g. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
h. "Private Premises" is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.
i. "Public Place" is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces grounds, and buildings.
j. "Public Waters" as used herein, shall mean any lake, river, bay, stream, pond, waterway, fountain or other body of water which the public is entitled to use or have access to.
k. "Refuse" is all solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
l. "Rubbish" is solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
m. "Vehicle" is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

3. Litter in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town except in public receptacles, in authorized private receptacles for collection, or in official Town dumps.
4. Placement of Litter in Receptacles so as to Prevent Scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
5. Sweeping Litter Into Gutters Prohibited. No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
6. Merchant’s Duty to Keep Sidewalks Free of Litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Town shall keep the sidewalk in front of their business premises free of litter.
7. Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Town, or upon private property.

8. Truck Loads Causing Litter. No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

9. Litter in Parks. No person shall throw or deposit litter in any park within the Town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

10. Litter in Public Waters. No person may cast, deposit or throw or knowingly permit to be cast, thrown or deposited into any public waters within the Town of East Troy, Wisconsin or leave upon the ice or in the water thereof, any garbage, litter, refuse, rubbish or the like not authorized or permitted to be placed in such public waters by any law of the United States, the State of Wisconsin or any municipality having jurisdiction over such public waters.

11. Dropping Litter From Aircraft. No person in an aircraft shall throw out, drop or deposit within the Town any litter, handbill or any other object.

12. Litter on Occupied Private Property. No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

13. Owner to Maintain Premises Free of Litter. The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

   a. Notice to Remove. The Health Officer or any Police Officer hereby authorized and empowered to notify the owner of any open or vacant private property within the Town or the agent of such owner to properly dispose of litter located on such owner’s property which is dangerous to public health, safety or welfare. Such notice shall be by Registered Mail, addressed to said owner at his last known address.
   b. Action Upon Non-Compliance. Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter dangerous to the public health, safety or welfare within thirty (30) days after receipt of written notice provided for in subsection (a) above, or within forty (40) days after the date of such notice in the event the same is returned to the Town Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such
The owner, or agent, the Building Inspector, is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the Town.

b.Charge Included in Tax Bill. When the Town has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the legal rate at the time of the removal on a per annum basis from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the lot or parcel of land involved and shall be by the Clerk of the Town entered in the tax roll as a special tax against said lot or parcel of land and the same shall be collected in all respects like other taxes upon real estate.

SECTION 9.21 ANIMALS AND POULTRY NOT TO RUN AT LARGE.

1. Any animal or poultry, whether domestic or otherwise, that may be found within the Town at any time not on the owner’s, possessor’s, or controller’s premises or under his immediate presence and under his effective control shall be deemed to be running at large and said person shall be deemed to have permitted such animal or poultry to run at large.

2. Any such animal or poultry that is found running at large within the Town in violation of this Section may immediately be taken into custody by a police officer within the Town and be impounded in any suitable place to be provided by the Town, not to exceed three (3) days. The release of such animal or poultry so impounded shall be conditioned upon the payment of the cost of maintenance of such animal or poultry while so impounded, in addition to payment to of any forfeitures and court costs that may be applicable by the party claiming the animal or poultry.

3. Any animal or poultry not so released within three (3) days shall be released to the Humane Society.

SECTION 9.22 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.

No person shall have or permit on any premises owned or occupied by him within the Town any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same can not be removed by small children.
SECTION 9.23 ABANDONED OR UNATTENDED ICE BOXES AND CONTAINERS PROHIBITED.
No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, swelling or other structure under his control within the Town in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock, or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

SECTION 9.24 OFF PREMISE SALE OF LIQUOR AND FERMENTED MALT BEVERAGES
1. In the Town of East Troy, no person shall sell or furnish liquor or fermented malt beverages to any person under 21 years of age not accompanied by his parent, guardian, or spouse, for consumption outside the building or permanent structure in which a license to dispense malt beverages or liquor is possessed.
2. In the Town of East Troy, no person under 21 years of age, not accompanied by his parent, guardian, or spouse, shall possess liquor or fermented malt beverages outside a building or permanent structure in which a license to dispense liquor or malt beverages is possessed, except that where liquor or fermented malt beverages are dispensed for consumption outside a building or permanent structure, by a licensed dispenser, the premises on which a person under 21 years of age may possess such beverages shall include all areas within 10 feet of the point at which such beverages are dispensed.
3. It is the declared intent of this ordinance to require that persons under the age of 21 be permitted to consume liquor or fermented malt beverages only under the supervision of parents, guardian, spouse, or properly licensed persons. As used in this section, “spouse” means a husband or wife who is 21 years or over.

SECTION 9.25 TRESPASS
1. In the Town of East Troy, no person shall:
   a. Enter upon or remain upon, or cause any object to be deposited or placed upon, any lands of another without express consent of the owner or lawful occupant of the land.
   b. Enter any enclosed or cultivated land of another with intent to catch or kill any birds, animals or fish on the land or gather any products of the soil without the express consent of the owner or occupant to engage in any of those activities.
   c. Hunt, shoot, fish or gather any product of the soil with intent to do any of the foregoing without first obtaining the express consent of the owner or lawful occupant of the land.
   d. Enter any enclosed or cultivated land of another with a vehicle of any kind without the express consent of the owner or lawful occupant of the land.
2. In the Town of East Troy, no person shall erect on the land of another any sign without obtaining the express consent of the owner or lawful occupant of the land.
SECTION 9.26 HORSES IN RESIDENTIAL AREAS.

1. For the purposes of this Section a residential area is any point within two hundred (200) feet of two (2) or more residential building sites or lots of forty thousand (40,000) square feet or less in area.

2. In the Town of East Troy no person owning, having in his possession or having under his control a horse, pony, mule or donkey shall allow the same to be present in a residential area as defined herein.

SECTION 9.27 POSSESSION MARIJUANA AND OTHER CONTROLLED SUBSTANCES; PRESCRIPTIONS.

1. Controlled Substances. No person shall knowingly possess, keep or maintain any controlled substance or any substance defined as a controlled substance in schedule I and II of the “uniform Controlled Substance Act”, Chapter 961 (173), Wisconsin Statutes, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by Chapter 961, Wisconsin Statutes.

2. Possession of Marijuana.

a. No person shall possess twenty five (25) grams or less of marijuana, as defined in Section 961.01(14), Wisconsin Statutes, unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 961, Wisconsin Statutes.

b. For purposes of this Section, “practitioner” means;
   1. A physician, dentist, veterinarian, podiatrist, scientific investigation 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 the State of Wisconsin.
   2. A pharmacy, hospital and 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 the State of Wisconsin.

c. This Section does not apply to any person who is charged with possession of more than twenty five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

3. Penalty. Any person found to be in violation of this section shall be subject or a penalty as authorized by Chapter 961, Wisconsin Statutes.

SECTION 9.28 THEFT

1. No person shall, with intent to deprive the owner permanently of possession, take or carry away, use, transfer, conceal or retain possession of movable property of another without his consent.

2. Definitions:
a. "Property” means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which have a value of $500.00 or less.
b. "Movable Property” is property whose physical location can be changed, without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on or affixed to, or found in land.
c. "Value” means the market at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible rights, value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If they 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.
d. "Property of Another” includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

SECTION 9.29 RECEIVING STOLEN PROPERTY UNDER $200.00.
No person shall intentionally receive or conceal stolen property having a value of $200.00 or less.

SECTION 9.30 SHOPLIFTING UNDER $200.00.
Repealed

SECTION 9.31 MOTOR VEHICLES PROHIBITED FROM ENTERING LANDFILL SITE.
1. Definition. For purpose of this Section, a “motor vehicle” shall mean every self propelled device in, upon which any person or property is or may be transported or drawn upon a highway, and shall specifically include snowmobiles.
2. Prohibited. Motor vehicles are prohibited from entering upon the site of the now abandoned Town of East Troy municipal Landfill located in Section 15 of said Town.
3. Sign Required. Appropriate signs shall be erected at the site to give notice of the above prohibition.

SECTION 9.32 CONTRIBUTING TO THE DELINQUENCY OF A CHILD.
1. No person, 18 or older, shall intentionally encourage or contribute to the delinquency of any child as defined in §48.02(2), Wisconsin Statutes, or the neglect of any child. This subsection includes the prohibition against a person intentionally encouraging or contributing to an act by a child under the age of 16 which would be a delinquent act if committed by a child 16 years of age or older.
2. No parent, guardian or legal custodian shall, by neglect, or disregard of the morals, health or welfare of his or her child, contribute to the delinquency of that child. This subsection includes neglect or disregard on the part of the parents which results in the commission or probable commission by a child under the age of 16 of an act which would be a delinquent act if committed by a child 17 years of age or older.
3. For purposes of this Section, an act or failure to act contributes to the delinquency or neglect of a child, although the child does not actually become neglected or delinquent, if the natural and probable consequences of that act or failure to act would be to cause the child to become delinquent or neglected.

SECTION 9.33 ISSUANCE OF WORTHLESS CHECKS.

1. The provision of §943.24 and §939.22, Wisconsin Statutes and the definitions therein are adopted by reference.

2. No person shall issue any check or other order for the payment of $500.00 or less nor any person within a 15 day period shall issue more than one (1) check or other order for payment amounting in the aggregate to $500.00 or less which, at the time of issuance, he intends shall not be paid.

3. Any of the following is prima facie evidence that the person at the time he 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 drawer; or
   b. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawer and that the person failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order for payment; or
   c. Proof that, when presentation was made at a reasonable time, the person did not have sufficient funds or credit with the drawer and the person failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order for payment.

4. This section does not apply to the post dated check.

5. In addition to any other penalties provided for herein, a municipal judge may order a violator of this section to pay restitution to a victim. In determining the method of payment, the court shall consider the financial resources and future ability of the violator to pay. The court shall provide for payment of an amount equal to the pecuniary loss caused by the offense. Upon the application of an interested party, the court shall schedule and hold an evidentiary hearing to determine the value of the victim’s pecuniary loss resulting from the offense. A victim may not be compensated under this Section and under s.943.245, Wisconsin Statutes.

6. In this Section, “pecuniary loss” means:
   a. All special damages, but not general damages, substantiated by evidence in the record, which a person could recover against the violator in a civil action arising out of the facts or events constituting the violator’s criminal activities, including without limitation because of enumeration, the money equivalent of loss resulting from property taken, destroyed, broken or otherwise harmed and out of pocket losses, such as medical expenses; and
   b. Reasonable out of pocket expenses incurred by the victim resulting from the filing of charges or cooperating in the investigation and prosecution of the offense.
SECTION 9.34 PURCHASE OF CIGARETTES AND TOBACCO PRODUCTS BY MINORS PROHIBITED.

1. No minor shall buy, or attempt to buy, any cigarette or tobacco product, or falsely represent his or her age for the purpose of receiving cigarette or tobacco products.

2. The definition set forth in §139.30(1m);139.75(12), and 51.01(11) Wisconsin Statutes is hereby adopted by reference, the same pertaining to “cigarette”, “tobacco products”, and “law enforcement officer”.

3. A minor may purchase cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under s.134.65(1), Wisconsin Statutes.

4. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of this ordinance committed in his or her presence.

5. Any minor violating this ordinance shall be subject to a fine of $25.00.

SECTION 9.35 HUNTING AND TRAPPING ON TOWN RIGHT OF WAYS PROHIBITED.

No trapping or hunting shall be permitted on the right of way of any road, highway or any other public thoroughfare in the Town of East Troy.

Any person violating this provision shall be fined not less than $25.00 nor greater than $100.00 nor more than $500.00 for each succeeding offense.

SECTION 9.36 ISSUANCE OF WORTHLESS CHECKS TO THE TOWN OF EAST TROY

1. Return Fee. All persons writing checks to the Town of East Troy, Sanitary District #2, and #3, Lake Beulah Lake Management District, or any committee or subunit of Town government, for any payment, including but not limited to fees and fines, shall pay a $25.00 fee to the Town for each check returned to the Town for insufficient funds, and shall further remit to the Town the amount specified in the returned check, within 15 days upon receiving written notice from the Town of a returned check. The notice requirement herein only applies to the $25.00 returned check fee and is not an extension of the deadline for the payment of the returned check.

2. Failure to Pay Fee. Failure of any person to pay the fee for each returned check within the 15 day time period provided in subsection 1 of this Section is a violation of this ordinance. Failure to comply with the requirements of this ordinance will result in a forfeiture of not less than $100, nor more than $500, plus costs and the $25.00 returned check fee. Failure to pay the return fee for a single returned check constitutes a single offense. Persons issuing a worthless check to the Town of East Troy, Sanitary District #2 and #3, Lake Beulah Lake Management District or any committee or subunit of Town government are also subject to prosecution under Section 9.33 of this Ordinance, as well as under applicable state laws.
SECTION 9.37 POSSESSION OF DRUG PARAPHERNALIA

a. Definition. In this section “drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Chapter 961, Wisconsin Statutes, in violation of this section. It includes, but is not limited to:

a. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

b. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.

c. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.

d. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

e. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.

f. Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances.

g. Separating gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.

h. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in packaging small quantities of controlled substances.

i. Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances.

j. Containers or other objects used, intended for use or designed for use in storing or concealing controlled substances.

k. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parentally injecting controlled substances into the human body.

l. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body including, but not limited to:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.

2. Water Pipes.

3. Carburetion tubes and devices.

4. Smoking and carburetion masks.

5. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.

7. Chamber pipes.
8. Carbuetor pipes.
10. Air driven pipes.
11. Chillums
13. Ice pipes or chillers

2. DETERMINATION OF DRUG PARAPHERNALIA

In determining whether an object is drug paraphernalia, the following shall be considered:
   a. Statements by an owner or by anyone in control of the object concerning its use.
   b. Prior convictions, if any, of an owner or of anyone in control of the object under Town, State or Federal law relating to any controlled substance.
   c. The Proximity of the object in time and space to a direct violation of this section.
   d. The proximity of the object to controlled substances.
   e. The existence of any residue of controlled substances on the object.
   f. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons who the person knows or should reasonably know, intend to use the object to facilitate a violation of this section. The innocence of any owner or of anyone in control of the object as to a direct violation of this section shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
   g. Oral or written instructions provided with the object concerning its use.
   h. Descriptive materials accompanying the object which explain or depict its use.
   i. National and local advertising concerning its use.
   j. The manner in which the object is displayed for sale.
   k. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
   l. The existence and scope of legitimate uses for the object in the community.
   m. Expert testimony concerning its use.

3. PROHIBITED ACTIVITIES

   a. Possession of Drug Paraphernalia. No person may use or possess with 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 in violation of this section.
   b. Manufacture, sale, or Delivery of Drug Paraphernalia. No person may sell, deliver, possess with intent to deliver drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this section.
c. Delivery of Drug Paraphernalia to a Minor. Any person who violates par. (b) by delivering drug paraphernalia to a person under 18 years of age is guilty of a special offense.

d. Advertisement of Drug Paraphernalia. No person may place in any newspaper, magazine, handbill or other publication or upon any outdoor billboard or sign any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

e. Exemption. This subsection does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Chapter 961, Wisconsin Statutes. This section does not prohibit the possession, manufacture or use of hypodermics in accordance with Chapter 961, Wisconsin Statutes.

4. PENALTIES

a. Any drug paraphernalia used in violation of this section shall be seized and forfeited to the Town of East Troy.

b. Any person who violates pars. (3)(d) shall upon conviction, be subject to a forfeiture of not less than $50 nor more than $500, in addition to the costs of prosecution and upon default of payment, may be imprisoned in the County Jail until the costs are paid, but not to exceed 30 days.

c. Any person who violates par. (3)(a), (b) or (c) shall upon conviction, be subject to forfeiture that conforms to the forfeiture permitted to be imposed for violation of the comparable State Statute including any variations for subsequent offenses, but in no instance shall the amount of forfeiture exceed $1,000.00 together with the costs of prosecution and upon default of payment, may be imprisoned in the County Jail until costs are paid, but not to exceed 90 days.

SECTION 9.38 CRIMINAL DAMAGE TO PROPERTY

Whoever intentionally causes damage to any physical property of another without the person’s consent shall be subject to a forfeiture of at least $100 nor more than $1,000 in addition to the costs of prosecution and in default of the payment of said forfeiture and costs of prosecution may be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 90 days.

SECTION 9.39 STATUTORY DEFINITIONS & PENALTIES ADOPTED.

1. Except as otherwise specifically provided in this section, all provisions of chapters 939 to 947 and Chapter 961 of the Wisconsin statutes (2003-04 Edition) describing and defining regulation with respect to any action or inaction of “Orderly Conduct” for which such action or inaction is prohibited in Chapter 9 of the Town of East Troy ordinances are hereby adopted and by reference made part of this section as if fully set forth herein, including any amendments thereto that may be subsequently adopted into law.

2. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section.
3. In the event that any definition of any prohibited act in this Chapter differs from the statutory definitions for the same or similar offense, the statutory definition supersedes any other definition and shall apply in all municipal court proceedings.

4. In the event that any of the individual sections of this Chapter do not provide for a penalty provision or forfeiture, the statutory penalties attributable to the same or similar offense shall apply.