

31.01 DISORDERLY CONDUCT

1. It shall be unlawful for any person, in Door County, to engage 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 in a public or private place.
2. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00 or more than \$500.00. Together with the costs of prosecution and in rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 60 days.
3. Any person, firm, or corporation, violating any of the sub-sections of this ordinance may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 4 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12.
4. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$100.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from preceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
 - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

(Ord. #6-85; 5/28/85)

31.02 DISORDERLY CONDUCT: FIREARMS: ASSAULT: TRESPASS.

1. It shall be unlawful for any person in the County of Door to:
 - a. To unnecessarily or willfully discharge any firearm or explosive, or in any other manner create any noise or disturbance, make any threats of violence or resort to violence or to flourish any weapon tending to disturb the peace and good order or frighten any of the inhabitants of Door County.
 - b. To participate in, or being present, aid, abet or encourage any assault, affray or disorderly assemblage of any kind.
 - c. To commit any trespass upon the property of another, or to injure or destroy any growing crops, trees, plants, or vegetation, or any fence, building or other property thereon. Maliciously deface, injure or damage any building, bridge, structure, tree, shrubbery, vegetation or property whatever, of the public or any other person, or be guilty of any other disorderly conduct or breaking of the peace.
2. Any person found guilty of-violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00 or more than \$500.00. Together with the costs of prosecution and in rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 60 days.
3. Any person, firm, or corporation, violating any of the sub-sections of this ordinance may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 4 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Statutes, Section 66.12.
4. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$100.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from preceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
 - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

(Ord. #7-85; 5/28/85) (Ord. 2004-10; 04/20/04)

31.03 THEFT OF PRODUCE AND FRUIT AND DAMAGE TO PROPERTY.

1. It shall be unlawful for any person to consume, or take and carry away commercial or non-commercial produce or fruit from any farm, garden, orchard or land used for any of these purposes, under circumstances that tend to disturb the peace and order, without the consent of the owner of the property or the person in lawful possession thereof.
2. It shall be unlawful for any person to destroy or damage any trees, farm products, fruits or flowers, under circumstances that tend to disturb the peace and order, on the property of another person and without the consent of the owner of the said property or the person in lawful possession thereof.
3. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$25.00 nor more than \$300.00. Together with the costs of prosecution and in default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 60 days.
4. Any person, firm, or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 5 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin statutes, Section 66.12.
5. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$100.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
 - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

(Ord. #8-85; 5/28/85)

31.04 CAMPING ON PRIVATE PROPERTY .

The Board of Health has reviewed Chapter 31.04 Door County Code and determined that it no longer has any practical significance. Chapter 31.04 Door County Code is hereby rescinded. (Ord. 08-03; 07/22/03)

- ~~1. It shall be unlawful for any person or persons to camp, maintain a campsite, use camping equipment or set up a temporary or permanent eating or sleeping accommodations on the private property of another person in Door County, without the permission of the property owner.~~
- ~~2. It shall be unlawful for any private property owner to allow three or more persons or groups of persons to camp, maintain a campsite, use camping equipment or set up a temporary or permanent eating or sleeping accommodations separately on the owner's property without the permission and consent of the Door County Health Department.~~
- ~~3. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$10 nor more than \$300. Together with the costs of prosecution and in default of payment of such forfeiture and cost of prosecution shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 30 days.~~
- ~~4. Any person, firm, or corporation, violating any of the sub-sections of this ordinance may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 5 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12.~~
- ~~5. Procedure for enforcement of this ordinance:
 - ~~a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefor. And the amount of the bond schedule is hereto fixed at \$100.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.~~
 - ~~b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.~~
 - ~~c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.~~~~

~~(Ord. #9 85; 5/28/85)~~

31.05 CONDUCT ON THE SHORES OF BODY OF WATER.

1. It shall be unlawful for any person in the County of Door to throw or deposit any metal cans or glass bottles or parts thereof or any other debris, in or on the shores of any lake or body of water.
2. It shall be unlawful to operate or park any motor vehicle on any beach area or in the water immediately adjacent to any beach area. This section is also applicable to private beach areas when such activities are carried on without the consent of the owner or occupant of said private beach areas.
3. It shall be unlawful for any person to spend the night or sleep on any public beach or beach area during the hours between sunset and sunrise. This does not apply to those beach areas which are authorized camp sites or a part of authorized camp sites.
4. It shall be unlawful for any person to possess or drink any fermented malt beverage or intoxicating liquor while on any public beach or beach area in Door County during the hours between sunset and sunrise. When applicable to county owned property, the term beach or beach area embraces that area of land from the water's edge up to the line of permanent vegetation. This section does not apply to those beach areas or parts of the beaches which the local governing authorities have designated as permissible areas for the possession or drinking of fermented malt beverages or intoxicating liquors.
5. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not more than \$300.00. Together with the costs of prosecution and in rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 30 days.
6. Any person, firm, or corporation, violating any of the sub-sections of this ordinance may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 7 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed-as provided in Wisconsin Statutes, Section 66.12.
7. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$100.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from preceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
 - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

(Ord. #10-85; 5/28/85)

31.06 OFF-HIGHWAY USE OF MOTOR VEHICLES, MOTORCYCLES & SNOWMOBILES

1. It shall be unlawful for any person to operate a motor vehicle, motorcycle, all-terrain vehicles, motor bicycle, motor-driven cycle or snowmobile, as defined by the Wisconsin Statutes, Section 340.01, upon the private property of another person without first obtaining written or oral consent of the owner of the said property.
2. It shall be unlawful for any person to operate a motor vehicle, motorcycle, motor-bicycle, motor-driven cycle or snowmobile upon the private property of another person, in an unreasonably loud manner so as to disturb the peace and good order of the community, whether or not that person has obtained consent from the owner to operate such vehicle on the property.
3. It shall be unlawful for any parent of an unemancipated child under 18 years of age to knowingly allow said child to violate any of the provisions of this section.
4. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not more than \$300.00. Together with the costs of prosecution and in rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 30 days.
5. Any person, firm, or corporation, violating any of the sub-sections of this ordinance may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 6 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeiture, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin statutes, Section 66.12.
6. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$100.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from preceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
 - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

(Ord. #11-85; 5/28/85)

31.07 CARRYING A FIREARM WHERE ALCOHOL BEVERAGES MAY BE SOLDA) AUTHORITY / CONSTRUCTION:

1. This ordinance is enacted under the authority granted by Sec. 59.54(22) and 66.0113 Wis. Stats.
2. For the purposes of construction and enforcement of this ordinance, all references to the Wisconsin Statutes shall be as those statutes presently exist or as they may be hereafter revised.

B) PROHIBITIONS.

1. Sec. 941.237 Wis. Stats., as it presently exists or may be hereafter revised, is incorporated herein by reference as if fully set forth.
2. Any act required to be performed or prohibited by Sec. 941.237 Wis. Stats. is required or prohibited by this ordinance.
3. No person, except those listed in Sec. 941.237(3)(a)-(j) Wis. Stats., may go armed on any premises where alcohol beverages may be sold or consumed.

C) PENALTIES.

1. Violators shall:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00.
 - b. Pay costs, fees and surcharges imposed under Ch. 814 Wis. Stats.
 - c. Make restitution under Sec. 800.093 Wis. Stats
 - d. Make any other payment authorized by law.

D) ENFORCEMENT PROCEDURES.

1. Issuance of a citation by law enforcement officers of the county.
2. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
3. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
4. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court. Receipts shall be given for deposits made.

E) NON-EXCLUSIVITY:

1. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
2. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
3. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

This ordinance supersedes any prior ordinance or resolution pertaining to the same subject matter.

Chapter 31 Door County Code shall remain unchanged and shall continue in full force and effect except as amended by this ordinance. This Amendatory Ordinance shall be in full force and effect from and after its enactment and publication. (Ord. #19-83; 8/18/83; **Ord. #2012-03; 01/24/12**)

31.08 POSSESSION OF MARIJUANA1. Purpose:

The primary purpose of this ordinance is to prohibit the use and possession of Marijuana.

2. Definitions

a. "Marijuana" means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinol. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

b. "Practitioner" means:

1. A physician, advanced practice nurse, dentist, veterinarian, podiatrist, optometrist, scientific investigator or other person licensed, registered, certified 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.

2.. 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.

3. General Provisions

a. This ordinance shall apply to individuals possessing less than one ounce of marijuana.

b. It shall be a violation of this ordinance for any person to possess and or use marijuana, unless the marijuana 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 161, Wisconsin Statutes.

4. Penalty

a. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$175.00, nor more than \$5,000, together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed thirty (30) days.

1. First Offense subject to a minimum forfeiture of \$175.00.

2. Second Offense within 5 years subject to a minimum forfeiture of \$295.00.

3. Subsequent Offenses within 5 years subject to a minimum forfeiture of \$395.00.

5. Procedure for enforcement of this ordinance:
 - a. Enforcement shall be by citation.
 - b. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be as stated above or such amount that the Circuit Court of Door County hereafter affixes.
 - c. Any person, firm or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Sheriff or the Clerk of Court, a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth above. Such stipulation will make it unnecessary for the subject charged to appear in

court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Stat. § 66.12.
 - d. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a forfeiture hereunder, shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
6. Reference to Statutes: Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.
7. Effective Date: This ordinance shall be effective upon adoption and publication by the Door County Board of Supervisors as provided by law.

(Ordinance 10-95; 6/27/95)

31.09 SALE OF TOBACCO OR TOBACCO PRODUCTS TO MINORS FORBIDDEN

1. Any person, by himself, his servant, or agent, or as the servant or agent of any other person, who shall sell, give away, or otherwise dispose of, by vending machine or otherwise, any tobacco or tobacco products to any person under the age of sixteen (16) years shall, for every such offense, be liable to a penalty not exceeding \$100.00 and any such person so receiving or possessing such products, shall also be liable to a penalty of not more than \$20.00.

2. Any person, firm, or corporation violating any of the subsections of this ordinance may stipulate to guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in section 3 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgement and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12.

3. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$50.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 - b. This ordinance shall be in force and effect from and after its passage and publication, and shall become part of the Door County Code.

(Ord. #21-83; 8/18/83)

31.10 CRIMES AGAINST ANIMALS**A) AUTHORITY / CONSTRUCTION:**

1. This ordinance is enacted under the authority granted by Sections. 59.54 and 66.0113 Wisconsin Statutes.
2. For the purposes of construction and enforcement of this ordinance, all references to the Wisconsin Statutes shall be as those statutes presently exist or as they may be hereafter revised.

B) PROHIBITIONS.

1. Chapter 951 Wisconsin Statutes, as it presently exists or may be hereafter revised, is incorporated herein by reference as if fully set forth.
2. Any act required to be performed or prohibited by Chapter 951 Wisconsin Statutes is required or prohibited by this ordinance.
3. This includes, but is not limited to:
 - a. Mistreating animals contrary to Section 951.02 Wisconsin Statutes.
 - b. Failure to provide proper food and drink to any confined animal, contrary to Section 951.13 Wisconsin Statutes
 - c. Failure to provide proper shelter to any animal contrary to Section 951.14 Wisconsin Statutes
 - d. Abandoning any animal, contrary to Section 951.15 Wisconsin Statutes.

C) PENALTIES.

1. Violators shall:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00.
 - b. Pay costs, fees and surcharges imposed under Chapter 814 Wisconsin Statutes.
 - c. Make restitution under Section 800.093 Wisconsin Statutes.
 - d. Make any other payment authorized by law.

D) ENFORCEMENT PROCEDURES.

1. Issuance of a citation under Section 66.0113 Wisconsin Statutes and Chapter 35, Section 35.01, Door County Code.

E) NON-EXCLUSIVITY:

1. As set forth in Chapter 35, Section 35.01 3. a. - c. Door County Code.

This ordinance supersedes and supplants any prior ordinance pertaining to the same subject matter, including existing Chapter 35, Sections 31.10 "Cruelty to Animals", 31.37 "Providing Proper Food and Drink to Confined Animal", and 31.38 "Providing Proper Shelter to Animal", Door County Code. This amendatory ordinance shall take effect on the day following the date of publication

(Ord. 22-83; 8/18/83) (Ord. 28-00; 12/28/00) (Ord. 29-00; 12/28/00) **(Ord. 2012-05; 01/24/12)**

31.11 BATTERY

1. No person in Door County may cause bodily harm to another, by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed.
2. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00 or more than \$500.00. Together with the costs of prosecution-and in rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 60 days.
3. Any person, firm, or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 4 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12.
4. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$100.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing 'for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from prOceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
 - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

(Ord. #13-85; 5/28/85)

31.12 RECKLESS USE OF A WEAPON

1. Whoever does any of the following is guilty of violating this ordinance:
 - a. Endangers another's safety by reckless conduct in the operation or handling of a firearm, airgun, knife, bow and arrow, instrument designed or fashioned to be used as a weapon.
 - b. Operates or goes armed with a firearm while under the influence of an intoxicant or drug; or
 - c. Intentionally points a firearm at or toward another.
 - d. While on the lands of another, discharges a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the expressed permission of the owner or occupant of the building. Building, as used in this paragraph, does include a house trailer, mobile home, tent, bus, truck, vehicle or similar portable unit.
2. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not more than \$1,000.00. Together with the costs of prosecution and in default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 120 days.
3. Any person, firm, or corporation, violating any of the subsections of this ordinance may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 4 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Statutes, Section 66.12.
4. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$200.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
 - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

(Ord. #14-85; 5/28/85)

31.13 ABUSIVE USE OF THE TELEPHONE

1. Whoever does any of the following is subject to the penalties in Section 4.
 - a. With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.
 - b. With intent to frighten, intimidate, threaten, abuse, harass or offend, telephones another or uses any obscene, or profane language or suggests such.
 - c. Makes or causes the telephone of another repeatedly to ring with intent to harass any person at the called number.
 - d. Makes repeated telephone calls, whether or not conversations ensue, with intent solely to harass any person at the called number.
 - e. Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse, threaten or harass any person at the called number.
 - f. Knowingly permits any telephone number under his or her control to use for any of the purposes prohibited by this section.
2. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not more than \$500.00. Together with the costs of prosecution and in rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 60 days.
3. Any person, firm, or corporation, violating any of the subsections of this ordinance may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 4. of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Statutes, Section 66.12.
4. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$150.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
 - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

(Ord. #15-85; 5/28/85)

31.14 CARRYING A CONCEALED WEAPON**A) AUTHORITY / CONSTRUCTION:**

1. This ordinance is enacted under the authority granted by Sec. 59.54(22) and 66.0113 Wis. Stats.
2. For the purposes of construction and enforcement of this ordinance, all references to the Wisconsin Statutes shall be as those statutes presently exist or as they may be hereafter revised.

B) PROHIBITIONS:

1. Sec. 941.23 Wis. Stats., as it presently exists or may be hereafter revised, is incorporated herein by reference as if fully set forth.
2. Any act required to be performed or prohibited by Sec. 941.23 Wis. Stats. is required or prohibited by this ordinance.
3. No person, except those listed in Sec. 941.23(2)(a)-(d) Wis. Stats., may carry a concealed and dangerous weapon.

C) PENALTIES:

1. Violators shall:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00.
 - b. Pay costs, fees and surcharges imposed under Ch. 814 Wis. Stats.
 - c. Make restitution under Sec. 800.093 Wis. Stats
 - d. Make any other payment authorized by law.

D) ENFORCEMENT PROCEDURES:

1. Issuance of a citation by law enforcement officers of the county.
2. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
3. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
4. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court. Receipts shall be given for deposits made.

E) NON-EXCLUSIVITY:

1. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
2. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
3. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

This ordinance supersedes any prior ordinance or resolution pertaining to the same subject matter.

Chapter 31 Door County Code shall remain unchanged and shall continue in full force and effect except as amended by this ordinance. This Amendatory Ordinance shall be in full force and effect from and after its enactment and publication. (Ord. #15-85; 5/28/85) **(Ord. #2012-04; 01/24/12)**

31.15 ALCOHOL BEVERAGES: UNDERAGED AND INTOXICATED PERSONS

1. Alcohol Beverages: restriction relating to underaged persons.
 - a. Restrictions:
 1. No person may procure for, sell, dispense, or give away any alcohol beverages to any underaged person not accompanied by his or her parents, guardian, or spouse who has attained the legal drinking age of 19, or procure for, sell, dispense, or give away any alcohol beverages to any underaged person. An underaged person is any person who has not attained the legal drinking age.
 2. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underaged person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.
 - b. Exceptions: The above paragraphs don't apply to:
 1. An underaged person who is a resident, employee lodger or boarder on the premises controlled by the proprietor, licensee, or permittee of which the licensed premises consists or is a part.
 2. An underaged person who enters or is on the premises of an establishment engaged in the retail sale of intoxicating liquor for the purpose of purchasing edibles or beverages other than alcohol beverages. An underaged person so entering the premises may not remain on the premises after the purchase.
 3. Hotels, drug stores, grocery stores, bowling alleys, regularly established athletic fields, stadiums, or public facilities, which are owned by a county or municipality.
 4. Concessions authorized on state-owned premises in the state parks and state forests, and parks owned or operated by agricultural societies.
 5. Ski chalets, golf clubhouses, and private racquet clubs.
2. Sales of Alcohol Beverages to Intoxicated Persons.
 - a. No person may procure for, sell, dispense, or give away alcohol beverages to a person who is intoxicated.
3. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00 or more than \$500.00, together with the costs of prosecution and in rueful default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 60 days.
4. Any person, firm, or corporation violating any of the subsections of this ordinance may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 5 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter judgement and order forfeiture of the bond. Forfeitures, penalty assessments, costs, and fees shall be disbursed as provided in Ws. Statutes Section 66.12.
5. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$100.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.
 - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

(Ord. #25-86; 3/25/86)

31.16 UNDERAGED PERSONS, ALCOHOL BEVERAGES

1. Any person who has not attained the legal drinking age who does any of the following is guilty of a violation (in this paragraph "legal drinking age" means ~~Nineteen (19) years of age~~ twenty-one (21) years of age.) (Ord. 7-92; 2-25-92)
 - a. Procures or attempts to procure alcohol beverages.
 - b. Knowingly possesses or consumes intoxicating liquor.
 - c. Falsely represents his or her age for the purpose of receiving alcohol beverages from a person holding the requisite license or their permittee to dispense such alcohol beverages.
 - d. Enters or is on licensed premises in violation of Ordinance Section 31.15 (1)(a).
 - e. Any underaged person, not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age, who knowingly possesses or consumes fermented malt beverages is guilty of a violation.
2. Any person violating paragraph 1 (a thru e), is subject to the following penalties:
 - a. For a first violation, a forfeiture of not more than \$50.00, suspension of the person's operating privilege as provided under Wis. States., Section 343.30(6)(b)(1), or both.
 - b. For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not more than \$100.00, suspension of the person's operating privilege as provided under Wis. Stats., Section 343.30(6)(b)(2), or both.
 - c. For a violation committed within twelve (12) months of two or more previous violations, either a forfeiture of not more than \$150.00, revocation of the person's operating privilege under Wis. Stats., Section 343.30(6)(b)(3), or both.
3. Any person violating any of the subsections of this ordinance may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court, a bond according to the schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 4 of this ordinance. Such stipulation will make is unnecessary for the subject charged to appear in Court and will act as a basis for the Court to enter judgement and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Stats., Section 66.12.
4. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at the following:
 1. For the first violation, \$30.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 2. For a second violation within one (1) year, \$60.00 plus surcharges.
 3. For the third and subsequent violations within one (1) year, \$100.00 plus surcharges.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter, except that disposition and proceedings against a person under eighteen (18) years of age shall be as provided by Wis. Stats., Section 48.344. Issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.
 - c. All ordinance or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

(Ord. #26-86; 3/25/86) (Ord. #7-92; 2/25/92)

31.17 ALCOHOL BEVERAGES: POSSESSION IN CERTAIN PUBLIC PLACES PROHIBITED

1. Public Place: No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This subsection does not apply to municipalities, buildings and parks owned by the county, regularly established athletic fields and stadiums, school buildings, and churches.
2. Possession of Alcoholic Beverages on School Grounds Prohibited:
 - a. In this subsection:
 1. "Motor vehicle" means a motor vehicle owned, rented, or consigned to a school.
 2. "School" means a public, parochial or private school, which provides an educational program for one or more grades between grades 1 thru 12, and which is commonly known as an elementary school, middle school, junior high school, senior high school; or high school.
 3. "School Administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operation of a school.
 4. "School premises" means premises owned, rented or under the control of a school.
 - b. Except as provided by subparagraph (c), no person may possess or consume alcohol beverages:
 1. On school premises;
 2. In a motor vehicle, if people attending the school are in the motor vehicle; or
 3. While participating in a school sponsored activity.
 - c. Alcohol beverage; may be possessed or consumed on school premises, in motor vehicles, or by participants in school sponsored activities as specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.
 - d. A person who violates this subsection is subject to a forfeiture of not more than \$200.00, except for those persons governed by Wis. Stats., Sec. 48.344 and Door County Ordinance 31.16, which provides the penalties applicable to underaged persons.
3. Any persons subject to the forfeiture provisions of subsection (d) above, may stipulate to the guilt or no contest and may pay to the Sheriff or Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in paragraph (4) of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in Court and will act as a basis for the Court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs, and fees shall be disbursed as provided in Wisconsin Statutes Section 66.12.
4. Procedure for enforcement of this ordinance:
 - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$100.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
 - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

(Ord. #27-86; 3/25/86)

31.18 OUTDOOR AND REFUSE BURNING AND FIREWORKS ORDINANCE FOR THE COUNTY OF DOOR, WI**SECTION 1: PURPOSE:**

- 1.0 **Purpose.** This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the County of Door due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

SECTION 2: APPLICABILITY:

- 2.0 **Applicability.** This ordinance applies to all outdoor burning and refuse burning within the County of Door. This county ordinance does not apply to incorporated municipalities. If a provision in a town ordinance in this county covers a provision contained in this county ordinance, the town ordinance controls.
- 2.1 This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances, or campfires.
- 2.2 This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 4 of this ordinance.
- 2.3 This ordinance does not apply to the use of propane, acetylene, natural gas, kerosene, gasoline or other petroleum derivative in a device intended for heating, construction or maintenance activities.

SECTION 3: SEVERABILITY:

- 3.0 **Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance should not be affected.

SECTION 4: DEFINITIONS:

- 4.0 Definitions.
- 4.1 "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
- 4.2 "Clean Wood" means natural wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
- 4.3 "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.
- 4.4 "Fire Chief" means the Chief of the applicable municipality, or other person authorized or designated by the Fire Chief.
- 4.5 "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.
- 4.6 "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
- 4.7 "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
- 4.8 "Refuse" means any waste material except clean wood.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING:

- 5.0 General prohibitions on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the County of Door unless the burning is specifically permitted by this ordinance.

SECTION 6: MATERIALS THAT MAY NOT BE BURNED:**6.0 Materials that may not be burned.**

- 6.1 Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device.
- 6.2 Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- 6.3 Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- 6.4 Asphalt and products containing asphalt.
- 6.5 Treated or painted wood, including but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- 6.6 Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- 6.7 Rubber including tires and synthetic rubber-like products.
- 6.8 Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 12 of this ordinance.

SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS:

- 7.0 **Burning leaves, brush, clean wood and other vegetable debris.** Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris, is allowed only in accordance with the following provisions:
- 7.1 All allowed open burning shall be conducted in a safe nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- 7.2 Except for the barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Director of Door County Emergency Services, Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
- 7.3 Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.
- 7.4 Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.
- 7.5 Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

- 7.6 Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided that the fire is confined by a control device or structure such as barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
- 7.7 Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with the other provisions of this ordinance.
- 7.8 Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under Section 13 of this ordinance.
- 7.9 Open burning under this section shall only be conducted at a location at least 100 feet from the nearest building, which is not on the same property.
- 7.10 Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person should have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- 7.11 No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
- 7.12 Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- 7.13 No open burning may be conducted on days when the Department of Natural Resources has declared an ozone action day applicable to the County of Door.

SECTION 8: BURN BARRELS:**8.0 Burn barrels.**

A burn barrel may be used in the County of Door only in accordance with the following provisions:

- 8.1 The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance and may only be used in accordance with the provisions of Section 7 of this ordinance.
- 8.2 The burn barrel shall be located at least 100 feet from the nearest building that is not on the same property as the burn barrel. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.
- 8.3 Small businesses, commercial enterprises, and industries may not use burn barrels or engage in other kinds of open burning and may not be granted burning permits by municipalities. However, the prohibition on burn barrels does not apply to small businesses in which the owners reside at the same location and cannot separate their business waste from their household waste.

SECTION 9: OUTDOOR WOOD-FIRED FURNACES

- 9.1 The outdoor wood-fired furnace must be approved and employed for use as a furnace in accordance with the applicable and accepted codes, laws, regulations and rules.
- 9.2 The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in section 6 of this ordinance.

- 9.3 The outdoor wood-fired furnace shall be located at least 100 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.
- 9.4 The outdoor wood-fired furnace shall have a chimney that extends at least as high above the ground surface as the height of the roof of the building which it serves. A lesser height may be approved on a case-by-case basis, if necessary, to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
- 9.5 The owner or occupant of the property shall obtain a one-time permit from the Fire Chief, Town Chairperson or designee before using the outdoor wood-fired furnace.

SECTION 10: FIRE DEPARTMENT PRACTICE BURNS:**10.0 Fire department practice burns.**

Notwithstanding Sections 5 and 6 of this ordinance, the Fire Department may burn a standing building or other such substances as deemed appropriate by said department if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

SECTION 11: FIREWORKS:

- 11.0 It shall be unlawful for any person, organization, business or corporation to light or maintain any illegal fireworks, except fireworks for public display in compliance with state law shall be permitted after obtaining all state and local permits.

SECTION 12: EXEMPTION FOR BURNING CERTAIN PAPERS:

- 12.0 **Exception for burning certain papers.** Notwithstanding Subsection 6.17 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.
- 12.1 Small quantities of confidential papers from a residence may be burned, if necessary, to prevent the theft of financial records, identification or other confidential information.
- 12.2 A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1-7.3, 7.6, and 7.11-7.13 of this ordinance.

SECTION 13: BURNING PERMITS:**13.0 Burning permits.**

No person shall start or maintain any open burning without a burning permit issued by the Fire Chief, Town Chairman, or a designee of said official. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

- 13.1 Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit before starting the fire.
- 13.2 When weather conditions warrant, the Director of Door County Emergency Services, Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

- 13.3 A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- 13.4 Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

SECTION 14: LIABILITY:

- 14.0 Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire, irrespective of whether a burning permit is issued.

SECTION 15: RIGHT OF ENTRY AND INSPECTION:

- 15.0 Right of entry and inspection.** The Fire Chief or any authorized officer, agent, employee or representative of the County of Door who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Sections 66.122 and 66.123, Wis. Stats.

SECTION 16: ENFORCEMENT AND PENALTIES:**16.0 Enforcement and penalties.****16.1 Penalties.**

Any person violating this ordinance shall:

- A. Forfeit not less than \$25.00 nor more than \$250.00 for each offense; and;
- B. Institute those remedial measures, summarily and/or within a defined time period, necessary to correct any violation.
- C. Be enjoined or restrained from further violation.
- D. Pay the fees, costs and disbursements incurred by County associated with prosecution of the action.
- E. Each day a violation exists or continues constitutes a separate offense.

16.2 Enforcement.

- A. Issuance of a citation pursuant to and in accordance with Sec. 66.0113 Wis. Stats. and Chapter 35 Door County Code.
- B. Adoption of this Ordinance does not preclude the Door County Board of Supervisors from adopting any other ordinance relating to the same or other matter. An issuance of a forfeiture hereunder, shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

- 16.3 Reference to Statutes.** Reference to specific statutory sections, whenever used in this Ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the Wisconsin State Legislature.

- 16.4 Effective Date.** This Ordinance shall be effective upon adoption and publication by the Door County Board of Supervisors as provided by law.

(Ord. 19.88; 6/28/88) (Ord. 20-88; 7/26/88) (Ord. 9-89; 3/28/89) (Ord. 2005-09; 5/24/05)

**Permit for Outdoor Wood-fired Furnace
Door County Code, Ch. 31 Sec. 9**

Municipality _____
County of Door

Permit # _____
Version 1

Per Ch. 31-18, Sec. 9 of Door County Code of Ordinances, the undersigned permittee hereby agrees to the following:

SECTION 9, OUTDOOR WOOD-FIRED FURNACES

- 9.1 The outdoor wood-fired furnace must be approved and employed for use as a furnace in accordance with the applicable and accepted codes, laws, regulations and rules.
- 9.2 The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in section 6 of this ordinance.
- 9.3 The outdoor wood-fired furnace shall be located at least 100 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.
- 9.4 The outdoor wood-fired furnace shall have a chimney that extends at least as high above the ground surface as the height of the roof of the building which it serves. A lesser height may be approved on a case-by-case basis, if necessary, to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
- 9.5 The owner or occupant of the property shall obtain a one-time permit from the Fire Chief, Town Chairperson or designee before using the outdoor wood-fired furnace.

Applicant: _____

Mailing Address: _____
(Fire #, Road, City, Town or Village)

Parcel #: _____

I, as owner of the above-named parcel upon which an outdoor wood-fired furnace will be installed, agree to adhere to the requirements as set forth in this permit and the Door County Outdoor and Refuse Burning and Fireworks Ordinance. I acknowledge that I have received a copy of said Ordinance. I understand that this permit may be revoked upon sufficient evidence that the provisions as set forth have been violated.

Signed this _____ day of _____, 20____

Applicant Signature

Fire Chief/Town Chair/Designee

Date of Issuance

31.19 ANIMAL REGULATION ORDINANCE OF DOOR COUNTY, WI

1. **Title.** This Ordinance shall be entitled "The Animal Regulation Ordinance of Door County, Wisconsin.
2. **State Statutes Adopted - Authority.** The County Board's authority for adopting this Ordinance is SS 59.07(64), 59.07(69), and 95.21(9), and Chapter 174 of the Wisconsin Statutes. This statute is hereby incorporated by reference as published in the most recent revision of the Wisconsin Statutes. Any amendments, which are from time to time made in the statutes, shall automatically be made in this ordinance.
3. **Dogs Not to Run at Large.**

No person shall own, keep or harbor any dog and permit it to run at large. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person. Any dog running at large may be impounded. Notice of the impoundment of any dog shall include its description and identification and shall be posted at the place of impoundment. Exception: Dogs kept for herding purposes or dogs hunting under supervision are not considered "running at large".
4. **Rabies Control Program**
 - a. Vaccination against rabies means the inoculation of a dog with rabies vaccine licensed by the United States Department of Agriculture provided by a person licensed to practice veterinary medicine. Except as provided in SS 174.054, Wis. Stats., the owner of a dog shall have it vaccinated against rabies within 30 days after it reaches four months of age and revaccinated again within one year after the initial vaccination. If the owner obtains the animal in Door County or brings it into this County after it has reached four months of age, the owner shall have it vaccinated against rabies within 30 days after it is obtained unless it has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner shall have the animal revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if none is stated, within three years after the previous vaccination.
 - b. At the time of vaccination, the veterinarian shall complete a certificate of rabies vaccination bearing a serial number and stating:
 - (1) the owners name and address;
 - (2) the name, age, sex, spayed/unspayed or neutered/unneutered status, breed, and color of the animal;
 - (3) the date of vaccination;
 - (4) the type of rabies vaccine administered and the manufacturer's serial number;
 - (5) the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the US Department of Health and Human Services.
 - (6) the city, village, or town where the animal is to be licensed if required by local ordinance.
 - c. The original certificate of rabies vaccination shall be given to the owner of the animal vaccinated. The veterinarian shall keep a copy of each certificate of

- rabies vaccination in a file maintained for that purpose until the date the immunization expires or the animal is revaccinated, whichever occurs first.
- d. An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies, or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, an officer may kill the animal. An officer may kill an animal only as a last resort or with its owner's consent. An officer shall attempt to kill the animal in a humane manner, which avoids damage to the animal's head. An officer may order killed or may kill an animal, other than a dog or cat, as provided in SS 95.21(4)(b), if the officer has reason to believe the animal bit a person, or is infected with rabies and it cannot be captured. Any killed animal's head shall be prepared and packaged by a veterinarian for rabies analysis by the State Laboratory of Hygiene. An officer ordering a dog quarantined shall order it delivered to an isolation facility as soon as possible, but not later than 24 hours after the original order is issued, or an officer may order it quarantined on its owner's premises, if it is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. If a dog is ordered quarantined because there is reason to believe that it bit a person, the custodian of an isolation facility or the animal's owner, shall keep it in strict isolation under the supervision of a veterinarian for at least 10 days after the occurrence of the bite. In this paragraph, "supervision of a veterinarian" includes at a minimum, examination of an animal on the first day of the isolation, on the last day of isolation, and on one intervening day. If the observation period is not extended and a veterinarian certifies that a dog has not exhibited any symptom of rabies, it may be released from quarantine at the end of the observation period. If a veterinarian determines that a dog exhibits rabies symptoms during the original or extended observation period, the veterinarian shall notify the officer who ordered the animal quarantined and its owner, and the officer or veterinarian shall kill the animal in a humane manner, which avoids damage to the animal's head. If a dog is suspected to have bitten a person, a veterinarian shall notify the person or his or her physician. The owner of an animal is responsible for the expenses of isolation, supervision and examination by a veterinarian, and preparation of a carcass for laboratory examination. If ownership of an animal cannot be determined, such laboratory examination expenses shall be paid from the County Dog License Fund.
- e. If an animal is known to have been bitten by or in contact with a rabid animal and it is currently immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence, it shall be leashed or confined for 60 days. The owner shall have the animal revaccinated immediately. If the animal is not currently immunized against rabies, it shall be destroyed immediately, or if the owner objects, it shall be confined in strict isolation under the supervision of a veterinarian for 180 days and vaccinated between days 155 and 165 at the sole expense of the owner. If ownership of the animal cannot be determined within seven days, the animal shall be destroyed.
- f. The Door County Sheriff's Department shall be notified of all instances of an animal biting a person, within 24 hours of the occurrence.

5. Dog Licenses

Except as provided in SS 174.054, Wis. Stats., the owner of a dog more than five months of age on January 1st of any year or five months of age within the license year shall annually, or on or before the date the dog became five months of age, pay the dog license fee as provided in SS 174.05, Wis. Stats., and obtain a dog license. The license year commences on January 1st and ends on the following December 31st. Evidence that the dog is currently immunized against rabies shall be presented at the time of licensing to the city, village, or town treasurer. After receipt of license fee and evidence of rabies immunization, a license shall be issued under SS 174.05 and SS 174.07, Wis. Stats. The city, village, or town treasurer shall prepare a report to the County Clerk under SS 174.08, Wis. Stats.

- a. Issuance. Upon acceptance of the license application and fee, the municipal listing or collecting agent shall issue a durable tag, stamped with an identifying number and the year of issuance.
 - * (1) Dogs shall wear dog license tags at all times, except under any organized show or training situation, or while under supervised hunting, or to a dog securely confined indoors, to a dog securely confined in a fenced area or used for herding purposes.
 - (2) No person shall transfer any license receipt or license tag issued for one animal to another animal.
 - (3) The County Clerk shall maintain a record of the identifying number of tags issued and shall make this record available to the public.
- * (Actually the Town, Village, or City Treasurer issues the dog tags and maintains the record of licenses issued for the current year. At the end of each year, the records are turned in to the County Clerk and they remain in the County Clerk's Office.)
- b. Licenses fees shall not be required for seeing-eye dogs for the blind or deaf person, or government police dogs. Every person owning such a dog shall receive annually a free dog license upon application.
- c. Kennel License Option.
 - (1) Any person who keeps or operates a kennel may apply to the collecting official for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year, a statutory license tax for a kennel of 12 or fewer dogs and an additional statutory fee for each dog in excess of 12. Upon payment of the required kennel license tax and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the collecting official shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennel permits are also subject to County zoning ordinances.
 - (2) Kennel license tags. Kennel license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of a kennel, shall keep at all times, a kennel license tag attached to the collar of each dog over 5 months old kept by the owner or keeper under a kennel license, but this

requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, to a dog securely confined in a fenced area, or used for herding purposes. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag, shall remain attached to the dog for which it is issued, at all times, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, to a dog securely confined in fenced area, or used for herding purposes. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel unless the dog is on a leash or temporarily out for the purpose of hunting, breeding, training, competition, or dogs used for herding purposes.

- (3) Applicability of other requirement. Unless clearly inapplicable, all the provisions of this ordinance, relating to the individual dog license tax, licenses, and tags, shall apply to the kennel license and tags.

6. Vicious or Howling Animals

No person shall own, keep, have in his or her possession, or harbor any animal within the County, which by frequent or habitual howling, yelping, barking or other continuous disturbing noise, offends the peace and quiet of the neighborhood. The provisions of this subsection shall not apply to licensed animal hospitals conducted for the treatment of small animals or to the premises used and occupied by the County for impounding animals.

- a. Petitions complaining of vicious or barking dogs or crying cats. Whenever a person shall complain to the Sheriff's Department that a dog, which habitually howls, barks or yelps, or a cat which habitually cries or howls, is being kept by any person in the county, the Sheriff's Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.
- b. If the warning given to the person alleged to be keeping a dog or cat is ineffective, then a verified complaint of at least two citizens, not from the same family, may be presented to the Sheriff's Department, alleging that a vicious dog, or a dog which habitually howls, barks, or yelps, or a cat which habitually cries or howls, is being kept by any person within the County. The Sheriff's Department shall inform the owner of such dog or cat that said petition has been received and shall cite the owner of the dog or cat for the violation alleged in said petition.
- c. Vicious Animals. The owner of any vicious animal shall keep same securely enclosed on his or her premises away from the proximity of sidewalks, paths, or alleys, and shall keep it muzzled when exercising it, except for animals used for law enforcement or security purposes.

For purposes of enforcing this ordinance, a dog shall be deemed as being of a vicious disposition if, within any 12 month period, there are two or more confirmed reports of unprovoked bites to person or persons, or it inflicts serious bodily injury to any person in unprovoked circumstances.

- d. Female Animals in Season. Any female dog in season, if not under direct supervision of owner, shall be kept confined in a building or secure kennel enclosure, veterinary hospital, or boarding kennel during the duration of such season.
- e. This section shall not apply to any licensed kennel, licensed veterinarian or to the city pound, or to livestock such as cattle, horses, geese, or chickens.

7. Apprehension and Impoundment

- a. It shall be the duty of the Town or Village Constable or other Town or Village designated official, to cause to be taken up and impounded, any dog found to be at large within the County, that is in violation of the provisions of this ordinance.
- b. No person shall knowingly allow their dog or cat to remain unclaimed at the animal shelter. If they do, they can be charged the costs of providing shelter and disposition of the animal.
- c. Any law enforcement officer may remove, shelter, and care for any animal found to be cruelly exposed to the weather, starved, or denied adequate water, neglected, abandoned, or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for, and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and an officer, or other person having possession of the animal, shall have claim for the cost of its care, keeping, medical attention, and the expense of notice.

If the owner or custodian is unknown and cannot with reasonable effort be ascertained, or does not within 7 days after notice redeem the animal by paying the expenses incurred, it will be disposed of.

Whenever, in the opinion of an officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for an officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal.

8. Impoundment and Disposal Fees

Impoundment, boarding, and disposal fees shall be established and collected as may be determined from time to time by the designated animal shelter.

In all cases the owner, if known, shall be immediately notified and an officer or other person having possession of the animal, shall have claim for the cost of its care, keeping, medical attention, and the expense of notice.

9. Enforcement

- a. This Ordinance shall be enforced by the Town, Village, or City official. In the case of violation of this Ordinance, the designated official may immediately advise the owner of the animal of the violation, if the owner can be determined. This does not limit the authority of an officer to impound the animal immediately or to prosecute the owner as otherwise herein provided.
- b. Any unlicensed animal impounded pursuant to this Ordinance, shall be licensed and vaccinated within seven days of release. The costs of its impoundment shall be paid prior to its release.

10. Penalties

- a. All violations of this Ordinance shall be subject to the following forfeitures for each offense together with applicable penalty assessment and the taxable costs of prosecution:
- (1) Failure to vaccinate a dog against rabies, Fifty Dollars (\$50);
 - (2) Failure to comply with an order for rabies confinement or isolation, not less than Three Hundred Dollars (\$300) nor more than One Thousand Dollars (\$1,000); and
 - (3) Failure to license a dog, not less than Thirty-Five Dollars (\$35) for the first offense and Fifty Dollars (\$50) for the second offense and Seventy-Five Dollars (\$75) for any subsequent offense.
 - (4) Penalty for negligently or otherwise permitting a dog to run at large, not less than Thirty-Five Dollars (\$35) for the first offense and Fifty Dollars (\$50) for the second offense and Seventy-Five Dollars (\$75) for any subsequent offense.
 - (5) Penalty for vicious or howling animal, not less than Thirty-Five Dollars (\$35) for the first offense and Fifty Dollars (\$50) for the second offense, and Seventy-Five (\$75) for any subsequent offense.
- (Ord. 21-96; 8/27/96)*
- b. After paying any costs of prosecution, the balance of any forfeitures received by the County shall be added to the County Dog License Fund to defray the costs of operation of the Animal Control Ordinance.

11. Uniform Citation Ordinance Violations

- a. Creation. Pursuant to Wisconsin Statutes Section 66.119, Door County hereby elects to use the citation method of enforcement of ordinances, including ordinances for which a statutory counterpart exists.
- b. Citation. The citation shall contain the following:
- (1) The name and address of the alleged violator.
 - (2) Factual allegations describing the alleged violation.
 - (3) The time and place of the offense.
 - (4) The section of the code violated.
 - (5) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
 - (6) The time at which the alleged violator may appear in court.
 - (7) A statement which in essence informs the alleged violator:
 - a. That a cash deposit based on the schedule established by this section may be made, which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.
 - b. That if a deposit is made, no appearance in court is necessary unless he or she is subsequently summoned.
 - c. That if a cash deposit is made and the alleged violator does not appear, he or she will be deemed to have entered a plea of no

contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.

- d. That, if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.

12. Funding

Funding to administer the Animal Regulation Ordinance shall come from Door County Dog License fees and any penalties that may be collected pursuant to this ordinance. In the event that these revenues do not cover the costs of administering this ordinance, these costs shall be billed back to the municipalities on a prorated basis related to usage (number of animals admitted to the pound from a given municipality during the year). Such billing will be made at the end of the calendar year and will be payable to the County within 60 days. In the event of excess revenues, the moneys shall be returned to local municipalities in the manner stated under SS 174.09(2), Wis. Stats.

13. Liability

The County and its officers, agents, and employees shall not be liable for the death, destruction, injury, or disease of any animal impounded pursuant to this Ordinance.

14. Severability

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

15. Effective Date

This Ordinance shall be effective upon passage and publication by the Door County Board of Supervisors.

(Ord. #50-90; 2/26/91) (Ord. #11-92; 3/24/92) (Ord. #21-96; 8/27/96)

31.20 SHOPLIFTING ORDINANCE

1. Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of 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 subject to the penalties in subsection (5).
 - a. Intentionally concealing 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 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.
2. A merchant or merchant's adult employe, who has probable cause for believing that a person has violated this section in his or her presence, may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to his or her parent or 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 or she shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person.
3. Merchant shall have the same meaning as in Wis. Stats. §943.50.
4. 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.
5. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a fine not to exceed \$2,000.00. In addition, a violator may be required to pay restitution together with costs of prosecution. In the case of default of said payments of fine, restitution and costs of prosecution, the violator may be imprisoned in the county jail until said fees are paid, but not exceeding 6 months. Wis. Stats. §973.07.
 - a. First offense subject to a minimum bond of \$101.80.
 - b. Second offense within 5 years subject to a minimum bond of \$150.60.
 - c. Subsequent offenses within 5 years subject to a minimum bond of \$205.50.
6. Any person, firm, or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 5 a-c of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Statutes, Section 66.12.
7. Procedure for enforcement of this ordinance:
 - a. Enforcement shall be by citation.
 - b. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefore.
 - c. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
8. Effective Date
 - a. This Ordinance shall be effective upon adoption and publication by the Door County Board of Supervisors as provided by law.

(Ord. #11-94; 5/19/94)

31.21 911 ORDINANCE

The County of Door receives numerous calls on the 911 Emergency Line which have proven to be a misuse of the 911 number.

1. **Purpose:** The primary purpose of this ordinance is to prevent the misuse of the emergency 911 number. Further, it is meant to encourage parents or the legal guardian of a minor, to maintain control over the actions of the minor and prevent the misuse of the 911 emergency number.
2. **Misuse:** The intentional calling of the 911 emergency number knowingly giving a false report or no report or as a prank when no emergency exists and no valid request is made for emergency services.
3. **General Provisions:**
 - a. It shall be a violation of this ordinance for anyone to intentionally call the 911 emergency number to knowingly give false information, no information as a prank, or when no valid request for emergency services exist.
 - (1) It shall also be a violation to knowingly encourage, aid or permit another to make a call as defined above.
 - (2) It shall also be a violation of this ordinance for anyone to hook up their alarm system to the 911 number.
 - (3) Each call shall be considered a separate violation.
 - b. This ordinance shall be applicable countywide as is allowed under Wis. Stats. §59.07(63) and will ensure the "PEACE AND ORDER" in the county by preventing the misuse of the 911 emergency number.
 - c. A parent or legal guardian of a minor may be found liable for any injury or damage, which may result from the misuse of the 911 number and penalties may be imposed under Wis. Stats. §895.035.
 - d. The Sheriff or Chief Deputy shall be granted the authority to waive the fine imposed, if the circumstances warrant a waiver.
 - e. This ordinance does not attempt to restrict emergency calls, but only to prevent the misuse of the 911 number.

4. **Penalty:**

Any person found guilty of violating this ordinance or any part thereof shall be subject to the following penalties:

- a. Each violation shall be subject to a forfeiture of not more than \$10,000.00, together with the costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the county jail until said forfeiture is paid, but not exceeding 90 days. Furthermore, any costs of providing emergency services such as ambulance, fire or police may be assessed.
 - (1) First offense subject to a minimum bond of \$101.00.
 - (2) Second offense within 5 years subject to a minimum bond of \$150.60.
 - (3) Subsequent offenses within 5 years subject to a minimum bond of \$205.50.

- b. Parents or a legal guardian may be held liable for the acts of minors subject to the above penalties, if they know or should have known that the absence of control of their minor may or could result in the misuse of 911.
 - c. Any person, firm, or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 4. Penalty: a. (1), (2), and (3) of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Statutes, Section 66.12.
5. **Procedure for enforcement of this ordinance:**
- a. Enforcement shall be by citation.
 - b. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefore.
 - c. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
6. **Effective Date**
- This Ordinance shall be effective upon adoption and publication by the Door County Board of Supervisors as provided by law. (Ord. 12-94; 5/24/94)

(Ord. #12-94; 5/24/94)

31.22 IN-LINE SKATING ORDINANCE

The use of in-line skates has created a potentially hazardous situation to vehicles on the roadways, as well as to the skaters themselves, and thereby their use on County highways is restricted.

1. Authority:

This ordinance is adopted as authorized under §349.235, Wis. Stats. This ordinance incorporates all related definitions and portions of Wisconsin Statutes Chapters 340 through and including Chapter 349 as are applicable under this ordinance to in-line skating.

2. General Provisions:

- a. No person using in-line skates may go upon any county highway, except to cross the road way at a crosswalk or intersection.
- b. Persons using in-line skates may not impede the normal and reasonable movement of motor vehicle traffic when crossing the road ways.
- c. It shall be unlawful for any person using in-line skates to cling to or attach to any bicycle, motor vehicle, or any other vehicle upon any public road way.
- d. Every person using in-line skates must observe all traffic signals.
- e. Every person using in-line skates upon a county sidewalk or walkway shall yield the right-of-way to any pedestrian and shall exercise due care when passing any person.
- f. Every person using in-line skates shall be subject to the same regulations as pedestrians under §346.23, 346.24, 346.37 and 346.38 Wis. Stats.

3. Penalty:

- a. Any person or persons violating any provision of this ordinance shall be fined \$10.00 for the first offense and \$25.00 for the second and/or subsequent offenses within one (1) year.
- b. In addition to the forfeiture, any person violating any provision of this ordinance shall be required to pay all costs and applicable penalties as provided under Wisconsin Statutes.

4. Procedure for enforcement of this ordinance:

- a. This ordinance shall be enforced by all County Law Enforcement Officers through the issuance of citations to persons violating any of the provisions of this ordinance.
- b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinances or providing for the enforcement of any other law or ordinance relating to the same or other matters. And issuance of a citation hereunder shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
- c. In the event any portion of this ordinance is or becomes invalid or illegal, the remaining portions shall remain in full force and effect.

5. Effective Date

This Ordinance shall be effective upon adoption and publication by the Door County Board of Supervisors as provided by law.

(Ord. #17-94; 7/26/94)

31.23 COMPULSORY SCHOOL ATTENDANCE ORDINANCE**1. Authority**

This section of the Code is enacted under the authority granted by Sections 59.54(6), 59.54(7), and 118.163 Wisconsin Statutes.

2. Purpose

Amend present Chapter 31.23 of the Door County Code - "Habitual Truancy Ordinance" to reflect changes made by recent legislative enactments, including 1997 Wisconsin Act 239.

3. Parent's, Guardian's, or Legal Custodian's Responsibility

- (a) Any person having under control a child [except as provided in Sections 118.15(1)(b) through 118.15(1)(d), and 118.15(4), Wisconsin Statutes, unless the child is excluded in accordance with Section 118.15(3) Wisconsin Statutes, or has graduated from high school] who is between the ages of 6 and 18 years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled in is in session until the end of the school term, quarter, or semester of the school year in which the child becomes 18 years of age.
- (b) No person having under control a child between the ages of 6 and 18 years may, by an act or omission, knowingly encourage or contribute to the truancy of the child, as defined under Section 118.16(1)(c), Wisconsin Statutes. An act or omission contributes to the truancy of a child if the natural and probable consequences of that act or omission would be to cause the child to be truant.
- (c) Prior to any proceeding being brought against a parent, guardian, or legal custodian, under Paragraph (a) above or Paragraph (b) above, the school attendance officer shall provide evidence that the activities under Section 118.16(5) Wisconsin Statutes have been completed or were not required to be completed as provided in Section 118.16(5m) Wisconsin Statutes.
- (d) If, under Paragraph (a) supra, a person proves that he or she is unable to comply with the law because of the disobedience of the child, the action shall be dismissed.
- (e) A person found to have violated Paragraph (a) above or Paragraph (b) above may be penalized as follows:
 1. Forfeiture of not more than \$500.00 for a first offense;
 2. Forfeiture of not more than \$1,000.00 for a second or subsequent offense;
 3. Order to participate in counseling at the person's own expense or to attend school with his or her own child, or both.

4. Child – Habitually Truant

- (a) Sections 118.15 and 118.16, Wisconsin Statutes, or as subsequently revised or amended, to the extent such statutory sections require any act to be performed or prohibits an act, is hereby adopted and by reference made a part of this section of the Code.
- (b) Prior to any proceeding being brought against a child under Paragraph (4)(c) herein, the school attendance officer shall provide evidence that the activities under Section 118.16(5) Wisconsin Statutes have been completed or were not required to be completed as provided in Section 118.16(5m) Wisconsin Statutes.

- (c) No child who is between the ages of 6 and 18 years shall be a habitual truant.
1. The term “habitual truant” shall be defined as set forth in Sections 118.16(1)(a) and 118.163(1)(b), Wisconsin Statutes.
 2. The term “acceptable excuse” shall be defined as set forth in Section 118.15, Wisconsin Statutes.
- (d) A child between the ages of 6 and 18 years determined to be a habitual truant may be subject to any or all of the following dispositions:
1. An order for the child to attend school.
 2. Suspension of the child’s operating privilege for not less than thirty (30) days nor more than one (1) year. The Court shall immediately take possession of any suspended license and forward it to the department of transportation with a notice stating the reason for and the duration of the suspension.
 3. An order for the child to participate in counseling, or a supervised work program or other community service work as described in Section 938.34(5g), Wisconsin Statutes. 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. An order for 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. Forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within twelve months of a previous violation, subject to Section 938.37 Wisconsin Statutes and subject to a maximum cumulative forfeiture amount of not more than \$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 parent or guardian of the person, or both.
 6. An order for the child to attend an educational program as described in Section 938.34(7d), Wisconsin Statutes.
 7. An order for the Department of Workforce Development to revoke, under Section 103.72, Wisconsin Statutes, a permit under Section 103.60, Wisconsin Statutes, authorizing the employment of the person.
 8. An order for the person to be placed in a Teen Court Program as described in Section 938.342(1g)(f), Wisconsin Statutes.
 9. An order placing the child under formal or informal supervision as described in Section 938.34(2) Wisconsin Statutes, for up to one year.
 10. An order for the child’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 child, or both.
 11. Any other reasonable condition consistent with Section 118.163 Wisconsin Statutes, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

5. Truant Person

- (a) The term “truant” shall be defined as set forth in Section 118.163(1)(d) Wisconsin Statutes.
- (b) No person under 18 years of age shall be a truant.
- (c) A person under 18 years of age determined to be a truant may be subject to any or all of the following dispositions:
 - 1. An order for the person to attend school.
 - 2. A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to a maximum cumulative forfeiture amount of not more than \$500.00 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.

6. Jurisdiction

- (a) This ordinance shall be applicable in that part of any city, village, or town located in Door County, regardless of whether the city, village, or town has enacted an ordinance under Section 118.163, Wisconsin Statutes in its entirety.

7. Non Exclusivity

- (a) Commencement of an action under this section of the Code does not preclude concurrent prosecution in the Court assigned to exercise jurisdiction under Chapter 48 or 938 or 939 to 951 Wisconsin Statutes.
- (b) Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

8. Enforcement Procedures

- (a) Issuance of a citation by law enforcement officers of the county.
- (b) Cash deposit based on the schedule established may be made, which shall be delivered or mailed to the Door County Clerk of Court prior to the time of the scheduled court appearance. Receipts shall be given for cash deposits.
- (c) If a cash deposit is made and the person charged with a violation does not appear in court at the time specified, the violator will be deemed to have entered a plea of no contest, and to have submitted to a forfeiture and applicable assessment(s) and cost(s).
- (d) A person charged with a violation may enter a timely written stipulation of guilt or no contest and timely pay the required forfeiture, applicable assessment(s) and cost(s). Upon such stipulation and payment, the person need not appear in court.
- (e) If no cash deposit is made and the person charged with a violation does not appear in court at the time specified, the court may issue a summons or warrant to compel the person’s appearance or arrest or may consider the non-appearance to be a plea of no contest and enter judgment accordingly.

9. Effective Date

This ordinance shall take effect on the day following the date of publication.

(Ordinance 26-94; 12/27/94) (Ordinance 3-95; 3/28/95) (Ordinance 34-98; 1/26/99)

31.24 POSSESSION OF DRUG PARAPHERNALIA**1. Purpose:**

The primary purpose of this ordinance is to prohibit the use and possession of Drug Paraphernalia.

2. Definitions

A. "Drug Paraphernalia" means all equipment, products and materials of any kind that are used, designed for use or primarily intended 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. "Drug paraphernalia" includes, but is not limited to any of the following:

1. Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, or harvesting of any species of plant that is a controlled substance or from which a controlled substance can be derived.
2. Kits used, designed for use or primarily intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
3. Isomerization devices used, designed for use or primarily intended for use in increasing the potency of any species of plant that is a controlled substance.
4. Testing equipment used, designed for use or primarily intended for use in identifying, or in analyzing the strength, effectiveness or purity of, controlled substances.
5. Scales and balances used, designed for use or primarily intended for use in weighing or measuring controlled substances.
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, designed for use or primarily intended for use in cutting controlled substances.
7. Separation gins and sifters used, designed for use or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
8. Blenders, bowls, containers, spoons and mixing devices used, designed for use or primarily intended for use in compounding controlled substances.
9. Capsules, balloons, envelopes and other containers used, designed for use or primarily intended for use in packaging small quantities of controlled substances.
10. Containers and other objects used, designed for use or primarily intended for use in storing or concealing controlled substances.
11. Objects used, designed for use or primarily intended for use in ingesting,

inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

- a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - b. Water pipes.
 - c. Carburetion tubes and devices.
 - d. Smoking and carburetion masks.
 - e. Roach clips: meaning 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.
 - f. Miniature cocaine spoons and cocaine vials.
 - g. Chamber pipes.
 - h. Carburetor pipes.
 - i. Electric pipes.
 - j. Air-driven pipes.
 - k. Chilams.
 - l. Bongs.
 - m. Ice Pipes or chillers.
- B. "Drug paraphernalia" excludes:
1. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body.
 2. Any items, including pipes, papers, and accessories, that are designed for use or primarily intended for use with tobacco products.
- C. "Primarily" means chiefly or mainly.
- D. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the factors listed in Wisconsin Statutes § 161.572.

3. **General Provisions**

- A. It shall be a violation of this ordinance 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.
- B. It shall be a violation of this ordinance to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used 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.

- C. It shall be a violation of this ordinance for any person 18 years of age or over to deliver drug paraphernalia to a person under 18 years of age who is at least 3 years younger than the violator.

4. Penalty

- A. Upon a finding that an adult, one 18 years of age or older is in possession of Drug Paraphernalia, he or she shall be subject to a forfeiture of not more than \$500 together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed thirty (30) days. Wis. Stat. §161. 573.
- B. Upon a finding that an adult, one 18 years of age or older is manufacturing or delivering drug paraphernalia, he or she shall be subject to a forfeiture of not more than \$1,000 together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed 90 days. Wis. Stat. § 161.574.
- C. Upon a finding that an adult, one 18 years of age or older is delivering drug paraphernalia to a minor, he or she shall be subject to a forfeiture of not more than \$10,000 together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed nine (9) months. Wis. Stat. § 161.575.
- D. The forfeiture schedule for a violation of any section of this ordinance for an adult is as follows:
1. First Offense subject to a minimum forfeiture of \$175.00
 2. Second Offense within 5 years subject to a minimum forfeiture of \$225.00.
 3. Subsequent Offenses within 5 years subject to a minimum forfeiture of \$325.00.
- E. Upon a finding that a child, one who is less than 18 years of age as defined in Wis. Stat. §48.02 (2), violated any section of this ordinance, that child shall be subject to the disposition as follows:
1. The child's operating privilege, as defined in § 340.01(40), shall be suspended or revoked for not less than 6 months nor more than 5 years, and, in addition, the following penalties shall apply:
 - a. First Offense subject to a minimum forfeiture of \$125.00.
 - b. Second Offense within 12 months of a previous violation, subject to a minimum forfeiture of \$175.00.
 - c. Subsequent Offenses within 12 months of a previous violation, subject to a minimum forfeiture of \$275.00.

5. Procedure for Enforcement of this Ordinance

- A. Enforcement shall be by citation.

- B. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be as stated above or such amount that the Circuit Court of Door County hereafter affixes.
 - C. Any person, firm or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Sheriff or the Clerk of Court, a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth above. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Stat. § 66.12.
 - D. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a forfeiture hereunder, shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
6. **Reference to Statutes:** Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.
7. **Effective Date:** This ordinance shall be effective upon adoption and publication by the Door County Board of Supervisors as provided by law.

(Ordinance 11-95; 6/27/95)

The Law Enforcement Committee has reviewed Chapter 31.25 Door County Code and recommends rescinding it because it is a duplicate of Chapter 31.31.

Chapter 31.25 Door County Code is hereby rescinded. (Chapter 31.31 remains in full force and effect) (Ord. 23-03; 11/25/03)

~~31.25 RESISTING OR OBSTRUCTING AN OFFICER~~

~~1. Purpose:~~

~~The primary purpose of this ordinance is to prohibit an individual from knowingly obstructing an officer while such officer is doing any act in their official capacity and with lawful authority.~~

~~2. Definitions:~~

~~A. "Obstructs" includes without limitation knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his/her duty including the service of any summons or civil process.~~

~~B. "Officer" means a peace officer or other public officer or public employee having the authority by virtue of the officer's or employee's office or employment to take another into custody.~~

~~3. General Provisions:~~

~~A. It shall be a violation of this ordinance for anyone to knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.~~

~~B. It shall be a violation of this ordinance for anyone to knowingly give false information or to knowingly place physical evidence in such a way as to mislead an officer.~~

~~C. It shall be a violation of this ordinance for any person to knowingly hinder, delay or prevent an officer from properly serving or executing any summons or civil process.~~

~~4. Penalty:~~

~~A. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not more than \$10,000.00, together with costs of prosecution.~~

~~1. First offense subject to a minimum forfeiture of \$50.00.~~

~~2. Second and subsequent offense within one year subject to a minimum forfeiture of \$75.00.~~

~~5. Procedure for Enforcement of this Ordinance:~~

~~A. Enforcement shall be by citation.~~

~~B. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt to the other office and the amount of the~~

~~forfeiture schedule shall be as stated above or such amount that the Circuit Court of Door County hereafter affixes.~~

~~C. Any person, firm or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Sheriff or the Clerk of Court, a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth above. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgement and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Stat. 66.12.~~

~~D. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a forfeiture hereunder, shall not preclude the Court or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.~~

~~6. **Reference to Statutes:**~~

~~Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.~~

~~7. **Effective Date:**~~

~~This ordinance shall be effective upon adoption and publication by the Door County Board of Supervisors as provided by law.~~

(Ord. 22-96; 7/23/96) (Ord. 23-04; 11/25/03)

31.26 GRAFFITI ORDINANCE

1. **Purpose:** The primary purpose of this ordinance is to prevent property damage, to establish the liability for said damage and to extend liability for damages caused by minor(s) to their parent(s).
2. **General Provisions:**
 - A. It shall be a violation of this ordinance if any one intentionally, willfully, maliciously or wantonly marks, draws, writes, paints or etches with any material or substance onto the physical property of another without the other person's consent.
 - B. The parent, parents or legal guardian with custody of a minor child shall be held liable for damages to another's property by the minor who intentionally, willfully, maliciously or wantonly marks, draws, writes, paints or etches with any material or substance onto the physical property of another without the other person's consent.
3. **Definitions:**
 - A. "Custody" means either legal custody of a child under a court order under s. 767.23 or 767.24, custody of a child under a stipulation under s. 767.10 or actual physical custody of a child.
 - B. "Custody" does not include legal custody as defined under s. 48.02(12), by an agency or a person other than a child's birth or adoptive parents.
 - C. Determining which parent has custody of a child for purposes of this ordinance, it shall be the parent(s) responsible for caring for and supervising the child at the time the act that caused the injury, damage or loss occurred.
4. **Penalty:** Any person found guilty of violating this ordinance or any part thereof shall be subject to the following penalties:
 - A. Each violation shall be subject to a forfeiture not to exceed \$10,000.00 together with assessments and costs of prosecution.
 1. First offense is subject to a minimum forfeiture of \$50.00 plus costs and assessments.
 2. Subsequent offenses within five years subject to a minimum forfeiture of \$100.00 plus costs and assessments.Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the county jail until said forfeiture is paid, but not exceeding ninety (90) days.
 - B. Costs of restitution may be assessed in which a period of conditional discharge will be effectuated in which the violator shall make restitution in an amount not to exceed actual loss or damage to property as ordered by the court. The court shall determine the amount and conditions of payment. When the condition of payment has not been satisfied, the court, at any time prior to the expiration or termination of the period of conditional discharge, may impose an additional period of time in order to make restitution.
 - C. In the event the violator fails to abide by the terms of the conditional discharge as ordered by the court, a contempt proceeding may be filed, and the court may impose other penalties allowed by law.

- D. The parent or parents with custody of a minor are liable along with the minor(s) for the cost of the repair or replacement of, or the removal of the etching, marking, drawing, writing or painting or removal of substances from the property damaged, as the result of a violation of this ordinance, as well as for a forfeiture, assessments and costs.
 - E. The maximum recovery from any parent or parents may not exceed the amount specified under Wis. Stat. ss. 799.01(1)(d) which claimed amount is \$5,000.00 or less for any one (1) act of a child, in addition to taxable costs, disbursements, and reasonable attorney fees as determined by the court.
 - F. If two (2) or more children in custody of the same parent or parents commit the same act the total recovery may not exceed the amount specified in Wis. Stat. s. 799.01(1)(d), in addition to taxable costs, disbursements and reasonable attorney fees as determined by the court.
 - G. This ordinance does not limit the amount of damage recoverable by an action against a child or children.
 - H. Any amount assessed for property damages and recovered from the parent or parents of the child or children shall not exceed the actual loss or damage to the property, and the amount recovered from the parent(s) shall be deducted from the total amount of damage due and owing from the child or children.
5. **Procedure for Enforcement of this Ordinance:**
- A. Enforcement shall be by citation with a conditional discharge subject to restitution as ordered by the court.
 - B. Schedule of deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court or the Sheriff of Door County, who shall provide a receipt therefore. Appearance may be mandatory and the amount of the bond schedule is hereto fixed at \$200.00 plus surcharges or such amount that the Circuit Court of Door County affixes.
 - C. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a forfeiture hereunder, shall not preclude the county or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
6. **Reference to Statutes:** Reference to specific Statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.
7. **Effective Date:** This Ordinance shall be effective upon adoption and publication by the Door County Board of Supervisors as provided by law.

(Ord. 40-96; 12/17/96)

31.27 ISSUE OF WORTHLESS CHECKS

1. This ordinance, designated as Chapter 31.27 of the Door County Code, is enacted under the authority granted by Sec. 59.54(22), Wisconsin Statutes.
2. Section 943.24, Wisconsin Statutes, or as subsequently amended or revised, to the extent such prohibits the issuance of worthless checks is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
3. Conduct which is the same as or similar to that prohibited by Section 943.24 Wisconsin Statutes, or as subsequently amended or revised, is prohibited by this ordinance.
4. A judge may order a violator to:
 - a. Pay a forfeiture of not less than \$10.00 nor more than \$1,000.00;
 - b. Pay all costs, fees and disbursements associated with the prosecution of the forfeiture action.
 - c. Make restitution under Section 800.093 Wisconsin Statutes, or as subsequently amended or revised.
 - d. Make any other payment authorized by law.
5. This ordinance shall take effect on the day following the date of publication.
6. Non-Exclusivity:
 - a. Commencement of an action under this section of the Code does not preclude concurrent prosecution in the Court assigned to exercise jurisdiction under Chapter 48 or 938 or 939 to 951 Wisconsin Statutes.
 - b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
7. Enforcement Procedures:
 - a. Issuance of a citation by law enforcement officers of the county.
 - b. Cash deposit based on the schedule established may be made which shall be delivered or mailed to the Door County Clerk of Court prior to the time of the scheduled court appearance. Receipts shall be given for cash deposits.
 - c. If a cash deposit is made and the person charged with a violation does not appear in court at the time specified, the violator will be deemed to have entered a plea of no contest, and to have submitted to a forfeiture and applicable assessment(s) and cost(s)
 - d. A person charged with a violation may enter a timely written stipulation of guilt or no contest and timely pay the required forfeiture, applicable assessment(s) and cost(s). Upon such stipulation and payment the person need not appear in court.

If no cash deposit is made and the person charged with a violation does not appear in court at the time specified, the court may issue a summons or warrant to compel the person's appearance or arrest or may consider the non-appearance to be a plea of no contest and enter judgment accordingly.

(Ord. 10-99; 6/22/99)

31.28 THEFT

1. **Authority.** This ordinance, designated as Chapter 31.28 of the Door County Code, is enacted under the authority granted by Sections 59.54(22) and 66.0113 Wis. Stats.
2. Section 943.20, Wis. Stats., or as subsequently amended or revised, to the extent such prohibits theft is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
3. Conduct which is the same as or similar to that prohibited by Section 943.20 Wis. Stats., or as subsequently amended or revised, is prohibited by this ordinance.
4. A judge may order a violator to:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00
 - b. Pay all costs, assessments, fees and disbursements associated with the prosecution of the forfeiture action.
 - c. Make restitution under Section 800.093 Wis. Stats., or as subsequently amended or revised.
 - d. Make any other payment authorized by law.
5. **Effective Date.** This ordinance shall take effect on the day following the date of publication.
6. **Non-Exclusivity:**
 - a. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
 - b. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter, including the concurrent prosecution in the Court assigned to exercise jurisdiction under Chapter 48 or 938 or 939 to 951 Wis. Stats.
 - c. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
7. **Enforcement Procedures:**
 - a. Issuance of a citation by law enforcement officers of the county.
 - b. The form of the citation shall be as prescribed in Section 66.0113(1)(b) Wis. Stats.
 - c. The alleged violator's options and procedures on default shall be as set forth in section 66.0113(3) Wis. Stats.
 - d. Deposits:
 1. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount.
 2. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Section 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits.
 3. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court.
 4. Receipts shall be given for deposits made.

(Ord. 32-00; 12/28/00)

31.29 FRAUD ON HOTEL OR RESTAURANT KEEPER OR TAXICAB OPERATOR

1. **Authority.** This ordinance, designated as Ch. 31.29 of the Door County Code, is enacted under the authority granted by Sec. 59.54(22) and 66.0113 Wis. Stats.
2. Sec. 943.21, Wis. Stats., or as subsequently amended or revised, to the extent such prohibits fraud on hotel or restaurant keeper or taxicab operator is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
3. Conduct which is the same as or similar to that prohibited by Sec. 943.21 Wis. Stats., or as subsequently amended or revised, is prohibited by this ordinance.
4. A judge may order a violator to:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00
 - b. Pay all costs, assessments, fees and disbursements associated with the prosecution of the forfeiture action.
 - c. Make restitution under Sec. 800.093 Wis. Stats., or as subsequently amended or revised.
 - d. Make any other payment authorized by law.
5. **Effective Date.** This ordinance shall take effect on the day following the date of publication.
6. **Non-Exclusivity:**
 - a. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
 - b. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
 - c. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
7. **Enforcement Procedures:**
 - a. Issuance of a citation by law enforcement officers of the county.
 - b. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
 - c. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
 - d. Deposits:
 1. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount.
 2. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits.
 3. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court.
 4. Receipts shall be given for deposits made.

(Ord. 26-00; 12/28/00)

31.30 RECEIVING STOLEN PROPERTY

1. **Authority.** This ordinance, designated as Ch. 31.30 of the Door County Code, is enacted under the authority granted by Sec. 59.54(22) and 66.0113 Wis. Stats.
2. Sec. 943.34, Wis. Stats., or as subsequently amended or revised, to the extent such prohibits receiving stolen property is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
3. Conduct which is the same as or similar to that prohibited by Sec. 943.34 Wis. Stats., or as subsequently amended or revised, is prohibited by this ordinance.
4. A judge may order a violator to:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00
 - b. Pay all costs, assessments, fees and disbursements associated with the prosecution of the forfeiture action.
 - c. Make restitution under Sec. 800.093 Wis. Stats., or as subsequently amended or revised.
 - d. Make any other payment authorized by law.
5. **Effective Date.** This ordinance shall take effect on the day following the date of publication.
6. **Non-Exclusivity:**
 - a. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
 - b. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
 - c. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
7. **Enforcement Procedures:**
 - a. Issuance of a citation by law enforcement officers of the county.
 - b. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
 - c. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
 - d. Deposits:
 1. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount.
 2. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits.
 3. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court.
 4. Receipts shall be given for deposits made.

(Ord. 31-00; 12/28/00)

31.31 RESISTING OR OBSTRUCTING OFFICER

1. **Authority.** This ordinance, designated as Ch. 31.31 of the Door County Code, is enacted under the authority granted by Sec. 59.54(22) and 66.0113 Wis. Stats.
2. Sec. 946.41, Wis. Stats., or as subsequently amended or revised, to the extent such prohibits resisting or obstructing officer is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
3. Conduct which is the same as or similar to that prohibited by Sec. 946.41 Wis. Stats., or as subsequently amended or revised, is prohibited by this ordinance.
4. A judge may order a violator to:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00
 - b. Pay all costs, assessments, fees and disbursements associated with the prosecution of the forfeiture action.
 - c. Make restitution under Sec. 800.093 Wis. Stats., or as subsequently amended or revised.
 - d. Make any other payment authorized by law.
5. **Effective Date.** This ordinance shall take effect on the day following the date of publication.
6. **Non-Exclusivity:**
 - a. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
 - b. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
 - c. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
7. **Enforcement Procedures:**
 - a. Issuance of a citation by law enforcement officers of the county.
 - b. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
 - c. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
 - d. Deposits:
 1. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount.
 2. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits.
 3. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court.
 4. Receipts shall be given for deposits made.

(Ord. 30-00; 12/28/00)

31.32 DAMAGE TO PROPERTY

1. **Authority.** This ordinance, designated as Ch. 31.32 of the Door County Code, is enacted under the authority granted by Sec.'s 59.54(22) and 66.0113 Wis. Stats.
2. Sec. 943.01, Wis. Stats., or as subsequently amended or revised, to the extent such prohibits damage to property is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
3. Conduct which is the same as or similar to that prohibited by Sec. 943.01 Wis. Stats., or as subsequently amended or revised, is prohibited by this ordinance.
4. A judge may order a violator to:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00
 - b. Pay all costs, assessments, fees and disbursements associated with the prosecution of the forfeiture action.
 - c. Make restitution under Sec. 800.093 Wis. Stats., or as subsequently amended or revised.
 - d. Make any other payment authorized by law.
5. **Effective Date.** This ordinance shall take effect on the day following the date of publication.
6. **Non-Exclusivity:**
 - a. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
 - b. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
 - c. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
7. **Enforcement Procedures:**
 - a. Issuance of a citation by law enforcement officers of the county.
 - b. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
 - c. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
 - d. Deposits:
 1. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount.
 2. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits.
 3. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court.
 4. Receipts shall be given for deposits made.

(Ord. 23-00; 12/28/00)

31.33 ENTRY INTO LOCKED COIN BOX

1. **Authority.** This ordinance, designated as Ch. 31.33 of the Door County Code, is enacted under the authority granted by Sec. 59.54(22) and 66.0113 Wis. Stats.
2. Sec. 943.125, Wis. Stats., or as subsequently amended or revised, to the extent such prohibits entry into locked coin box is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
3. Conduct which is the same as or similar to that prohibited by Sec. 943.125 Wis. Stats., or as subsequently amended or revised, is prohibited by this ordinance.
4. A judge may order a violator to:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00
 - b. Pay all costs, assessments, fees and disbursements associated with the prosecution of the forfeiture action.
 - c. Make restitution under Sec. 800.093 Wis. Stats., or as subsequently amended or revised.
 - d. Make any other payment authorized by law.
5. **Effective Date.** This ordinance shall take effect on the day following the date of publication.
6. **Non-Exclusivity:**
 - a. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
 - b. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter, including the concurrent prosecution in the Court assigned to exercise jurisdiction under Ch. 48 or 938 or 939 to 951 Wis. Stats.
 - c. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
7. **Enforcement Procedures:**
 - a. Issuance of a citation by law enforcement officers of the county.
 - b. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
 - c. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
 - d. Deposits:
 1. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount.
 2. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits.
 3. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court.
 4. Receipts shall be given for deposits made.

(Ord. 24-00; 12/28/00)

31.34 ENTRY ONTO A CONSTRUCTION SITE OR INTO A LOCKED BUILDING, DWELLING OR ROOM

1. **Authority.** This ordinance, designated as Ch. 31.34 of the Door County Code, is enacted under the authority granted by Sec. 59.54(22) and 66.0113 Wis. Stats.
2. Sec. 943.15, Wis. Stats., or as subsequently amended or revised, to the extent such prohibits entry onto a construction site or into a locked building, dwelling or room is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
3. Conduct which is the same as or similar to that prohibited by Sec. 943.15 Wis. Stats., or as subsequently amended or revised, is prohibited by this ordinance.
4. A judge may order a violator to:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00
 - b. Pay all costs, assessments, fees and disbursements associated with the prosecution of the forfeiture action.
 - c. Make restitution under Sec. 800.093 Wis. Stats., or as subsequently amended or revised.
 - d. Make any other payment authorized by law.
5. **Effective Date.** This ordinance shall take effect on the day following the date of publication.
6. **Non-Exclusivity:**
 - a. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
 - b. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
 - c. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
7. **Enforcement Procedures:**
 - a. Issuance of a citation by law enforcement officers of the county.
 - b. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
 - c. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
 - d. Deposits:
 1. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount.
 2. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits.
 3. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court.
 4. Receipts shall be given for deposits made.

(Ord. 25-00; 12/28/00)

31.35 LEWD AND LASCIVIOUS BEHAVIOR

1. **Authority.** This ordinance, designated as Ch. 31.35 of the Door County Code, is enacted under the authority granted by Sec. 59.54(22) and 66.0113 Wis. Stats.
2. Sec. 944.20, Wis. Stats., or as subsequently amended or revised, to the extent such prohibits lewd and lascivious behavior is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
3. Conduct which is the same as or similar to that prohibited by Sec. 944.20 Wis. Stats., or as subsequently amended or revised, is prohibited by this ordinance.
4. A judge may order a violator to:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00
 - b. Pay all costs, assessments, fees and disbursements associated with the prosecution of the forfeiture action.
 - c. Make restitution under Sec. 800.093 Wis. Stats., or as subsequently amended or revised.
 - d. Make any other payment authorized by law.
5. **Effective Date.** This ordinance shall take effect on the day following the date of publication.
6. **Non-Exclusivity:**
 - a. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
 - b. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
 - c. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
7. **Enforcement Procedures:**
 - a. Issuance of a citation by law enforcement officers of the county.
 - b. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
 - c. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
 - d. Deposits:
 1. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount.
 2. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits.
 3. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court.
 4. Receipts shall be given for deposits made.

(Ord. 27-00; 12/28/00)

31.36 BAIL JUMPING

1. **Authority.** This ordinance, designated as Ch. 31.36 of the Door County Code, is enacted under the authority granted by Sec.'s 59.54(22) and 66.0113 Wis. Stats.
2. Sec. 946.49, Wis. Stats., or as subsequently amended or revised, to the extent such prohibits bail jumping is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
3. Conduct which is the same as or similar to that prohibited by Sec. 946.49 Wis. Stats., or as subsequently amended or revised, is prohibited by this ordinance.
4. A judge may order a violator to:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00
 - b. Pay all costs, assessments, fees and disbursements associated with the prosecution of the forfeiture action.
 - c. Make restitution under Sec. 800.093 Wis. Stats., or as subsequently amended or revised.
 - d. Make any other payment authorized by law.
5. **Effective Date.** This ordinance shall take effect on the day following the date of publication.
6. **Non-Exclusivity:**
 - a. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
 - b. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
 - c. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
7. **Enforcement Procedures:**
 - a. Issuance of a citation by law enforcement officers of the county.
 - b. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
 - c. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
 - d. Deposits:
 1. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount.
 2. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits.
 3. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court.
 4. Receipts shall be given for deposits made.

(Ord. 22-00; 12/28/00)

31.37 CARRYING A FIREARM IN PUBLIC BUILDINGA) AUTHORITY / CONSTRUCTION:

1. This ordinance is enacted under the authority granted by Sec. 59.54(22) and 66.0113 Wis. Stats.
2. For the purposes of construction and enforcement of this ordinance, all references to the Wisconsin Statutes shall be as those statutes presently exist or as they may be hereafter revised.

B) PROHIBITIONS.

1. Sec. 941.235 Wis. Stats., as it presently exists or may be hereafter revised, is incorporated herein by reference as if fully set forth.
2. Any act required to be performed or prohibited by Sec. 941.235 Wis. Stats. is required or prohibited by this ordinance.
3. No person, except those listed in Sec. 941.235(2)(a)-(e) Wis. Stats., may go armed in a public building owned or leased by the County of Door.

C) PENALTIES.

1. Violators shall:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.00.
 - b. Pay costs, fees and surcharges imposed under Ch. 814 Wis. Stats.
 - c. Make restitution under Sec. 800.093 Wis. Stats
 - d. Make any other payment authorized by law.

D) ENFORCEMENT PROCEDURES.

1. Issuance of a citation by law enforcement officers of the county.
2. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
3. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
4. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court. Receipts shall be given for deposits made.

E) NON-EXCLUSIVITY:

1. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
2. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
3. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

This ordinance supersedes any prior ordinance or resolution pertaining to the same subject matter. Chapter 31 Door County Code shall remain unchanged and shall continue in full force and effect except as amended by this ordinance. This Amending Ordinance shall be in full force and effect from and after its enactment and publication. (Ord. 28-00; 12/28/00) **(Ord. 2012-06; 01/24/12)**

31.38 POSSESSION OF SYNTHETIC CANNABINOIDS OR BATH SALTS

(Chapter 31.38 was formerly "Providing Proper Shelter to Animal"... now incorporated into 31.10 Crimes Against Animals.)

A) AUTHORITY / CONSTRUCTION:

1. This ordinance is enacted under the authority granted by Sections 59.54(6), 59.54(25g) and/or 66.0113 Wisconsin Statutes.
2. For the purposes of construction and enforcement of this ordinance, all references to the Wisconsin Statutes shall be as those statutes presently exist or as they may be hereafter revised.

B) PROHIBITIONS:

1. The possession of any controlled substance (i.e., synthetic cannabinoids) specified in Section 961.14 (4)(tb) to (ty) Wisconsin is prohibited.
2. Any act prohibited by Section 961.41(3g)(em) Wisconsin Statute (re: synthetic cannabinoids or a controlled substance analog of synthetic cannabinoids) is prohibited by this ordinance.
3. Any act prohibited by Section 961.41(3g)(d) Wisconsin Statutes (re: MDPV and mephedrone or a controlled substance analog of MDPV or mephedrone) is prohibited by this ordinance.

C) PENALTIES:

1. Violators shall:
 - a. Pay a forfeiture of not less than \$100.00 nor more than \$1,000.00.
 - b. Pay costs, fees and surcharges imposed under Chapter 814 Wisconsin Statutes.
 - c. Make restitution under Section 800.093 Wisconsin Statutes.
 - d. Make any other payment authorized by law.

D) ENFORCEMENT PROCEDURES:

1. Issuance of a citation by law enforcement officers of the county.
2. The form of the citation shall be as prescribed in Section 66.0113(1)(b) Wisconsin Statutes.
3. The alleged violator's options and procedures on default shall be as set forth in Section 66.0113(3) Wisconsin Statutes.
4. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Section 66.0113(1)(c), Wisconsin Statutes, in accordance with the schedule of cash deposits. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court. Receipts shall be given for deposits made.

E) NON-EXCLUSIVITY:

1. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
2. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
3. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

This ordinance supersedes any prior ordinance or resolution pertaining to the same subject matter. Chapter 31 Door County Code shall remain unchanged and shall continue in full force and effect. This Amending Ordinance shall be in full force and effect from and after its enactment and publication. (Ord. 2012-17; 5/22/12)

31.39 NUISANCE**1. Authority**

- a. This ordinance, designated as Section 31.39 of the Door County Code, is enacted under the authority granted by Sections 59.02, 59.03, 59.04, 59.54, 66.0113 and/or Ch. 823 Wisconsin Statutes.

2. Definitions

- a. "Nuisance" means a condition or situation (e.g., a loud noise, a foul odor, a condition or situation dangerous to health or safety, or a condition or situation unlawfully obstructing the public in the free use of public property) which annoys, injures or endangers the safety, health, comfort or repose of others. If the public is injured in its civil or property rights or privileges or in respect to public health or safety to any degree, a nuisance exists. "Nuisance" includes, but is not limited to, the following acts, conditions, conduct, omissions, or things:
 1. Accumulations of putrescible and nonputrescible solid wastes in which disease-carrying insects, rodents, or other vermin are present or may reasonably be expected to be present.
 2. The emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odor, effluvium or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, inconvenience, or injure the health of any appreciable number of persons.
 3. Any structure that is in a state of dilapidation, deterioration or decay; or is of faulty construction; or is abandoned; and open to intrusion, so as to endanger the health, peace, and safety of the public.
 4. Any structure offered for lease for purpose of human habitation which is in such condition (e.g. old, dilapidated, or out of repair, as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation) that inhabitants can not live free of unreasonable risk to their health and safety.
 5. Any motor vehicle not in working order or that lacks current legal registration or is disassembled and which is stored outside, except at a place of business properly licensed to store junk vehicles.
 6. All unreasonably loud, annoying, or unusual noise which offends the peace and quiet of persons of ordinary sensibilities. The test for a potential violator is simply the time honored and time validated reasonable person test, i.e. what effect will my conduct have upon persons in the vicinity under the circumstances.
 7. Any obstruction (e.g., vegetation, structure, or other object) so located as to prevent persons operating vehicles approaching an intersection of roads from having a clear safe view of traffic approaching such intersection.
 8. Any thing (e.g., vegetation, structure, or other object) which projects over a public right-of-way or public road, which hinders or impedes travel or field of vision, or constitutes a traffic hazard.

9. Any explosive, inflammable liquid, combustible material, or other hazardous substance stored or used in any manner which endangers the health and safety of the public.
 10. All drink or food offered for sale to the public which is not safe or fit for human consumption.
 11. Any animal or animals: kept or maintained in unsanitary conditions or surroundings; running at large; or that persistently bark, howl or make other excessive noise.
 12. Failure to make reasonable efforts to control nuisance weeds.
- b. "Person" means any individual, firm, partnership, association, institution, agency, corporation, or governmental entity.

3. Jurisdiction

- a. This ordinance shall be applicable to the unincorporated areas of the County of Door, State of Wisconsin.

4. Relationship to Other Laws

- a. The enactment of this ordinance shall not preclude the County of Door from enacting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matters.
- b. The procedures and remedies set forth herein may be used in the alternative or in consonance with or in lieu of any other remedy or procedure authorized by law.
- c. Neither commencement of an action, nor legal remedy granted, under this ordinance may be deemed former jeopardy for purposes of concurrent or subsequent criminal proceedings relating to the same or any other matter.

5. Prohibition

- a. No person shall cause, continue, maintain or permit to exist any nuisance.
- b. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

6. Penalty

- a. Any person violating this ordinance shall:
1. Forfeit not less than \$10.00 nor more than \$500.00 for each offense; and
 2. Abate or remove such nuisance summarily and/or within a defined time period.
 3. Be enjoined or restrained from further violation.
 4. Pay the fees, costs and disbursements incurred by County associated with prosecution of the action.
- b. If a nuisance is not abated or removed, County may cause the abatement or removal of such nuisance. Any person who fails to remove or abate any nuisance after being ordered to do so, shall be liable to the County for the actual costs of abatement or removal. A lien shall be imposed on the real property from

which the nuisance was abated or removed to secure payment of such costs.

7. Enforcement

- a. County may cause written notice identifying the property, providing notice of the existence of a nuisance, and demand for abatement or removal within a specified time period, to be issued to the owner and/or occupant of the property where the nuisance exists and/or the person causing, permitting or maintaining such nuisance and/or post a copy of the notice on the property where the nuisance exists. If the owner and/or occupant fails to comply, County may enter the property and abate or remove the nuisance. The person causing, permitting or maintaining such nuisance shall be liable for costs of abatement or removal. Any person affected by such determination shall, within thirty (30) days of receiving notice, apply to the circuit court for an order enjoining or restraining the County from entering the property and abating or removing the nuisance, or be forever barred.
- b. If any nuisance exists and public health, peace or safety requires that it be summarily abated or removed, the County may proceed to abate or remove the nuisance without judicial declaration. The person causing, permitting or maintaining such nuisance shall be liable for costs of abatement or removal. If practicable, County should endeavor to provide notice and demand as provided in par. (a) supra.
- c. County may issue a citation, pursuant to and in accordance with Section 66.0113 Wisconsin Statutes and Chapter 35 Door County Code.
- d. County may institute other proceedings in any court of competent jurisdiction and pursue any remedy or relief afforded by law

8. Purpose

- a. The dominant aim of this ordinance is the protection of the public from nuisances that threaten health and safety.

9. Severability

- a. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

10. Effective Date

- a. This ordinance shall take effect on the day following the date of publication.

(Ord. 01-02; 01/29/02)

31.40 PROHIBITION OF POSSESSION, SALE AND USE OF TOXIC INHALANTS (INHALING TOXIC VAPORS FOR EFFECT)

1. This Ordinance, designated as Chapter 31.40 of the Door County Code, is enacted under the authority granted by Wisconsin Statute Section 59.54(22) and Section 66.0113.
2. Section 941.315, Wisconsin Statutes, or as subsequently amended or revised, to the extent such prohibits the possession, distribution or delivery of nitrous oxide is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
3. Conduct which is the same or similar to that prohibited by Section 941.315 Wisconsin Statutes, or as subsequently amended or revised, is prohibited by this Ordinance.
4. **Definitions:**
 - A. **Toxic Vapors** – As used in this Section, the term “toxic vapors” shall mean the vapors of the following compounds or the vapors of products containing such compounds:
 - (1) **Surface Coatings:** Acrylonitrile; butyl alcohol; camphor; cyclohexanone; ethyl acetate; ethyl benzene; glycidol; hexane; sec-hexyl acetate; lead; manganese; mercury; mesityl oxide; methyl alcohol; methyl (n-amyl) ketone; 5-methyl-3-heptone; naphtha; 2-pentanone (MPK); 1-propyl acetate; 1,1,2,2-tetrachloroethane.
 - (2) **Solvents:** Acetate, acetone; acetonitrile; benzene; butyl alcohol; butyl mercaptain; carbon disulfide; carbon tetrachloride; cresol; cumene; cyclohexane; cyclohexanone; 1,2-dichloroethylene; dimethyl sulfate; ethanol; ethyl bromine; ethylene dichloride; hexane; isopropyl alcohol; mesityl oxide; methylal; methyl acetate; methyl alcohol; methyl chloroform; methyl ethyl ketone; methyl isobutyl ketone; methyl cellosolve; methylcyclohexanol; methylene chloride; naphtha; naphthalene; 1-nitropropane; n-propyl acetate; pyridine; stoddard solvent; 1,1,2,2-tetrachloroethane; tetrachloroethylene, tetrahydrofuran; toluene; toluol; trichloroethane; trichloroethylene; 1,2,3-trichloropropane; triorthoscesyl phosphate; xylene;
 - (3) **Narcotics:** 1,3-butadiene; tert-Butyl chromate; chlorobromomethane (Halon); methyl chloride; 1,2,3-trichloropropane; trifluorobromemethane (Halon);
 - (4) **Fuel additives:** Decaborane; diborane; L.P.G.; methyl hydrazine; phosphorus pentasulfide; petroleum ether; propane; tetraethyl lad; tetramethyl lead; tetranitromethane; tin;
 - (5) **Automotive antifreeze:** 1,2-dimethylhydrazine;
 - (6) **Photographic developers:** Hydroquinone;
 - (7) **Medical apparatus:** Mercury;
 - (8) **Paper impregnation:** Diphenyl;
 - (9) **Flame resistance/water proofing:** Pentachloronaphthalene; pentachlorophenol
 - (10) **Anti-corrosion:** Hydrazine; pentaborane;

- (11) **Combustibles:** n-Butyl glycidyl ether;
- (12) **Explosives:** Dinitrobenzene; 2,4,6-trinitrotoluene;
- (13) **Antiseptics/sanitizers:** Bromine, iodine;
- (14) **Pesticides:** Aldrin; 2-aminopyridine; azinphos-methyl (Guthion) butyl mercaptan; camphor; carbaryl (Sevin); carbon disulfide; carbon tetrachloride; chlordane; chlorinated camphene; cyanides; 2,4-D; DDT; demeton; dichlorvos; dieldrin; demethyl-1,2-dibromo-2; 2-dechloroethyl phosphate; endrin; EPN; ethylene chlorohydrin; ethylene dichloride; fluorides; heptachlor; hydrogen cyanide; lindane; malathion; methyl bromide; methyl formate; methyl hydrazine; methyl iodide; naphthalene; nicotine; parathion; phosdrin; pyrethrum; rotenone; sodium fluoroacetate; strychnine; sulfuric fluoride; TEPP; tellurium; TEPP; 1,1,2,2-tetrachloroethane; thallium; tin.
- (15) **Nitrous Oxide**
 - B. **Common examples:** The following shall serve as examples of common products containing toxic vapor compounds, but is not meant to limit the prohibitions contained herein: glue, paint, gasoline, aerosol, adhesive cement.
- 5. **Use or Possession.** It shall be unlawful for any person intentionally to smell or inhale toxic vapors or fumes from toxic inhalants for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses or nervous system, or to possess, buy or use any such substance for the purpose of violating or aiding another to violate this section.
- 6. **Under the Influence.** It shall be unlawful for any person to be intentionally under the influence of any toxic vapors.
- 7. **Sale.**
 - A. It shall be unlawful for any person who knows, or should know that a substance or compound releases toxic vapors that could be used for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulled senses or nervous system to sell, give, deliver, or furnishing any substance releasing toxic vapors to any minor without the personal or written consent of parent, guardian, or other person or persons having legal care or custody of such minor.
 - B. It shall be unlawful for any person, except a person who is at the time of such sale actually employed by or engaged in operating a bona fide commercial establishment at a fixed location, to sell to any other person any substance or compound releasing toxic vapors, and all sales of such substance not made in or from such establishment not made in or from such an establishment shall be unlawful.
 - C. It shall be unlawful for any person knowingly to sell or offer for sale, deliver, or give away to any other person, or to knowingly assist or aid another in the sale or offer for sale, deliver or give away to any other person, any substance or compound releasing toxic vapors, where the seller, offerer, deliverer or donor knows or has reason to believe that such substance or compound will be used for the purpose of inducing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulled senses or nervous system.

8. **Exception:** This section shall not apply to the inhalation of anesthesia for medical or dental purposes.
9. **Penalties.**
 - A. Any person found guilty of violating this Ordinance or any part of this Ordinance shall be subject to a forfeiture of not less than \$50.00 nor more than \$1000.00 dollars, together with court costs and costs of prosecution. Failure to make a payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed thirty (30) days.
10. **Procedure for Enforcement of this Ordinance.**
 - A. Issuance of a citation shall be by law enforcement officers of Door County.
 - B. The form of the citation shall be as prescribed in Wis. Stat. Section 66.0113(1)(b).
 - C. The alleged violator's options and procedures on default shall be as set forth in Wis. Stat. Section 66.0113(3).
 - D. Schedule of Deposits.
 - (1) The alleged violator may elect to make a deposit, in cash, money order or certified check of the specified amount to the Door County Clerk of Court.
 - (2) Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Wis. Stat. Section 66.0113(1)(c), in accordance with the schedule of cash deposits.
 - (3) Receipts shall be given for deposits made.
 - E. Any person, firm, or corporation violating any subsection of this Ordinance may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to the schedule prescribed by the Circuit Court of Door County, which is presently set forth above in this Ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Stat. §66.0114.
 - F. Adoption of this Ordinance does not preclude the Door County Board of Supervisors from adopting any other ordinance relating to the same or other matter. An issuance of a forfeiture hereunder, shall not preclude the County or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
11. **Reference to Statutes.** Reference to specific statutory sections whenever used in this Ordinance shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the Wisconsin State Legislature.
12. **Effective Date.** This Ordinance shall be effective upon adoption and publication by the Door County Board of Supervisors as provided by law.

(Ord. 2004-19; 09/29/04)

31.41 VEHICLE ABANDONMENT PROHIBITED; REMOVAL; DISPOSAL

- (1) Purpose and Authority. The purpose of this section is to meet the particular problems arising out of the abandonment of vehicles on public or private property such as, but not limited to, interference with the use and maintenance of public and private property, hindrance of snow removal efforts on public property and aesthetic abuse that are caused by the abandonment of vehicles on public and private property. This section is enacted under the authority of Section 342.40, Wis. Stats., and Section 349.13 Wis. Stats.
- (2) General Provisions
Section 342.40 Wisconsin Statutes, or as subsequently amended or revised, is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
- (3) Abandonment Prohibited
Vehicle abandonment prohibited by Section 342.40 Wisconsin Statutes, or as subsequently amended or revised, is prohibited by this ordinance.
Any motor vehicle, trailer, semitrailer or mobile home (hereinafter referred to as 'vehicles') left unattended for more than forty-eight (48) hours on any public highway, or private or public property without permission of the owner, is deemed abandoned and constitutes a public nuisance.
- (4) Removal
Vehicles deemed abandoned may be removed to a suitable place of impoundment by the Door County Sheriff's Department, per Section 342.40 Wisconsin Statutes, or as subsequently amended or revised.
Door County Sheriff's Department shall provide notice of a vehicle's removal and impoundment to any registered owner or lien holder of record as required by Section 342.40 Wisconsin Statutes, or as subsequently amended or revised.
- (5) Disposal
Door County Sheriff's Department shall dispose of any vehicles deemed abandoned as provided by Section 342.40 Wisconsin Statutes, or as subsequently amended or revised.
- (6) Monetary Penalties
An owner of any vehicle deemed abandoned, except a stolen vehicle, is responsible for all costs associated with the vehicle's abandonment, removal, impoundment and/or disposal
In addition, any owner of a vehicle deemed abandoned, removed and impounded, and/or disposed of, shall pay a minimum forfeiture of \$250.00 and all assessments, costs, disbursements, and fees associated with enforcement of this ordinance.
- (7) Effective Date
This ordinance shall take effect the day following the date of publication.
(Ord. 2005-21; 12/20/05)

31.42 DISPOSAL OF ABANDONED PROPERTY(1) Purpose and Authority.

The purpose of this section is to provide for a means of disposal of any personal property in Door County's possession that has been abandoned or remains unclaimed. The means described herein are deemed to be in the County's best interest.

This section is enacted under the authority of Section 66.0139 Wisconsin Statutes.

(2) Disposal

Unless otherwise specified herein, or in Chapter 177 Wisconsin Statutes, personal property, which has been abandoned or remains unclaimed, for a period of 30-days after the taking of possession of the property by Door County shall be disposed of in a sale open to the public. Receipts from the sale of, less expenses of keeping the property and conducting the sale, shall be paid to the Door County's general fund.

Money that has been abandoned, or remains unclaimed for a period of 30-days after the taking of possession of the money by Door County, shall be deposited in the County's general fund.

Negotiable securities that have been abandoned, or remain unclaimed for a period of 30-days after the taking of possession of the negotiable securities by Door County, shall be converted to cash and deposited in the County's general fund.

Abandoned or unclaimed flammable, explosive, or incendiary substances, materials or devices shall be disposed of by the Door County Sheriff's Department as authorized by Section 66.0139 Wisconsin Statutes, or as subsequently revised or superseded.

Abandoned, unclaimed or seized dangerous weapons or ammunition may be retained by or disposed of by the Door County Sheriff's Department as authorized by Sections 66.0139 and 968.20 Wisconsin Statutes, or as subsequently revised or superseded.

If the identity and location of the rightful owner is known, a reasonable attempt will be made to return the abandoned or unclaimed property to the rightful owner per Section 66.0139 Wisconsin Statutes, or as subsequently revised or superseded.

Abandoned or unclaimed property (except dangerous weapons or ammunition, and flammable, explosive, or incendiary substances, materials or devices) will be returned to the rightful owner provided that, prior to sale, the person: produces proof of rightful ownership sufficient to satisfy Door County; and pays all costs in any way associated with Door County's keeping of the property.

(3) Inventory

An inventory of the property, a record of the date and method of disposal, including the consideration received (if any) and the name and address of the person taking possession of then property shall be maintained. This shall be kept as a public record for a period of not less than two years from the date of disposal of the property.

(4) Effective Date

This ordinance shall take effect the day following the date of publication.

(Ord. 2005-22; 12/20/05)

31.43 UNLAWFULLY OBTAIN OR POSSESS PRESCRIPTION DRUG OR CONTROLLED SUBSTANCE**(1) Authority.**

This ordinance, designated as Ch. 31.43 of the Door County Code, is enacted under the authority granted by Secs. 59.54(6) and 66.01113 Wis. Stats.

(2) Sec. 450.11(7)(a) Wis. Stats., or as subsequently amended or revised, to the extent such prohibits obtaining or attempting to obtain a prescription drug by alteration of a prescription order is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.

(3) Sec. 961.41(3g)(b) Wis. Stats., or as subsequently amended or revised, to the extent such prohibits a person from possessing or attempting to possess a controlled substance or controlled substance analog, other than a controlled substance included in schedule I or II that is a narcotic drug or a controlled substance analog of a controlled substance included in schedule I or II that is a narcotic drug, is hereby incorporated by reference and made a part of this ordinance as if fully set forth therein.

(4) Conduct which is the same as or similar to that prohibited by Secs. 450.11(7)(a) and 961.41(3g)(b) Wis. Stats., or as subsequently amended or revised, is prohibited by this ordinance.

(5) A judge may order a violator to:

- a. Pay a forfeiture of not less than \$50.00 nor more than \$1000;
- b. Pay all costs, assessments, fees and disbursements associated with the prosecution of the action;
- c. Make restitution under Sec. 800.093 Wis. Stats., or as subsequently amended or revised;
- d. Make any other payment authorized by law.

(6) **Effective Date.** This ordinance shall take effect on the day following the date of publication.

(7) Non-Exclusivity.

- a. The adoption and authorization for use of a citation under this section shall not preclude the governing body from adopting any other ordinance or providing for the enforcement or any other law or ordinance relating to the same or any other matter.
- b. The issuance of a citation under this section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter.
- c. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

(8) Enforcement Procedures:

- a. Issuance of a citation by law enforcement officers of the county.
- b. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
- c. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
- d. Deposits:
 1. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount.
 2. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits.
 3. Deposits shall be made in cash, money order, or certified check, to the Clerk of Court.
 4. Receipts shall be given for deposits made.

(Ord. 2006-08; 5/23/06)