

TOWN OF HAYWARD

ORDINANCE #03-2007

AN ORDINANCE DEFINING OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE

WHEREAS, the Town of Hayward has determined that it has a duty to promote the health, safety, morals, prosperity, aesthetics, public peace, order, and general welfare of the people within the Town of Hayward, and under the provisions of Section 66.0107.

NOW, THEREFORE, the Town Board of the Town of Hayward, Sawyer County, Wisconsin, does ordain as follows:

SECTION ONE: PURPOSE. This ordinance is enacted to promote the health, safety, morals, prosperity, aesthetics, public peace, order, and general welfare of the people within the Town of Hayward, and under the provisions of Section 66.0107.

SECTION TWO: OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

(1) STATE STATUTES ADOPTED. The statutory provisions following the prefix "03-2007" described and defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Town of Hayward, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Section Two (2). Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

03-2007.110.075(7)	Producing/using inspection sticker fraudulently.
03-2007.134.06	Motor vehicle sales/bonus to chauffeur prohibited.
03-2007.175.25	Illegal storage of junked vehicles.
03-2007.218.0145	Used cars/prohibited acts.
03-2007.218.0147	Motor vehicles/sale to minor.
03-2007.254.92	Purchase or possession of tobacco products by a person under 18 prohibited.
03-2007.939.05	Parties to crime
03-2007.939.22	Words and phrases defined.
03-2007.939.32	Attempt to commit felony or battery or theft.
03-2007.940.19(1)	Battery; substantial battery; aggravated battery.
03-2007.941.01	Negligent operation of vehicle (off roadway).
03-2007.941.10	Negligent handling of burning material.
03-2007.941.12(2), (3)	Interfering with fire fighting.
03-2007.941.13	False alarms.
03-2007.941.20(1)	Reckless use of weapons.
03-2007.941.23	Carrying concealed weapon.
03-2007.941.24	Possession of switchblade knife.
03-2007.941.35	Emergency telephone calls.
03-2007.941.37(1) (2)	Obstructing emergency or rescue personnel.

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03-2007.943.01(1)	Criminal damage to property (less than \$1,000).
03-2007.943.017(1)	Graffiti.
03-2007.943.11	Entry into locked vehicle.
03-2007.943.125	Entry into locked coin box.
03-2007.943.13	Trespass to land.
03-2007.943.14	Criminal trespass to dwelling.
03-2007.943.145	Criminal trespass to a medical facility.
03-2007.943.15	Entry onto a construction site or into a locked building, dwelling or room.
03-2007.943.20	Theft (\$2,500 or less).
03-2007.943.21	Fraud on hotel or restaurant keeper (\$2,500 or less).
03-2007.943.22	Use of cheating tokens.
03-2007.943.23(4m)	Operate auto without owner's consent.
03-2007.943.24(1)	Issue of worthless checks (less than \$2,500).
03-2007.943.34(1)	Receiving stolen property (value less than \$2,500).
03-2007.945.45	Theft of telecommunications service.
03-2007.945.455	Theft of commercial mobile service, first offense.
03-2007.943.46	Theft of cable <u>television</u> service, first offense.
03-2007.948.63	Property from children
03-2007.943.37	Alteration of property identification marks.
03-2007.943.41	Credit card crimes (value less than \$2,500).
03-2007.943.50	Retail theft (shoplifting) (value less than \$2,500).
03-2007.944.17	Sexual Gratification
03-2007.944.20	Lewd and lascivious behavior.
03-2007.944.30	Prostitution.
03-2007.944.31	Patronizing prostitutes.
03-2007.944.33(1)	Pandering.
03-2007.944.36	Solicitation of drinks prohibited.
03-2007.945.01	Definition related to gambling.
03-2007.945.02	Gambling.
03-2007.945.04	Permitting premises to be used for commercial gambling.
03-2007.945.07	Gambling by participants in contest.
03-2007.946.06	Improper use of flag.
03-2007.946.32(2)	False swearing.
03-2007.946.40	Refusing to aid officer.
03-2007.946.41(1)	Resisting or obstructing officer
03-2007.946.42(1)(2)	Escape.
03-2007.946.45	Negligently allowing escape.
03-2007.946.49(1a)	Bail jumping.
03-2007.946.495	Violation of non-secure custody order.
03-2007.946.67	Compounding crime.
03-2007.946.68	Simulating legal process.
03-2007.946.70(1)	Impersonating peace officer.
03-2007.946.72(2)	Tampering with public records and notices.
03-2007.947.01	Disorderly conduct.
03-2007.947.012	Unlawful use of telephone.
03-2007.947.0125	Unlawful use of computerized communication systems.

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03-2007.947.013(1m) (lr)	Harassment.
03-2007.947.06	Unlawful assemblies.
03-2007.948.51(3a)	Hazing.
03-2007.948.60(1)	Possession or goes armed with a dangerous weapon by a minor.
03-2007.951.01 thru 951.18	Crimes against animals (non-felony).
03-2007.961.573(1)(2)	Possession of drug paraphernalia.
03-2007.961.574(1)(2)	Manufacture of delivery of drug paraphernalia.
03-2007.961.575(1)(2)	Delivery of drug paraphernalia to a minor.

(2) PENALTY PROVISIONS. Except as otherwise provided, any person who shall violate any of the provisions of this section shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

(a) First Offense. Any person who shall violate any provision hereof shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with comi costs and court assessments.

(b) Second Offense. Any person found guilty of violating any provisions hereof, who has previously been convicted of a violation of the same provision within one year shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with court costs and court assessments.

(c) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in the Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(d) Execution Against Defendant's Propeliy. Whenever any person fails to pay any forfeiture and court costs and court assessments upon the order of any court for violation of any provisions hereof, the Court may issue an execution against the property of the defendant for such forfeiture and costs.

(e) Penalty. In addition to the general forfeiture provisions of this Code or any other forfeiture imposed for violation of any Section of this Ordinance, any person who shall cause physical damage to or destroy any public propeliy shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Ordinance to the District Attorney's office in the interest of justice.

(f) Attempt.

(1) Whoever attempts to commit an act prohibited by this ordinance may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.

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(2) An attempt to commit an act prohibited by the ordinances in Section Two requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

(g) Parties to Acts Prohibited in Section Two.

(1) Whoever is concerned in the commission of an act prohibited by this ordinance is a principle and may be charged with and convicted of the commission of said act although he did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.

(2) A person is concerned in the commission of an act prohibited by these ordinances if he:

a. Directly commits the act; or

b. Intentionally aids and abets the commission of it; or

c. Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his mind and no longer desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before commission of the violation so as to allow the others also to withdraw.

SECTION THREE: CITATIONS.

(a) With respect to this Ordinance, issuance of citations under Section 66.0113, Wis. Stats., is hereby authorized.

(b) The Clerk of Circuit Court, Sawyer County, Wisconsin, shall have the authority to accept cash deposits for forfeitures and/or bond pursuant to the schedule set forth above, or as ordered by the Circuit Court for Sawyer County.

(c) All of the provisions of Section 66.0113, Wis. Stats., are hereby incorporated herein by reference and shall be considered to be part of this Ordinance in total.

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SECTION FOUR: CONFLICTS. Any Ordinance or portion thereof in conflict with the terms of this Ordinance is hereby repealed to the extent of said conflict.

SECTION FIVE: SEVERABILITY. If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION SIX: EFFECTIVE DATE. This ordinance shall take effect upon its passage and publication as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Hayward on March 20, 2007.

The Original Ordinance is on file at the Town of Hayward