

CHAPTER 3

Offenses Against Property

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SEC. 9-3-1 DESTRUCTION OF PROPERTY PROHIBITED.

- (a) No person shall wilfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Village and belonging to the Village or its departments, the school district, or to any private person, without the consent of the owner or proper authority.
- (b) Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed One Thousand (\$1,000.00) Dollars.

SEC. 9-3-2 LITTERING PROHIBITED.

- (a) **LITTERING PROHIBITED.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys highways, public parks or other property of the Village, or upon property within the Village owned by the school district or any private person, or upon the surface of any body of water within the Village.
- (b) **LITTER FROM CONDUCT OF COMMERCIAL ENTERPRISE.**
 - (1) Scope. The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
 - (3) Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Village shall arrange to have the same picked up by Village personnel or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty (20%) percent for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not

promptly paid, steps shall be taken, with the advice of the Village Attorney, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.

- (c) **DUMPING OF REFUSE AND GRASS IN GUTTERS.** No person shall deposit any refuse, leaves or grass clippings in any gutter along any public street, road, alley or highway.
- (d) **HANDBILLS.**
 - (1) **Scattering Prohibited.** It shall be unlawful to deliver any handbills or advertising matter to any premises in the Village except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building or vehicle so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
 - (2) **Papers in Public Places Prohibited.** It shall be unlawful to leave any handbills, advertising matter or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

SEC. 9-3-3 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

SEC. 9-3-4 ABANDONED REFRIGERATORS PROHIBITED.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

SEC. 9-3-5 RETAIL THEFT.

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession, or the full purchase price may be penalized as provided in subsection (d).
- (b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

- (c) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (d) PENALTY. If the value of the merchandise does not exceed One Hundred (\$100) Dollars, any person violating this Section shall forfeit not more than Two Hundred (\$200) Dollars. If the value of the merchandise exceeds One Hundred (\$100) Dollars, this Section shall not apply and the matter shall be referred to the County District Attorney for criminal prosecution.

State Law Reference: Section 943.50, Wis. Stats.

SEC. 9-3-6 STORAGE OF JUNK, ETC., REGULATED.

No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks, or other unsightly debris which substantially depreciates property values in the neighborhood except in an enclosure which houses such property from public view, or upon permit issued by the Village Board. The Village Board may require by written order any premises violating this Section to be put in compliance within the time specified in such order, and if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

Cross-Reference: Title 8, Chapter 4.

SEC. 9-3-7 ISSUANCE OF WORTHLESS CHECKS.

- (a) Whoever issues any check or other order for the payment of money less than Five Hundred (\$500.00) Dollars which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
- (b) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
 - (1) Proof that at the time of issuance, the person did not have an account with the drawee; or
 - (2) Proof that at the time of issuance, person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
 - (3) Proof that when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.
- (c) This section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.

- (d) Any person violating any provisions of this Section shall forfeit not less than Fifty (\$50.00) Dollars if the worthless check is for an amount equal to or less than One Hundred Fifty (\$150.00) Dollars and shall forfeit not less than One Hundred (\$100.00) Dollars if the worthless check is an amount greater than One Hundred Fifty (\$150.00) Dollars and less than Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment, imprisonment in the Fond du Lac County Jail until forfeiture and costs are paid but not to exceed sixty (60) days.

SEC. 9-3-8 DAMAGING OR TAMPERING WITH COIN MACHINES.

- (a) No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the Village.
- (b) In this Section, coin machine means any device or receptacle designed to receive money or anything of value. The term includes a depository box, parking meter, vending machine, pay telephone, money-changing machine, coin-operated phonograph and amusement machine if they are designed to receive money or other thing of value.

SEC. 9-3-9 DAMAGE TO PUBLIC PROPERTY.

- (a) **DAMAGING OF PUBLIC PROPERTY.** All persons are hereby prohibited from breaking or otherwise injuring any tree, shrub or plant; breaking, soiling or defacing any fountain, statue or other ornamental structure; or in any way injuring, soiling, damaging or defacing any public building or public property in any public park, square, sidewalk or ground in the Village, whether the same shall be owned or held in trust by said Village held in trust for the use of any district of said Village.
- (b) **BREAKING OF STREET LAMPS OR WINDOWS.** No person shall break glass in any street lamps or windows of any building owned or occupied by the Village.

SEC. 9-3-10 DISTURBING CEMETERY PROPERTY.

No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants or vines from any cemetery lot or property; nor shall any person deface, injure or mark upon any cemetery markers, headstones, monuments, fences, or structures; nor shall any person other than the owner injure, carry away or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot.

SEC. 9-3-11 PENALTIES.

In addition to the general penalty of this Code or any other penalty imposed for violation of any section of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 9-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes.