

Title 9

PUBLIC PEACE, MORALS AND WELFARE

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I. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

(Reserved)

II. OFFENSES AGAINST THE PERSON

(Reserved)

III. OFFENSES AGAINST PUBLIC DECENCY

(Reserved)

IV. OFFENSES AGAINST PUBLIC PEACE

Chapter 9.10

RESISTING OR OBSTRUCTING

Sections:

[9.10.010](#) Resisting or obstructing an officer – state statutes adopted.

9.10.010 Resisting or obstructing an officer – state statutes adopted. Wis. Stat. § 946.41 is adopted by reference and made a part of this chapter as if fully set forth herein. (Ord. 147-100 Sec. 1, 2004)

Chapter 9.15

HARASSMENT OF POLICE ANIMALS

Sections:

[9.15.010](#) Harassment of police and fire animals—state statutes adopted.

9.15.010 Harassment of police and fire animals—state statutes adopted. Wisconsin Statute § 951.095 is adopted by reference and made a part of this chapter as if fully set forth herein. (Ord. 151-12, Sec. 1 & 2, 2007) 343 7/17/07

Chapter 9.20

ABATEMENT ORDERS-DESIGNATION OF OFFICIAL TO MODIFY, AFFIRM OR WITHDRAW

Sections:

[9.20.010](#) Abatement orders-designation of official to modify, affirm or withdraw.

9.20.010 Abatement orders-designation of official to modify, affirm or withdraw. As authorized by Wis. Stats. §§ 59.02, 59.03, 59.54 and 173.03(2) the circuit court commissioner is designated to affirm, withdraw or modify abatement orders issued under Wis. Stat. § 173.11 by the county humane officer or any law enforcement officer.

A. Any person named in an abatement order may appeal such order to the circuit court commissioner within 10 days of service of the order. The notice of appeal must state the grounds for the appeal with specificity. The commissioner shall schedule a hearing to be held within 10 days of the receipt of the notice of appeal, unless the appellant agrees to a later date. The hearing shall be informal in nature. Within 10 days after the hearing, the commissioner shall determine whether to affirm, modify and affirm, or withdraw the abatement order and shall issue its decision in writing and serve it upon the appellant and other interested parties.

B. Any person adversely affected by a decision under A. may seek judicial review by commencing an action in circuit court within 30 days after the date of the decision. (Ord. 156-34, Sec. 1, 2012)

Chapter 9.30

THEFT

Sections:

[9.30.010](#) Theft.

9.30.010 Theft – state statutes adopted. Wis. Stat. § 943.20 is adopted by reference and made a part of this chapter as if fully set forth herein. (Ord. 147-100 Sec. 2, 2004)

Chapter 9.35

FRAUD

Sections:

[9.35.010](#) Fraud.

[9.35.010](#) Fraud – state statutes adopted. Wis. Stat. ch. § 943 is adopted by reference and made a part of this chapter as if fully set forth herein. (Ord. 161-31, Sec. 4, 2017; Ord. 149-53, 2006)

Chapter 9.40

ASSEMBLIES

Sections:

[9.40.020](#) Purpose.
[9.40.030](#) Definitions.
[9.40.040](#) License--Required.
[9.40.045](#) License fee.
[9.40.050](#) Traffic control.
[9.40.060](#) Number of persons attending to be limited.
[9.40.070](#) Volume of sound restricted.
[9.40.080](#) Exemptions—Permanent places of assembly.
[9.40.090](#) Exemptions--Government-sponsored or other licensed assemblies.
[9.40.100](#) License--Conditions for issuance.
[9.40.110](#) License--Contents of application.
[9.40.120](#) License--Issuance.
[9.40.130](#) License--Revocation.
[9.40.140](#) Enforcement of provisions.
[9.40.150](#) Violation deemed nuisance.
[9.40.160](#) Right of entry for inspection.
[9.40.170](#) Violation--9.40.040--Penalty.
[9.40.180](#) Parades--Regulations.
[9.40.200](#) Violations--9.40.180--Penalty.

9.40.020 Purpose. It is the purpose of the county board of supervisors to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the county, in order that the health, safety and welfare of all persons in the county, residents and visitors alike, may be protected as provided in Wis. Stat. §§ 947.06 and 59.54 (6). (Ord. 161-13, Sec. 4, 2017; Sec.1 of Ord. dated August 25, 1970).

9.40.030 Definitions. As used in 9.40.040 through 9.40.200:

A. "Assembly" means a company of persons gathered together at any location at any single time for any purpose.

B. "Assembly grounds" means the entire area used for the assembly except camping facilities.

C. "Special event campground" is defined as set forth in Chapter DATCP 79 which is licensed and operated solely in conjunction with a licensed assembly.

D. "Person" means an individual partnership, association, firm, company, corporation, municipality, town or state agency, whether tenant, owner lessee or licensee, or the agent, heir, or assignee of any of these as applicable. (Ord. 160-17, Sec. 1, 2017; Ord. 156-001, Sec. 1, 2012; Ord. 136-82, Secs. 3-5, 1992; Sec.2(B) of Ord. dated August 25, 1970).

9.40.040 License--Required. No person shall hold an assembly of 1,000 or more people which continues or can reasonably be expected to continue for 4 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the sheriff, application for which must be made at least 45 days in advance of the assembly to the sheriff. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly. Assembly activities shall cease no later than 12:00 midnight. Any assembly with an accompanying campground is required to apply for a special event campground license under board of health regulation Chapter 3. (Ord. 160-17, Sec. 2, 2016; Ord. 147-45, Sec. 1, 2003; Ord.140-124, Sec.5, 1997; Ord. 136-82, Sec.6, 1992; Ord. 133-97 Sec.1, 1990; Sec.1 and (part) of Res. dated September 29, 1970; Sec.2(A) of Ord. dated August 25, 1970).

9.40.045 License fee. A separate license shall be required for each location in which 1,000 or more people assemble or can reasonably be anticipated to assemble. The fee for each license shall be based on estimated ticket sales:

A. \$200 for an assembly of up to 10,000 people;

B. \$400 for an assembly of 10,001 to 20,000 people;

C. \$600 for an assembly of more than 20,000 people.

(Ord. 160-17, Sec. 3, 2016; Ord. 145-54, Sec. 5, 2001).

9.40.050 Traffic control. The sheriff or designee shall determine the number of deputies needed to provide law enforcement services, including but not limited to, traffic control on public highways and shall charge a fee which will pay for such services. (Ord. 145-54, Sec. 6, 2001; Ord. 133-97 Sec.2, 1990; Res. (part) dated September 29, 1970; Sec.2(C) of Ord. dated August 25, 1970).

9.40.060 Number of persons attending to be limited. A license shall permit the assembly of only the maximum number of people stated in the license as approved by the sheriff. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people. The licensee shall not sell campsites nor admit camping units to the camp ground facilities in excess of the number approved on the license.(Ord. 160-17, Sec. 4, 2016; Ord. 137-10, Sec. 1, 1993; Sec.2(D) of Ord. dated August 25, 1970).

9.40.070 Volume of sound restricted. The sound level at the property line of the assembly shall not exceed 70 decibels on the A scale slow response between the hours of 10:01 a.m. and 11:59 p.m. There shall be no amplified music after 12:00 midnight. Sound monitoring will be performed by Eau Claire City-County Health Department staff using a calibrated sound monitoring unit for a fee established by the Board of Health. (Ord. 160-17, Sec. 5, 2016; Ord. 133-97 Sec.3, 1990; Sec.2 (E) of Ord. dated August 25, 1970).

9.40.080 Exemptions—Permanent places of assembly. This legislation shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly. (Ord. 147-45, Sec. 2, 2003; Sec.2(F) of Ord. dated August 25, 1970).

9.40.090 Exemptions--Government-sponsored or other licensed assemblies. This legislation shall not apply to government-sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other laws, rules, resolutions or ordinances and regulations of Eau Claire County. (Sec.2(G) of Ord. dated August 25, 1970).

9.40.100 License--Conditions for issuance. Before a license may be issued, the applicant shall first:

A. Determine the maximum number of people who will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly as approved by the sheriff;

B. If the assembly is open to the public, is for a duration of less than 3 weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission, the applicant shall indicate whether attendees will be allowed to carry firearms. If carrying of firearms will be prohibited, the applicant will provide documentation of how notice will be provided consistent with the requirements of Wis. Stats. § 943.13(1m)(c)3. and (2)(bm).

C. Provide proof that the applicant will furnish, at applicant's own expense, before the assembly commences:

1. A fence completely enclosing the proposed location, of sufficient height and strength and/or features of the land which act as a natural barrier to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, two of which must be connected to approved roadways suitable for ingress and egress by vehicular traffic, at least one at or near four opposite points of the compass. Alcoholic beverages can only be served, to adults within the assembly grounds, however fenced in alcohol sales and consumption is required if necessary to comply with state law,

2. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day, unless approved drinking water transport vehicles are available to transport and dispense an adequate supply of safe drinking water. One approved drinking water fountain or faucet shall be available for each 1,000 persons up to 10,000 with one additional for each additional 3,000 persons or fraction thereof. Single service drinking cups shall be available and dispensed in a sanitary manner at each water faucet that is not a water fountain. Reuse of single service drinking cups is prohibited between persons,

3. Separate enclosed toilets for males and females, meeting all state and local regulations, conveniently located throughout the grounds, sufficient to provide facilities in compliance with the following:

a. For events where alcohol is available 1 water closet and 2 urinals for each 200 males up to 600 with one water closet for each additional 600 males or fraction and one urinal for each additional 300 males or fraction.

b. For events where alcohol is available 3 water closets for each 150 females up to 600 with one water closet for each additional 150 females or fraction.

c. For events where alcohol is not available, 1 water closet and 1 urinal for each 200 males up to 600 with one water closet for each additional 600 males or fraction and one urinal for each additional 500 males or fraction.

d. For events where alcohol is not available, 2 water closets for each 200 females up to 600 with one water closet for each additional 250 or fraction.

e. A sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations.

f. The provision of portable handwash stations consisting of water under pressure, a wastewater storage tank, soap, and individual service towels, or hand sanitizer dispensers, shall be provided for each 5 water closets or urinals.

4. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2½ pounds of solid waste per person per day, together with a plan for holding in approved solid waste storage containers and a plan for collecting all such waste at least once each day of the assembly, and approved solid waste storage containers,

5. That conditions 2, 3 and 4 must be installed or provided for at least one day before the assembly and shall be approved in writing by the director of the city-county health department or designated representative, said designation to be in writing,

6. At least one emergency ambulance available for use at all times, staffed by two E.M.T.'s,

7. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot-candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly,

8. A parking area sufficient to provide parking space for the maximum number of people to be assembled, excluding those parking at campgrounds or being dropped off by taxi/shuttle/local rides, at the rate of at least one parking space for every four people,

9. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons,

10. Special event campgrounds. Camping facilities are operated in conjunction with an assembly must comply with all state and local requirements as set forth in the Wisconsin Administrative Code including, but not limited to, ATCP 79, ordinances of the county and board of health regulations Chapter 3. All camping facilities must be inspected, approved and licensed by the health department before the facilities can be used for camping,

a. All campsites must be developed at least 3 weeks prior to the assembly. Only those camping facilities fully developed and approved by the health department at a point 3 weeks prior to the date of the assembly will be issued a license.

b. At least one uniformed security guard as provided in 9.40.100 B. must be provided for each camping facility between 6:00 a.m. and 3:00 p.m. and at least two uniformed security guards for every 500 sold campsites or fraction thereof from 3:00 p.m. to 6:00 a.m.

c. Campsite density must be approved at the time of application by the health department.

11. Uniformed security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, or directly employed by the commercial establishment applying for the assembly license, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people, unless alcohol is served and then at least two security guards for every 500 people. At least one security guard shall be provided for every 1,000 people over 3,000 whether alcohol is served or not,

12. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the county, and sufficient emergency personnel to efficiently operate the required equipment,

13. A plan for motor vehicle ingress and egress on public roads and highways expected to be affected by the event,

14. A certificate of insurance, filed with the sheriff of Eau Claire County, or a general liability policy naming the county as an additional insured in the face amount of at least \$1,000,000 governing the entire period of the license, which shall indemnify and hold harmless the county or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly, or damage done to public or private property,

15. A master security plan, including uniformed security on foot during the entire event, diagrammed traffic flow patterns and provision for patrolling the parking area. (Ord. 161-13, 2017; Ord 160-17, Sec. 6 & 7, Ord. 156-001, Secs. 2-5, 2012; Ord. 155-13, Sec. 1-2, 2011; Ord. 149-049, Sec. 1, 2006; Ord. 144-48, 2000; Ord. 136-82, Secs.8-9; Ord. 136-82, Sec. 7, 1992; Ord. 133-97 Secs.5-16, 1990; Sec.3 of Ord. dated August 25, 1970).

9.40.110 License--Contents of application.

A. Application for a license to hold an actual or anticipated assembly of 1,000 or more persons shall be made in writing to the sheriff by filing copies with the sheriff at least 30 days in advance of such assembly. The sheriff shall immediately forward copies of the license application to the health department and the planning & development department.

B. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership, by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.

C. The application shall contain and disclose:

1. The name, age, residence and mailing address of all persons required to sign the application by B. and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent or more of the stock of said corporation;

2. The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owner(s) of all such property and owner(s) or holder(s) of any unrecorded leaseholds or vested property interests therein, if known;

3. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for and assembly of 1,000 or more people;

4. The nature of purpose of the assembly;

5. The total number of days and/or hours during which the assembly is to last;

6. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the county if the assembly is to continue overnight;

7. The maximum number of tickets to be sold, if any;

8. The plans of the applicant to limit the maximum number of people permitted to assemble;

9. The plans for fencing the location of the assembly and the gates contained in such fence;

10. The plans for supplying potable water including the source, amount available and location of outlets;

11. The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited;

12. The plans for holding, collection, and disposing of solid waste material;

13. The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;

14. The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps;

15. The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots and an emergency evacuation plan for vehicles and people;

16. The plans for telephone service including the source, number and location of telephones;

17. The plans for camping facilities, if any, including all required facilities and their location;
18. The plans for security, including the number of guards and their deployment;
19. The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment;
20. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers;
21. The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers.
22. Copies of all other permits and approvals required, including but not limited to, zoning and sanitary permits.

D. The application shall include the bond required in 9.40.100, and the license fee stated at 9.40.050. (Ord. 160-17, Sec. 8, 2016; Ord. 156-001, Sec. 6, 2012; Ord 149-049, Secs 1 & 2, 2006; Ord. 137-10, Secs.2-4, 1993; Ord. 136-82, Secs. 10-11, 1992; Ord. 133-97 Secs.17-19, 1990; Sec.4 of Ord. dated August 25, 1970).

9.40.120 License--Issuance. The application for a license shall be processed within 15 days of receipt and shall be issued if all conditions are complied with. (Ord. 147-45, Sec. 3, 2003; Ord. 133-97 Sec.21, 1990; Sec.5 of Ord. dated August 25, 1970).

9.40.130 License--Revocation. The license may be revoked by the sheriff or designee appointed to enforce the terms of this chapter at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with. All terms, plans and conditions of this chapter, except as provided for in 9.40.100 B. 5., must be completed 10 days prior to the date of the assembly and if the same are not completed, the license shall be revoked unless the sheriff or designee agrees in writing to extend the completion date. (Ord. 147-45, Sec. 4, 2003; Ord. 133-97 Sec.22, 1990; Sec.2 of Res. dated September 29, 1970: Sec.6 of Ord. dated August 25, 1970).

9.40.140 Enforcement of provisions. The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction. (Sec.7(A) of Ord. dated August 25, 1970).

9.40.150 Violation deemed nuisance. The holding of an assembly in violation of any provision or condition contained in this chapter is a public nuisance and may be abated as such. (Sec.7(B) of Ord. dated August 25, 1970).

9.40.160 Right of entry for inspection. The Eau Claire County sheriff's department, the Eau Claire City-County Health Department, and the applicable fire department shall at all times be allowed on the grounds to enforce the terms of this chapter, as provided in 1.12.010, and to maintain law and order at the assembly. (Ord. 133-97 Sec.23, 1990; Ord. (part) dated August 25, 1970).

9.40.170 Violation—9.40.040--Penalty. Any person who violates 9.40.040 of this chapter or who violates any condition upon which he is granted a license shall, upon conviction, forfeit not less than \$500.00 nor more than \$10,000.00, together with the costs of prosecution and in default of such forfeiture and costs, shall be imprisoned in the Eau Claire County jail until said forfeiture and costs are paid, but not to exceed 40 days for each violation. Each day of violation shall be considered a separate offense. (Ord. 147-103, Sec. 4, 2004; Sec.3 of Res. dated September 29, 1970; Sec.7(C) of Ord. dated August 25, 1970, Ord. 127-90 Sec.1, 1984).

9.40.180 Parades--Regulations.

A. All processions, parades, foot races, walkathons, bikeathons, bike races or any other activity occupying or marching in any highway, bikeway or public place in the county, except funerals, are forbidden unless a written permit therefor is first obtained from the sheriff and is in full force and effect at the time of the occupation or marching. It is unlawful for any person to participate in any of the aforementioned activities which have not been authorized by a written permit from the sheriff.

B. Written notice of the object, time and desired route of any of the aforementioned activities and the names of the officers or persons in charge of the same must be provided to the sheriff's department at least 30 days prior to the scheduled date of the event unless waived by the sheriff. The law enforcement authorities may designate to such aforementioned activity what highways and how much of each highway in width it may occupy with special reference to crowded thoroughfares through which such aforementioned activity may move. It shall be the duty of the chief officer or person in charge of such aforementioned activity to obey such designation when made. The sheriff may refuse to issue or may revoke such permit if the applicant, group, organization or person represented by the applicant has in previous years, in connection with a previous activity, violated the provisions of a similar permit, ordinance of the county, or laws of the state or United States; or if by reason of the nature of the proposed activity the sheriff shall be of the opinion that the granting of such permit will result in a breach of the peace, undue interference with traffic by those involved in such activity, or for other specific grounds contrary to public order and safety. (Ord. 144-101, Sec. 6; 2001; Ord. 127-90 Sec.2, 1984).

9.40.200 Violation--9.40.180--Penalty. Any person violating 9.40.180 or any order given under its authority shall, upon conviction thereof, be subject to a fine of not less than \$20.00 nor more than \$500.00 and the costs of prosecution, and in default of the payment of the fine and costs of prosecution, shall be imprisoned in the county jail until said fine and costs of prosecution are paid, but not to exceed 50 days. (Ord. 127-90 Sec.3, 1984).

Chapter 9.41

FALSE ALARMS

Sections:

- [9.41.010](#) False alarms prohibited.
- [9.41.020](#) Violation--Penalty.
- [9.41.040](#) Charges for false alarms.

9.41.010 False alarms prohibited. No person shall give or send or cause to be given or sent in any manner any alarm which he knows to be false.

9.41.020 Violation--Penalty. Any person who shall violate any provision of this chapter shall upon conviction incur a penalty as provided in Chapter 1.16.

9.41.040 Charges for false alarms.

A. "False alarm" means an alarm signal which elicits a response by the police when a situation requiring a response by the police does not in fact exist.

B. Any person having a burglar, hold-up or any type of intrusion alarm shall be charged the following fees for the indicated number of false alarms responded to by the sheriff's department within a calendar year:

<u>False Alarms</u>	<u>Fee Schedule</u>	<u>Requirements</u>
First	No Charge	ECV
Second	\$100	ECV
Third	\$100	ECV
Fourth	\$330	ECV
Fifth	\$330	ECV
Sixth	\$330	ECV
Seventh	\$330	ECV
Eighth & Subsequent	\$600	VR

1. Enhanced Call Verification (ECV). On all hold-up alarms, deputies will respond immediately. On all other alarms, the alarm company must notify the company or the key holder before deputies will respond.

2. Verified Response (VR). After seven false alarm responses, the company will be placed on Verified Response. Deputies will no longer respond to alarm activations unless someone at the location of the alarm verifies a crime has occurred.

C. If the possessor of the alarm shows to the satisfaction of the sheriff that such false alarm was not the result of negligence or improper maintenance, or other good and sufficient cause beyond the reasonable control of the possessor of the alarms, such fee may be waived and the response shall not count as a false alarm in computing the fee established under B. (Ord. 154-8, Sec. 1, 2010; Ord. 147-100 Sec. 3, 2004; Ord. 145-54, Sec. 4, 2001; Ord. 137-109, Sec. 4, 1994; Ord. 132-20 Sec.1, 1988)
(Ord. 161-31, Sec. 5, 2017)

Chapter 9.44

DISORDERLY CONDUCT

Sections:

- [9.44.010](#) Disorderly conduct and annoying telephone calls prohibited.
- [9.44.020](#) Disorderly conduct with a motor vehicle prohibited.
- [9.44.030](#) Noise from radios or other electronic sound amplification devices in motor vehicles prohibited – state statutes adopted.
- [9.44.040](#) Prohibition of excessive noise disturbing the public peace.

9.44.010 Disorderly conduct and annoying telephone calls prohibited. Whoever does any of the acts specified in A. and B. herein may be penalized as provided in 1.16.010:

A. In a public or private place engages in violent, abusive, indecent, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance unless other facts and circumstances that indicate a criminal or malicious intent on the person apply, a person is not in violation of this section for loading, carrying, or going armed with a firearm, without regard to whether the firearm is loaded or is concealed or openly carried as set forth in Wis. Stat. § 947.01.

B. With intent to annoy another makes a telephone call, whether or not conversation ensues. (Ord. 161-13, Sec 7, 2017; Ord. 155-13, Sec. 3, 2011; Res. and Ord. 139-72, 1972).

9.44.020 Disorderly conduct with a motor vehicle prohibited. Whoever does any of the acts specified in A. may be penalized as provided in 1.16.010:

A. No driver of any vehicle shall cause, by excessive or unnecessary acceleration, the tires of such vehicle to spin and emit loud noises, or to unnecessarily throw stones, gravel or other materials, nor shall any driver cause to be made by excessive and unnecessary acceleration any loud noise, such as would disturb the public peace, nor shall any driver otherwise operate a motor vehicle within the county in a manner that would disturb the public peace or endanger the safety of other motorists, pedestrians, or property. (Ord. 129-55 Sec.1, 1986).

9.44.030 Noise from radios or other electronic sound amplification devices in motor vehicles prohibited – state statutes adopted. Wis. Stat. § 349.135 is adopted by reference and made a part of this chapter as if fully set forth herein. (Ord. 147-100 Sec. 4, 2004)

9.44.040 Prohibition of excessive noise disturbing the public peace.

A. Excessive noise shall mean any sound or level of sound of sufficient loudness that it tends unreasonably to disturb the peace, comfort, quiet or repose of persons in the vicinity of the noise including, but not limited to, any such noise produced in the operation or use of any radio, phonograph, tape or disc player, television or other mechanical or electrical device, machine or motor vehicle.

B. No person shall cause or participate in the production of any excessive noise, and no owner, user, occupier or other person having charge of any property within Eau Claire County may cause, suffer, permit or participate in the production of excessive noise.

C. This section shall apply in all areas of Eau Claire County except in those municipalities, which have an ordinance on the same subject matter.

D. This section shall not be deemed to prohibit any noise or sound which is:

1. necessary for the preservation of property or of the health, safety, life or limb of any person; or
2. otherwise required or permitted by law; or
3. produced as a necessary result of the reasonable operation of any activity otherwise regulated by law; or
4. produced as a result of any agricultural activity. (Ord. 155-38, Sec. 14, 2012)

Chapter 9.46

FIREARMS OFFENSES

Sections:

9.46.005	Definitions.
9.46.010	Possession of firearms and weapons in county buildings prohibited.
9.46.020	Safe use and transportation of firearms.
9.46.030	Discharge of firearms prohibited.
9.46.080	Application of chapter.
9.46.090	Penalties for violations.

9.46.005 Definitions. In this chapter:

A. "Firearm" means any rifle, shotgun, handgun, spring gun, airgun or bow and arrow device.

B. "Law enforcement officer" means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

C. "Weapon" means a handgun, an electric weapon, as defined in Wis. Stat. § 941.295(1c)(a),), a dangerous weapon as defined in Wis. Stat. § 939.22 (10), a knife, or a billy club. (Ord. 161-31, Sec. 6, 2017; Ord. 161-13, Sec. 8, 2017; Ord. 155-13, Sec. 4, 2011; Ord. 126-65 Sec.4(part), 1983).

(Ord. 155-13, Sec. 5, 2011)

9.46.010 Possession of firearms and weapons in county buildings prohibited.

A. No person shall have in his or her possession, carry or bear any firearm or weapon within any county owned building.

B. Signs at least 5 inches by 7 inches, which set forth the restriction on firearms, shall be posted in a prominent place near all of the entrances to the building.

C. This section shall not be construed to prohibit:

1. The sale, purchase, trade or repair of firearms by a market or retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer or market;

2. The possession or use of a firearm during the conduct of any bona fide firearms safety course or practice firing at a location approved by the sheriff or other governmental agency;

3. The possession of a firearm at a raffle licensed under Wis. Stat. § 563.92. (Ord. 161.13, Sec. 9, 2017; Ord. 156-38, Sec. 8, 2013; Ord. 155-13, Sec. 5, 2011; Ord. 126-65 Sec.4(part), 1983).

9.46.020 Safe use and transportation of firearms.

A. No person may possess, place or transport a firearm contrary to the provisions of Wis. Stat. §§ 167.31(2) and (3).

B. No person may load, fire or shoot any firearm contrary to Wis. Stat. § 167.31(2), (3) and (4). (Ord. 161-13, Sec. 11, 2017; Ord. 155-13, Sec. 6, 2011; Ord. 126-65 Sec.4(part), 1983).

9.46.030 Discharge of firearms prohibited.

A. No person may fire or discharge any firearm under the following circumstances:

1. Within any incorporated municipality in the county; or
2. Within 100 yards of any dwelling in any unincorporated area of the county, except with the permission of the dwelling owner; or
3. When such discharge endangers the safety or another person or of property.

B. This section shall not apply to any facility under 9.46.010 C. 2. under circumstances where the firearm is discharged in such a manner as not to endanger persons or property and so as to prevent the projectile from traversing any grounds or space outside the shooting range grounds or facility. (Ord. 161-31, Sec. 7, 2017; Ord. 161-13, Sec. 12, 2017; Ord. 126-65 Sec.4(part), 1983).

9.46.080 Application of chapter. Except as otherwise provided, this chapter shall not be construed to apply to the following persons while they are engaged in the proper discharge of their official duties:

A. Law enforcement officers;

B. Private detectives, investigators or private security persons licensed under Wis. Stat. § 440.26;

C. Members of the armed forces of the United States or the state of Wisconsin on active duty as ordered by the President of the United States or the Governor.

D. Judges, persons permitted to carry a weapon by a judge in writing pursuant to Wis. Stat. § 175.60(16)(b)2., district attorneys and assistant district attorneys who are licensees under Wis. Stat. § 175.60 while in the Eau Claire County Courthouse. (Ord. 155-13, Sec. 7, 2011; Ord. 126-65 Sec.4(part), 1983).

9.46.090 Penalties for violations. Any person who violates any provision of this chapter shall upon conviction be subject to the forfeitures and penalties provided under 1.16.010, if not cited under Chapter 1.50. (Ord. 126-65 Sec. 4(part), 1983).

CHAPTER 9.47

ISSUE OF WORTHLESS CHECKS

Sections:

9.47.010	Issuance of worthless checks prohibited.
9.47.020	Prima facia evidence.
9.47.030	Postdated checks or checks for past consideration
9.47.040	Penalties.

9.47.010 Issuance of worthless checks prohibited. No person shall issue any check or other order for the payment of money which at the time of issuance the issuer intended should not be paid. (Ord. 132-83 Sec.1, 1989)

9.47.020 Prima facia evidence. For purposes of this section any of the following is prima facia evidence that the person at the time he or she issued the check or other order for the payment of money, intended it should not be paid.

A. Proof that, at the time of issuance, the person did not have an account with the drawee.

B. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within 5 days after receiving notice of nonpayment or dishonor to pay the check or other order.

C. 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 5 days after receiving notice of nonpayment or dishonor to pay the check or other order. (Ord. 132-83 Sec.1, 1989)

9.47.030 Postdated checks or checks for past consideration. This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check. (Ord. 132-83 Sec.1, 1989)

9.47.040 Penalties.

A. Less than \$500.00. Whoever issues any check or other order for a payment of money less than \$500.00 which, at the time of issuance, he or she intends shall not be paid is subject to a maximum forfeiture not to exceed \$500.00.

B. \$500.00 or more. Whoever issues any single check or other order for the payment of \$500.00 or more or whoever within a 15 day period issues more than one check or other order amounting in the aggregate to \$500.00 or more which, at the time of issuance, the person intends shall not be paid is subject to a forfeiture or not more than \$2,000.00. (Ord. 161-31, Sec. 8, 2017; Ord. 132-83 Sec.1, 1989).

Chapter 9.48

RETAIL THEFT

Sections:

- [9.48.010](#) Retail theft.
- [9.48.020](#) Concealment of unpurchased merchandise.
- [9.48.030](#) Detention with probable cause.
- [9.48.040](#) Penalties.
- [9.48.050](#) Not applicable in municipalities with retail theft ordinances.

9.48.010 Retail theft. Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals, or retains possession of, (or knowingly places a false indicia of price upon,) merchandise held for resale by a merchant without the merchant's consent and with the intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise may be subject to a forfeiture as provided in 9.48.040. (Ord. 132-82 Sec.1, 1989).

9.48.020 Concealment of unpurchased merchandise. 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 the merchandise without paying the purchase price. The discovery of unpurchased merchandise concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person concealing the goods. (Ord. 132-82 Sec.1, 1989)

9.48.030 Detention with probable cause. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in the merchant's presence may detain such person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's 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 shall not be interrogated or searched against the person's will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this section entitles the merchant or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty. (Ord. 144-24, Sec. 24, 2000; Ord. 134-03 Sec.31, 1990; Ord. 132-82 Sec.1, 1989).

9.48.040 Penalties. Penalties for violation of this section are:

- A. If the value of the merchandise does not exceed \$100.00, a forfeiture of not less than \$25.00 nor more than \$200.00, and the costs of the action.
- B. If the value of the merchandise exceeds \$100.00 but not \$2,500.00, a forfeiture of not less than \$200.00 nor more than \$5,000.00, and the costs of the action.
- C. If the value of the merchandise exceeds \$2,500.00, a forfeiture of not less than \$1,000.00 nor more than \$10,000.00 and the costs of the action. (Ord. 132-82 Sec.1, 1989)

9.48.050 Not applicable in municipalities with retail theft ordinances. This section shall not apply in any municipality which has an ordinance dealing with retail theft. (Ord. 132-82 Sec.1 1989).

V. OFFENSES AGAINST PUBLIC PROPERTY

Chapter 9.50

TRESPASS

Sections:

- 9.50.010 Trespass to land.
- 9.50.020 Notice.
- 9.50.030 Penalty.

9.50.010 Trespass to land. The authority for this ordinance is provided in Wis. Stat. § 943.13. Whoever does any of the following prohibited acts shall, upon conviction thereof, be subject to the penalty established in 9.50.030.

- A. Enters any enclosed cultivated or undeveloped land of another other than undeveloped land specified in D. or E., without the express or implied consent of the owner or occupant.
- B. Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.
- C. Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.
- D. Enters or remains on undeveloped land that is an inholding of another after having been notified by the owner or occupant not to enter or remain on the land.
- E. Enters undeveloped private land from an abutting parcel of land that is owned by the United States, this state or a local governmental unit, or remains on such land, after having been notified by the owner or occupant not to enter or remain on the land. (Ord. 161-31, Sec. 9, 2017; Ord.140-94, Sec. 1, 1997; Ord. 131-12 Sec.1(part), 1987).

9.50.020 Notice. A person has received notice from the owner or occupant within the meaning of this section if he or she has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign at least 11" sq. shall be placed in at least 2 conspicuous places for every 40 acres to be protected. The sign shall carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of the legal title but is a lawful occupant of the land. Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided. (Ord.140-94, Sec.2, 1997; Ord. 131-12 Sec.1(part), 1987).

9.50.030 Penalty. Any person found guilty of violating this section is subject to a forfeiture of not less than \$100.00 nor more than \$250.00. (Ord. 131-12 Sec.1(part), 1987).

Chapter 9.55

LITTERING

Sections:

<u>9.55.010</u>	Adoption of statute
<u>9.55.020</u>	Littering
<u>9.55.030</u>	Penalty

9.55.010 Adoption of statute. This ordinance incorporates the provisions of Wis. Stat. § 287.81. (Ord. 141-52, Sec. 2, 1997).

9.55.020 Littering. Except as provided in Wis. Stat. § 287.81, whoever does any of the following, upon conviction shall be subject to the penalty established in 9.55.030.

- A. Deposits or discharges of any solid waste on or along any highway, in any waters of the state, on ice of any waters of the state or on any other public or private property.
- B. Permits any solid waste to be thrown from a vehicle operated by the person.
- C. Fails to remove within 30 days or otherwise abandons any automobile, boat or any other vehicle in the waters of the state.
- D. Owns an aircraft that has crashed in the waters of the state and fails to remove the aircraft from those waters as provided in Wis. Stat. § 287.81. (Ord. 141-52, Sec. 2, 1997).

9.55.030 Penalty. Any person found guilty of violating this chapter is subject to a forfeiture of not less than \$150 nor more than \$500. (Ord.141-52, Sec.2, 1997).

Chapter 9.56

INJURING GUIDE BOARD, MARKERS, ETC.

Sections:

[9.56.010](#) Injuring Guide Board, Markers, etc. – state statutes adopted.

[9.56.020](#) Penalty

[9.56.010 Injuring Guide Board, Marker, etc. – state statutes adopted.](#) Wis. Stat. §86.192 is adopted by reference and made a part of this chapter as if fully set forth herein.

[9.56.020 Penalty.](#) Any person found guilty of violating this Chapter is subject to a forfeiture of not less than \$100 nor more than \$500.

Chapter 9.57

DAMAGE TO PROPERTY

Sections:

[9.57.010](#) Damage to Property – state statutes adopted.

[9.57.010 Damage to property – state statutes adopted.](#) Wis. Stat. § 943.01 is adopted by reference and made a part of this chapter as if fully set forth herein. (Ord. 147-100 Sec. 5 2004)

Chapter 9.58

LAKE ALTOONA ICE SURFACE VEHICLE AND BURNING REGULATIONS

Sections:

<u>9.58.001</u>	Purpose.
<u>9.58.005</u>	Definitions.
<u>9.58.010</u>	Authority.
<u>9.58.020</u>	Vehicle Regulation Prohibition.
<u>9.58.030</u>	Burning Regulation Prohibition.
<u>9.58.040</u>	Enforcement.

9.58.001 Purpose. To regulate the operation and speed of vehicles on the frozen surface of Lake Altoona and to discourage litter, debris, wood product waste, ash and charcoal from despoiling the ice surface of Lake Altoona. (Ord. 148-43, Sec. 1, 2004)

9.58.005 Definitions.

- A. All terrain vehicle as defined in Wis. Stat. § 340.01(2g).
 - B. Motor vehicle as defined in Wis. Stat. § 340.01(35).
 - C. Snowmobile as defined in Wis. Stat. § 340.01(58a).
 - D. Utility Terrain Vehicle as defined in Wis. Stat. § 23.33(1)(ng).
 - E. Off-highway motorcycle as defined in Wis. Stat. § 23.335(1)(q).
- (Ord. 161-31, Sec. 10, 2017; Ord. 148-43, Sec. 1, 2004)

9.58.010 Authority. The authority for this ordinance is provided in Wis. Stat. § 30.81. (Ord. 148-43, Sec. 1, 2004)

9.58.020 Vehicle Regulation Prohibition

- A. No person shall use or operate any snowmobile, all-terrain vehicle, utility terrain vehicle, off-highway motorcycle or any other motorized vehicle, whether or not licensed, on the frozen public service waters of Lake Altoona in excess of 25 miles per hour.
- B. No person shall use or operate any snowmobile, all-terrain vehicle, utility terrain vehicle, off-highway motorcycle or any other motorized vehicle, whether or not licensed, on the frozen public surface waters of Lake Altoona in excess of 10 miles per hour within 100 feet of the shoreline, any structure or fishing shanty or a person not on or in a vehicle.
- C. Law enforcement officers acting in the course of their duties and organized ice races with a safety perimeter barrier system in place are exempt from the provisions of this ordinance. (Ord. 161-31, Sec. 10, 2017; Ord. 148-43, Sec. 1, 2004)

9.58.030 Burning Regulation Prohibition.

A. No person shall set, kindle, maintain or cause any fire, including but not limited to bonfires, cooking and warming fires, rubbish fires, or otherwise, directly on the frozen surface waters of Lake Altoona. (Ord. 148-43, Sec. 1, 2004)

B. No person shall set, kindle, maintain or cause any fire, above the frozen public service waters of Lake Altoona, except in a grill, stove, appliance or other non-combustible container.

No person shall leave, deposit or place on the frozen public service waters of Lake Altoona, any remains of any fire, such as fuel, ash, charcoal, wood, debris, or any other waste. (Ord. 148-43, Sec. 1, 2004)

9.58.040 Enforcement. Any state, county, or local law enforcement officer with jurisdiction over any part of Lake Altoona is hereby authorized to issue citations for the enforcement of this chapter. (Ord. 148-43, 2004)

VI. CONSUMER PROTECTION AND PUBLIC HEALTH
AND WELFARE

Chapter 9.60

EAU CLAIRE COUNTY SMOKE FREE AIR ACT

Sections:

9.60.010	Purpose.
9.60.020	Definitions.
9.60.030	Prohibited conduct.
9.60.050	Reasonable distance.
9.60.060	Notification to the public.
9.60.070	Violation—Penalty—Enforcement.

9.60.010 Purpose. The purpose of this chapter is to protect the environment and public health and comfort by prohibiting smoking in county facilities and vehicles. Numerous studies have found that tobacco smoke is a major contributor of indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy non-smokers, including heart disease, stroke, respiratory disease and lung cancer. (148-29, Sec. 1, 2004; 152-08, Sec. 1, 2008)

9.60.020 Definitions. In this Chapter:

- A. “County facility” means any building or enclosed indoor area owned or leased by the county. “County facility” includes space leased or rented to the county in a building that has other tenants but the regulations set forth in this ordinance shall apply to that part of the leased or rented space that is partitioned off from the remaining space, including common areas, by floor-to-ceiling walls.
- B. “County vehicle” is all self-propelled vehicles owned or leased by the county.
- C. “Person in charge” means the county administrator or designee.
- D. “Smoking” means to burn tobacco, to burn a tobacco substitute, to use or inhale smoke produced by a tobacco product, or to use or inhale any substance produced by a tobacco substitute such as a nicotine containing inhalant, whether by means of a cigar, cigarette, electronic cigarette, water pipe, or any other instrumentality. (148-29, Sec. 1, 2004; Ord. 158-004, Sec. 1, 2014)

9.60.030 Prohibited conduct.

- A. It is unlawful for any person to smoke in any county facility or county vehicle.
- B. It is unlawful for any person to remove, deface, or destroy any legally required “No Smoking” sign, or to smoke in any place where any such sign is posted. (148-29, Sec. 1, 2004)

9.60.050 Reasonable distance. Smoking is prohibited within a reasonable distance of 25 feet outside a county facility. Smoking is prohibited, so as to insure that tobacco smoke does not enter the facility through entrances, windows, ventilation systems or other means and to protect those entering facilities from exposure to secondhand smoke. (148-29, Sec. 1, 2004)

9.60.060 Notification to the public. All county facilities and vehicles shall be posted in accordance with this chapter and Wis. Stat. §101.123. The posting shall be at the entryway to all county facilities and such other locations that shall be deemed necessary by the person in charge of the facility or vehicle to appropriately notify any person of the fact that no smoking is allowed in the facility or vehicle. (148-29, Sec. 1, 2004)

9.60.070 Violation—Penalty—Enforcement. Any person who violates any provision of this chapter shall forfeit not less than \$10.00 and not more than \$50.00 for each violation. The Sheriff’s Department shall be the enforcement agency or such other agencies or individuals as may be so designated by the Sheriff. (Ord. 148-29, 2004)

Chapter 9.65

SMOKING PROHIBITED

Sections:

[9.65.010](#) Smoking prohibited-state statutes adopted.

9.65.010 Smoking prohibited-state statutes adopted. Wis. Stat. § 101.123 is adopted by reference and made a part of this chapter as if fully set forth herein except for county facilities and vehicles covered in Chapter 9.60. (Ord. 154-21, Sec. 2, 2010)

Chapter 9.70

COUNTY FAIR HOUSING ORDINANCE

Sections:

[9.70.001](#) Declaration of policy.
[9.70.005](#) Definitions.
[9.70.010](#) Discrimination Prohibited.
[9.70.020](#) Exceptions.
[9.70.030](#) Administration and enforcement.
[9.70.040](#) Penalty.
[9.70.050](#) Other remedies applicable.

9.70.001 Declaration of Policy. It is the intent of this chapter to prohibit discrimination in housing within the boundaries of the County of Eau Claire pursuant to the authority granted to counties by Wis. Stat. § 66.1011 It is the duty of the County of Eau Claire to assist in the orderly prevention or removal of all discrimination in housing through the powers granted by the State of Wisconsin. It is declared, therefore, to be the policy of the County of Eau Claire, in the exercise of its police power on behalf of the public safety, health, and general welfare, that all persons shall have an equal opportunity for housing regardless of sex, race, color, physical condition, disability as defined in Wis. Stat. § 106.50 (1m)(g), sexual orientation as defined in Wis. Stat. § 111.32 (13m), religion, national origin, sex or marital status, family status as defined in Wis. Stat. § 106.50(1m)(k), lawful source of income, age, or ancestry as defined in the Wisconsin Statutes, and in all subsequent amendments to the definitions and provisions outlined therein. (Ord. 137-23, 1993)

9.70.005 Definitions.

A. "Disability" means physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment.

B. "Discriminate" and "discrimination" means to segregate, separate, exclude or treat a person or class of persons unequally solely on the basis of being a member of a protected class.

C. "Housing" means any improved property, or any portion thereof, including any mobile home, that is used or occupied or intended, arranged or designed to be used or occupied, as a home or residence.

D. "Member of protected class" means a group of natural persons, or a natural person, who may be categorized based on one or more of the following characteristics: sex, race, color, disability, sexual orientation as defined in Wis. Stat. § 111.32(13m), religion, national origin, sex or marital status of the person maintaining a household, family status, lawful source of income, age, or ancestry, as defined in Wis. Stat. § 106.50(1m)(nm), and as subsequently amended. (Ord. 137-23, 1993)

9.70.010 Discrimination Prohibited. It is unlawful for any person to discriminate:

A. By refusing to sell, lease, sublease, rent, finance, contract to construct, or to negotiate or discuss the terms thereof.

B. By refusing to permit inspection or exacting different or more stringent price, terms, or conditions for the sale, lease, financing, or rental of housing.

C. By refusing to finance or sell an unimproved residence upon such lot.

D. By printing, publishing, circulating, issuing, displaying, posting, mailing, or communicating in any other way any announcement, statement, advertisement, publication, or sign, or causing to be published, circulated, issued or displayed any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in connection with housing by a preference or limitation.

E. For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.

F. By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

G. In providing the privileges, services or facilities that are available in connection with housing.

H. By falsely representing that housing is unavailable for inspection, rental or sale.

I. By coercing, intimidating, threatening or interfering with any person in the exercise or enjoyment of a right granted or protected under this chapter, or with any person who has aided or encouraged another person in the exercise or enjoyment of any protected right.

J. By discriminating in the financing of housing, exacting different or more stringent terms for financing, or refusing to refinance housing or refusing to discuss the terms thereof, or refusing to lend money or security, guarantee any loan, accept any mortgage, or in any other manner, make available any other funds or resources for the construction, acquisition, purchase, rehabilitation, improvement, repair, or maintenance of housing.

K. By inducing or attempting to induce any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sexual orientation or economic status, or by representations to the effect that such present or prospective entry will or may result in:

1. the lowering of real estate values in the area concerned;
2. a deterioration in the character of the area concerned;
3. an increase in criminal or antisocial behavior in the area concerned; or
4. a decline in the quality of the schools or other public facilities serving the

area.

L. By discriminating against persons with disabilities as outlined in Wis. Stat. §§ 101.132 and 106.50 (1m)(g). (Ord. 137-23, 1993).

9.70.020 Exceptions

A. Nothing in this chapter shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.

B. Nothing in this chapter shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

C. Nothing in this chapter shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.

D. It is not discrimination based on family status to comply with any reasonable federal, state, or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.

E. Nothing in this chapter prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status and marital, financial and business status but not concerning race, color, physical condition, disability, sexual orientation, age, ancestry, national origin, religion or creed. (Ord. 137-23, 1993).

9.70.030 Administration and enforcement.

A. The provisions of this ordinance shall be administered by the county's fair housing officer (officer), who shall be the Eau Claire County Housing Authority's executive director. Administration shall include: 1) dissemination of information and other proper means to educate county residents to a greater understanding, appreciation, and practice of the basic right for all people to live in decent, safe, sanitary, and affordable housing, and 2) processing complaints of discrimination and possible resolution of complaints as follows:

1. Any person aggrieved by a practice prohibited by this chapter may file a complaint with the officer within 300 days from the date the alleged discrimination occurred.
2. A complaint shall be a written statement of the essential facts constituting the discrimination charged and shall be signed by the complainant.
3. The officer shall commence proceedings with respect to a complaint before the end of the 30th day after receipt of the complaint.
4. The officer shall serve notice on the aggrieved person acknowledging the filing of the complaint and advising the complainant of the time limits, choice of forums, and the right to bring a private civil action.

5. The officer shall serve a copy of the complaint upon the respondent, including a written statement directing the respondent to respond in writing to the allegations in the complaint with 20 days after the date of the notice and stating that, if the respondent fails to answer the complaint in writing, an initial determination will be made as to whether discrimination has occurred based only on the officer's investigation and the information supplied by the complainant.

6. The officer shall investigate each complaint. If there exists probable cause to believe that any discrimination has been or is being committed in violation of this chapter, the officer may endeavor to eliminate such discrimination by conference, conciliation, and persuasion.

7. The officer shall investigate the allegations of the complaint and complete the investigation not later than 60 days after receipt of the complaint. If the investigation cannot be completed within 60 days, the complainant and respondent shall be notified in writing of the reasons.

B. Failure to achieve a resolution acceptable to both parties in compliance with this chapter shall be cause to refer the complaint to the county corporation counsel for prosecution.

1. The corporation counsel may commence a forfeiture action in the circuit court of Eau Claire County for the enforcement of this chapter and penalty provided.

2. At any time after a complaint is filed with the office of the corporation counsel, the corporation counsel may also file a complaint in the circuit court of Eau Claire County seeking appropriate temporary relief against the respondent, including an application for temporary injunction, restraining order, or other order against the person or persons responsible for the denial of the rights granted by this chapter as the corporation counsel deems necessary in order to ensure the full enjoyment of these rights. The court may grant such temporary relief or restraining order as it deems just and proper.

3. The fair housing officer or the corporation counsel may dismiss the complaint if the complainant fails to respond to the department within 20 days from the date of mailing of any correspondence concerning the complaint to the last known address of the complainant. (Ord. 137-23, 1993).

9.70.040 Penalty

A. Any person who has willfully violated any provision of this chapter or any lawful order issued under this chapter shall, forfeit not less than \$50 nor more than \$500. Each day such violation continues shall constitute a separate offense.

B. Payment of any such forfeiture shall be stayed during the period in which any appeal may be taken and during the pendency of any appeal. (Ord. 137-23, 1993).

9.70.050 Other remedies applicable. Nothing contained in this chapter shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled or from filing a complaint with any appropriate governmental agency regarding the subject matter of this chapter. (Ord. 137-23, 1993).

Chapter 9.80

OFFENSES BY JUVENILES

Sections:

<u>9.80.001</u>	Circuit court jurisdiction.
<u>9.80.005</u>	Enforcement.
<u>9.80.020</u>	Juvenile drinking.
<u>9.80.030</u>	Restrictions on purchase or possession of cigarettes or tobacco products.
<u>9.80.040</u>	Juvenile loitering on school property.
<u>9.80.060</u>	Juvenile shoplifting.
<u>9.80.070</u>	Rules of the road adopted.
<u>9.80.080</u>	Hours prohibited in public.
<u>9.80.090</u>	Forfeiture schedule.
<u>9.80.095</u>	Applicability.

9.80.001 Circuit court jurisdiction.

A. The children's division of the county circuit court shall have jurisdiction in proceedings against children aged 10 years or older for violations of this chapter or other provisions of the Code of General Ordinances. The citation procedures authorized under Wis. Stat. § 938.237, may be used in such cases. If a citation is issued to a child, the issuing party shall immediately within 7 days of issuance notify the child's parent or guardian by mail and by follow-up telephone call.

B. The party issuing a citation to a child who is 12 to 15 years of age for a violation of Wis. Stat. §§ 125.07(4)(a) or (b), 125.085(3)(b), 125.09(2), 961.573(2), 961.574(2) or 961.575(2), or 9.80.020 shall immediately send one copy to the director of children's court services for informational purposes only.

C. If the court finds that a child violated 9.80.020, it shall enter a dispositional order under Wis. Stat. § 938.344.

D. If the court finds that a child violated a county ordinance other than 9.80.020, it shall enter any of the dispositional orders permitted under Wis. Stat. §§ 938.343 (1), (2), (5), (6), (7) or (8). If a child fails to pay the forfeiture imposed by the court, the court may suspend any license issued under Wis. Stat. ch. 29, or suspend the child's operating privilege as defined in Wis. Stat. § 340.01(40), for not less than 30 days nor more than 5 years as provided in Wis. Stat. § 938.17(2)(d). (Ord. 161-31, Sec. 11, 2017; Ord.141-50, Sec.5; Ord.140-93, Sec.1, 1997; Ord. 138-54, Sec.1-2, 1994; Ord. 126-19 Sec.3(part), 1982).

9.80.005 Enforcement. Violations of this chapter shall be subject to citation enforcement under Chapter 1.50, and shall be prosecuted by the corporation counsel. (Ord. 137, Sec. 6, 1994; Ord. 126-19 Sec.3(part), 1982).

9.80.020 Juvenile drinking. No child 10 years or older shall own, possess, ingest, buy, sell, trade, use as a beverage, give away, or otherwise control any intoxicating liquor or fermented malt beverage, or in any other way violate Wis. Stat. §§ 125.07(4) or 125.09(2). (Ord.140-93 Sec.2, 1997; Ord. 138-54 Sec.3, 1994; Ord.135-96 Sec.1, 1992; Ord.126-19 Sec.5, 1982).

9.80.030 Restrictions on purchase or possession of cigarettes or tobacco products. Wis. Stat. § 254.92 is adopted by reference and made a part of this chapter as if fully set forth herein. (Ord. 147-46, Sec. 2, 2003; Ord. 144-24, Sec. 25, 2000; Ord.141-50 Sec.6, 1997; Ord. 139-13 Sec.1, 1995).

9.80.040 Juvenile loitering on school property. No child 10 years or older after first being warned by a law enforcement officer or a school official, shall remain, loiter, or idle on public school grounds in the county during or after scheduled school hours. This section shall not apply to students who have obtained special permission from school officials in accordance with the school's rules and regulations. (Ord.140-93 Sec.3, 1997; Ord.138-54 Sec.4, 1994; Ord.126-19 Sec.7(part), 1982).

9.80.060 Juvenile shoplifting.

A. No child 10 years or older shall intentionally alter indicia or price or value of merchandise or take and carry away, transfer, conceal, or retain possession of merchandise held for resale by a merchant without the merchant's consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of such merchandise.

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 said merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise 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 or her presence may detain such person in a reasonable manner for a reasonable length of time to deliver the person to a law enforcement officer, or to the person's parent or guardian. The detained person must be promptly informed of the purpose for the detention and be permitted to make telephone calls, but shall not be interrogated or searched against the person's 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 employee effecting the detention to the same defense in any action as is available to a law enforcement officer making an arrest in the line of duty. (Ord. 144-24, Sec. 26, 2000; Ord.140-93 Sec.4, 1997; Ord.138-54, Sec.5, 1994; Ord.127-54 Sec. 1, 1983).

9.80.070 Rules of the road adopted. The Wisconsin statutory provisions enumerated in Chapter 10.04 are adopted by reference and made part of this chapter and except as enumerated in 9.80.090, the penalty for any violation shall be a \$25.00 forfeiture. (Ord.129-76 Sec.1, 1986).

9.80.080 Hours prohibited in public. No minor under the age of 17 years shall be or remain in or upon any of the streets, alleys, other public places, or any private place held open to the public in the county between 12 midnight and 5 a.m., unless accompanied by a parent, guardian or adult person having custody, or unless such minor is required by employment to be in or about the places hereinabove mentioned within the hours above-stated, as shown by written, evidence from the employer of the minor then in the minor's possession, or such minor is then proceeding to or from home or place of employment. (Ord. 138-98 Sec. 2, 1995)

9.80.090 Forfeiture schedule. The following specified violations of this chapter shall be subject to the forfeiture schedule hereinafter:

- A. 9.80.020, juvenile drinking, forfeitures as established in Wis. Stat. ch. 125;
 - B. 9.80.030, restrictions on purchase or possession of cigarettes or tobacco products, \$25.00;
 - C. 9.80.040, juvenile loitering on school property, forfeitures not to exceed maximum imposed on adults for similar violations;
 - D. 9.80.060, juvenile shoplifting, forfeitures not to exceed maximum imposed on adults for similar violations.
 - E. 9.80.080, hours prohibited in public, \$50.00.
- (Ord. 139-13 Sec. 2-3; Ord.138-98 Sec.3, 1995; Ord.138-54 Sec.6, 1994; Ord.137-109 Sec.5, 1993; Ord.135-96 Sec.2, 1992; Ord.128-37 Sec.4, 1984; Ord.127-54 Secs.2,3, 1983; Ord.126-19 Sec.7(part), 1982).

9.80.095 Applicability. The provisions of this chapter shall be in addition to those set forth in Wis. Stat. ch. 48, the Children's Code and Wis. Stat. § 938, the Juvenile Justice Code. (Ord.141-50 Sec.7, 1997; Ord.126-19 Sec.7 (part), 1982).

Chapter 9.85

POSSESSION OF MARIJUANA AND DRUG PARAPHERNALIA

Sections:

- [9.85.010](#) Possession of Marijuana.
- [9.85.020](#) Possession of Drug Paraphernalia

9.85.010 Possession of marijuana prohibited. The possession of 25 grams or less of marijuana, as defined in Wis. Stat. § 961.01(14), and subject to the exceptions in the introduction of Wis. Stat. § 961.41(3g) is prohibited, except that any person charged with possession of more than 25 grams of marijuana, or who was previously or is currently charged with the possession of any amount of marijuana in the State of Wisconsin, shall not be charged under this section. (Ord. 147-100 Sec. 6, 2004)

9.85.020 Possession of drug paraphernalia – state statutes adopted. Wis. Stat. § 961.573 is adopted by reference and made a part of this chapter as if fully set forth herein. (Ord. 148-24, 2004)

Chapter 9.90

ALCOHOL BEVERAGES AND TOBACCO PRODUCTS

Sections:

9.90.010 Alcohol beverages – state statutes adopted.

9.90.020 Tobacco products – state statutes adopted.

9.90.010 Alcohol beverages - state statutes adopted. Wis. Stat. ch. 125 is adopted by reference and made a part of this chapter as if fully set forth herein.

9.90.020 Tobacco products – state statutes adopted. Wis. Stat. § 134.66 is adopted by reference and made part of this chapter as if fully set forth herein. (Ord. 147-46, Sec. 3, 2003; Ord.0135-96 Sec. 3, 1992; Ord.131-07 Sec.1, 1987).

Chapter 9.95

TRUANCY AND HABITUAL TRUANCY

Sections:

- [9.95.010](#) Truancy and habitual truancy.
- [9.95.020](#) Contributing to truancy.
- [9.95.030](#) Definitions.
- [9.95.040](#) Disposition and sanctions for truants.
- [9.95.050](#) Disposition and sanctions for habitual truants.
- [9.95.060](#) Exception for habitual truants.
- [9.95.070](#) References to statutes.
- [9.95.080](#) Severability.

9.95.010 Truancy and habitual truancy. No person under the age of 18 years who is subject to school attendance laws shall be truant or a habitual truant as defined in this section. (Ord. 145-38, Sec. 1, 2001; Ord. 144-47 Sec. 1, 2000; Ord. 132-90 Sec. 1, 1989)

9.95.020 Contributing to truancy.

- A. Except as provided in B. no person 17 years of age or older shall, by act or omission, knowingly encourage or contribute to the truancy of a person subject to school attendance laws.
- B. A. does not apply to a person who has under his or her control a child who has been sanctioned under Wis. Stat. § 49.26 (1) (h).
- C. An act or omission contributes to a truancy of a pupil whether or not the pupil is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the pupil to be truant. (Ord. 145-38, Sec. 1, 2001; Ord. 144-47 Sec. 1, 2000)

9.95.030 Definitions. For purpose of this section:

- A. “Acceptable excuse” means permission of the parent/guardian/legal custodian of a pupil, within limits of policies on truancy established by the school in which the pupil is enrolled. Except in emergencies or unforeseeable circumstances, such permission is expected to be communicated in writing from the parent/guardian/legal custodian to the school, prior to the absence. In emergencies or unforeseeable circumstances, such communication is expected to be as soon as practicable following the absence.
- B. “Truant” means a pupil who is absent from school without an acceptable excuse under Wis. Stat. § 118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.
- C. “Habitual truant” means a pupil who is absent from school without an acceptable excuse for part or all of 5 or more days on which school is held during a school semester.
- D. “Operating privilege” has the meaning given in Wis. Stat. § 340.01(40). (Ord. 161-31, Sec. 13, 2017; Ord. 145-38, Sec. 1, 2001; Ord. 144-47 Sec. 1, 2000; Ord. 132-90 Sec. 1, 1989)

9.95.040 Disposition and sanctions for truants.

A. If a person under the age of 18 is adjudged to be a truant, the court may enter one or more of the following dispositions:

1. An order for the person to attend school.
2. A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stat. § 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500 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.

B. Sanctions for violation of dispositional order. If the court finds that a person violates a condition of his or her dispositional order under 9.95.040, the court may impose as a sanction on the person, any combination of the following, if at the time of disposition the court explained the conditions to the person and informed the person of those possible sanctions:

1. Suspend the person's operating privilege, as defined in Wis. Stat. § 340.01(40), for not more than one year. If the person does not hold a valid operator's license under Wis. Stat. ch. 343, other than an instruction permit under Wis. Stat. § 343.07 or a restricted license under Wis. Stat. § 343.08, on the date of the order issued under this subsection, the court may order the suspension or limitation to begin on the date that the operator's license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years after the date of the order issued under this subsection, whichever occurs first. If the court suspends the person's operating privilege or an approval issued under Wis. Stat. ch. 29, the court shall immediately take possession of the suspended license or approval and forward it to the department that issued the license or approval with a notice stating the reason for and the duration of the suspension.

2. An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. § 938.34(5g). The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from civil liability in excess of \$25,000 for any act or omission by or impacting on that person.

3. An order for the person to remain at home except during hours in which the person 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 person to leave his or her home if the person is accompanied by a parent or guardian.

4. An order for the person to attend an education program as described in Wis. Stat. § 938.34 (7d).

5. An order for the department of workforce development to revoke, under Wis. Stat. § 103.72, a permit under Wis. Stat. § 103.70, authorizing employment of the person.

6. An order for the person to be placed in a teen court program as described in Wis. Stat. § 938.342(1g)(f).

7. An order for the person to attend school.

8. A forfeiture of not more than \$500 plus costs, subject to Wis. Stat. §938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

9. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

10. An order placing the person under formal or informal supervision, as described in Wis. Stat. § 938.34(2), for up to one year.

11. An order for the person'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 person, or both. (Ord. 145-38, Sec. 1, 2001; Ord. 144-47 Sec. 1, 2000)

9.95.050 Disposition and sanctions for habitual truants.

A. Dispositions. If a person under the age of 18 is adjudged to be an habitual truant, the court may enter one or more of the following dispositions:

1. Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.

2. An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. § 938.34(5g). The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting on that person.

3. An order for the person to remain at home except during hours in which the person 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 person to leave his or her home if the person is accompanied by a parent or guardian.

4. An order for the person to attend an educational program as described in Wis. Stat. § 938.34 (7d), Wis. Stats.

5. An order for the department of workforce development to revoke, under Wis. Stat. § 103.72, a permit under Wis. Stat. § 103.70, authorizing the employment of the person.

6. An order for the person to be placed in a teen court program as described in Wis. Stat. § 938.342 (1g)(f).

7. An order for the person to attend school.

8. A forfeiture of not more than \$500 plus costs, subject to Wis. Stat. § 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

9. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

10. An order placing the person under formal or informal supervision, as described in Wis. Stat. § 938.34(2) for up to one year.

11. An order for the person'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 person, or both.

B. Sanctions for violation of dispositional order. If the court finds that a person violates a condition of his or her dispositional order under 9.95.050, the court may impose as a sanction on the person, any combination of the following, if at the time of disposition, the court explained the conditions to the person and informed the person of those possible sanctions:

1. Placement of the juvenile in a secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of nonsecure custody, for not more than 10 days and the provision of educational services consistent with his or her current course of study during the period of placement. The juvenile shall be given credit against the period of detention or nonsecure custody imposed under this subdivision for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed.

2. Suspension or limitation on the use of the person's operating privilege as defined under Wis. Stat. § 340.01(40), or of any approval issued under Wis. Stat. ch. 29 for not more than one year. If the person does not hold a valid operator's license under Wis. Stat. ch. 343, other than an instruction permit under Wis. Stat. § 343.07 or a restricted license under Wis. Stat. § 343.08, on the date of the order issued under this subsection, the court may order the suspension or limitation to begin on the date that the operator's license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years after the date of the order issued under this subsection, whichever occurs first. If the court suspends the person's operating privilege or an approval issued under Wis. Stat. ch. 29, the court shall immediately take possession of the suspended license or approval and forward it to the department that issued the license or approval with a notice stating the reason for and the duration of the suspension.

3. Counseling or participation for not more than 25 hours in a supervised work program or other community service work under Wis. Stat. § 938.34 (5g).

4. Detention in the person's home or current residence for a period of not more than 30 days except during hours which the person is attending religious worship or a school program, including travel time required to get to and from the place of worship or school program. The order may permit a person to leave his or her home or current residence if he or she is accompanied by a parent guardian.

5. An order for the person to attend an educational program as described in Wis. Stat. § 938.34 (7d).

6. An order for the department of workforce development to revoke, under Wis. Stat. § 103.72, a permit under Wis. Stat. § 103.70, authorizing the employment of the person.

7. An order for the person to be placed in a teen court program pursuant to Wis. Stat. § 938.342 (1g)(f).

8. An order for the person to attend school.

9. A forfeiture of not more than \$500 plus costs, subject to Wis. Stat. § 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

10. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

11. An order placing the person under formal or informal supervision, as described in Wis. Stat. § 938.34(2), for up to one year.

12. An order for the person'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 person, or both. (Ord. 161-31, Sec. 14, 2017; Ord. 145-38, Sec. 1, 2001; Ord. 144-47 Sec. 1, 2000; Ord. 132-90 Sec. 1, 1989)

9.95.060 Exception for habitual truants.

A. A person incurs no liability as a habitual truant under this ordinance if appropriate personnel of the school or school district in which the child is enrolled have not, within one year prior to the commencement of prosecution under this ordinance, done all of the following:

1. Met with the child's parent or guardian to discuss the child's truancy, or attempted to meet with the child's parent or guardian and received no response or were refused;

2. Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and considered curriculum modifications under Wis. Stat. § 118.15(1)(d);

3. Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken steps to overcome the learning problems except that the child need not be evaluated if tests administered to the child within the previous year indicate that the child is performing at his or her grade level; and

4. Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.

a. 9.95.050 A.1. does not apply if a meeting under Wis. Stat. § 118.16(2)(cg)(3), is not held within 10 school days after the date that the notice under subsection (2) (cg) is sent.

b. 9.95.060 A.2., 3., and 4. are not required if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the child's absences from school. (Ord. 145-38, Sec. 1, 2001; Ord. 144-47 Sec. 1, 2000)

9.95.080 Severability. If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. (Ord. 145-38, Sec. 1, 2001; Ord. 144-47 Sec. 1, 2000; Ord. 132-90 Sec. 1, 1989)

Chapter 9.96

PAWNBROKERS

Sections:

9.96.010	Purpose.
9.96.015	Adoption of State Statute.
9.96.020	Definitions.
9.96.030	Inspection of items.
9.96.040	License.
9.96.050	Display of license.
9.96.060	License application.
9.96.070	Investigation of license applicant.
9.96.080	License issuance.
9.96.090	Requirements.
9.96.100	Receipt required.
9.96.110	Label required.
9.96.120	Prohibited acts.
9.96.130	License denial, suspension or revocation.
9.96.140	Fees.
9.96.150	Penalty.

9.96.010 Purpose.

A. The county board finds that the services offered by pawnshops, secondhand article dealers, and secondhand jewelry dealers provide an opportunity for individuals to readily transfer stolen property to those businesses. The board also finds that consumer protection regulation is warranted in transactions involving these businesses. The board further finds that pawnshops, secondhand article dealers, and secondhand jewelry dealers have outgrown the county's current ability to effectively or efficiently identify criminal activity related to them. The purpose of this chapter is to prevent pawnshops, secondhand article dealers, and secondhand jewelry dealers from being used to facilitate the commission of crimes and to assure that they comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens, and pursuant to the authority granted by Wis. Stat. § 134.71.

B. This chapter implements and establishes the required use of any electronic recordkeeping system approved by the sheriff or his or her designee to help the sheriff's office better regulate current and future pawnshops to decrease and stabilize costs associated with the regulation of pawnshops, and to increase identification of criminal activities in pawnshops through the timely collection and sharing of transaction information.

C. The county board finds that any requirements included in this Chapter which differ from the requirements found in Wis. Stat. § 134.71, are at least as stringent as the requirements found in this state statute. (Ord. 162-35, Sec. 1, 2019; Ord. 160-24, Sec. 1, 2017)

9.96.015 Adoption of State Statute. In addition to the rights and definitions enumerated herein the county board hereby adopts Wis. Stat. §134.71. by reference including any future amendments, revisions, or modifications provided such amendments, revisions, or modifications do not restrict Eau Claire County’s authority to enforce the provisions of this chapter. (Ord. 160-24, Sec. 1, 2017)

9.96.020 Definitions. In this chapter:

A. “Article” means any item defined as “article” in Wis. Stat. §134.71, including any future amendments, revisions, or modifications provided such amendments, revisions, or modifications do not restrict the County of Eau Claire’s authority to enforce the provisions of this chapter. For purposes of this chapter “article shall also include “jewelry” when discussing the requirements and responsibilities of secondhand jewelry dealers.

B. “Billable transaction” means every reportable transaction except renewals, redemptions, voids, or extensions of existing pawns or purchases previously reported and continuously in the pawnbroker’s possession.

C. “Charitable organization” means a corporation, trust, or community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which insures to the benefit of any private shareholder or individual.

D. “Customer” means a person with whom a pawnbroker, secondhand article dealer, or secondhand jewelry dealer or an agent thereof, engages in a transaction of purchase, sale, receipt, or exchange of any secondhand article.

E. “Jewelry” means any tangible personal property ordinarily wearable on the person and consisting in whole or in part of any metal, mineral or gem customarily regarded as precious or semiprecious. For the purposes of this Chapter “jewelry” shall also include secondhand “coins” which are purchased, sold, received or exchanged, and any item made in whole or in part from gold, silver, platinum or any metal, mineral, or gem customarily regarded as precious or semiprecious.

F. “Pawnbroker” means any person who engages in the business of lending money on the deposit or pledge of any article or purchasing any article with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price. To the extent that a pawnbroker’s business includes buying personal property previously used, rented, leased, or selling it on consignment, the provisions of this chapter shall be applicable. A person is not acting as a pawnbroker when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem, or antique show, or a convention.

2. Any transaction entered into by a person engaged in the business of junk collector, junk dealer, or scrap processor, as described in Wis. Stat. 70.995(2)(x).

3. Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization.

4. Any transaction between a buyer of a new article and the person who sold the article when new that involves any of the following:

a. The return of the article.

b. The exchange of the article for a different, new article.

5. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.

6. Any transaction as a seller of a secondhand article that the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

G. “Reportable transaction” means every transaction conducted by a pawnbroker secondhand article dealer, or secondhand jewelry dealer in which an article or articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, and is reportable except:

1. The bulk purchase or consignment of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said articles, provided the pawnbroker must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.

2. Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

H. “Secondhand” means owned by any person, except a wholesaler, retailer, or licensed secondhand article dealer or secondhand jewelry dealer, immediately before the transaction at hand.

I. “Secondhand article dealer” means any person, other than an auctioneer, who primarily engages in the business of purchasing or selling secondhand articles other than books, except when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.

2. Any transaction entered into by a person while engaged in a business for which the person is licensed under Wis. Stats. §§ 134.71(2) or (4), including any future amendments, revisions, or modifications or while engaged in the business of junk collector, junk dealer or scrap processor as described in Wis. Stat. § 70.995(2)(x).

3. Any transaction while operating as a charitable organization or conducting a sale the proceeds of which are donated to a charitable organization.

4. Any transaction between a buyer of a new article and the person who sold the article when new which involves either:

a. The return of the article; or

b. The exchange of the article for a different, new article.

5. Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.

6. Any transaction as a seller of a secondhand article which the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

J. “Secondhand jewelry dealer” means any person, other than an auctioneer, who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand jewelry, or coins, or any item made in whole or in part from gold, silver, platinum or any metal, mineral, or gem customarily regarded as precious or semiprecious except for the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.

2. Any transaction with a licensed secondhand jewelry dealer.

3. Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the person has no retail operation open to the public.

4. Any transaction between a buyer of new jewelry and the person who sold the jewelry when new which involves either:

- a. The return of the jewelry; or
- b. The exchange of the jewelry for different, new jewelry.

5. Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

6. Any transaction as a seller of secondhand jewelry which the person bought from a charitable organization if the secondhand jewelry was a gift to the charitable organization. (Ord. 162-35, Sec 2, 2019; Ord. 160-24, Sec. 1, 2017)

9.96.030 Inspection of items. At all times during the term of the license, the pawnbroker, secondhand article dealer, and secondhand jewelry dealer must allow the sheriff's office to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, wares, merchandise, and records therein to verify compliance with this chapter or other applicable laws. (Ord. 160-24, Sec. 1, 2017)

9.96.040 License. No person may operate as a pawnbroker, secondhand article dealer, or secondhand jewelry dealer in the county unless the person first obtains a pawnbroker, secondhand article dealer, or secondhand jewelry dealer license under this chapter. (Ord. 160-24, Sec. 1, 2017)

9.96.050 Display of license. Each license issued under this chapter shall be displayed in a conspicuous place visible to anyone entering a licensed premise. (Ord. 160-24, Sec. 1, 2017)

9.96.060 License application. A person wishing to operate as a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall apply for a license to the county clerk. The clerk shall furnish application forms approved by the sheriff's office that shall require all of the following:

A. The applicant's name, place and date of birth, residence address, and residence addresses for the 10-year period prior to the date of the application.

B. The name and address of the business and of the owner of the business premises.

C. Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:

1. If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.

2. If the applicant is a partnership, the names and addresses of all partners.

3. If the applicant is a limited liability company, the names and addresses of all members.

4. The name of the manager or proprietor of the business.

5. Any other information that the clerk may reasonably require.

D. A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager, or proprietor, has been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.

E. Whether the applicant or any other person listed in D. above has ever used or been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.

F. Whether the applicant or any other person listed in D. above has previously been denied or had revoked or suspended a pawnbroker, secondhand article dealer, or secondhand jewelry dealer license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action. (Ord. 160-24, Sec. 1, 2017)

9.96.070 Investigation of license applicant. The sheriff's office shall investigate each applicant and any other person listed in 9.96.060 C. above for a pawnbroker, secondhand article dealer, or secondhand jewelry dealer license. The department shall furnish the information derived from that investigation in writing to the county clerk. The investigation shall include each agent, officer, member, partner, manager, or proprietor. (Ord. 160-24, Sec. 1, 2017)

9.96.080 License issuance.

A. The county clerk shall grant the license if all of the following apply:

1. The applicant, including an individual, a partner, a member of a limited liability company, a manager, a proprietor, or an officer, director, or agent of any corporate applicant, does not have an arrest or conviction record, subject to Wis. Stats. §§ 111.321, 111.322 and 111.335 including any future amendments, revisions, or modifications.

2. The applicant for a pawnbroker's license provides to the county clerk a bond of \$2,500 with not less than 2 sureties for the observation of all municipal ordinances or state or federal laws relating to pawnbrokers. The bond must be in full force and effect at all times during the term of the license.

B. No license issued under this section may be transferred.

C. Each license is valid from January 1 until the following December 31. (Ord. 162-35, Sec. 3, 2019; Ord. 160-24, Sec. 1, 2017)

9.96.090 Requirements.

A. Identification. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction of purchase, receipt, or exchange of any secondhand article from a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall require the customer to present one of the following types of identification:

1. Current, valid Wisconsin driver's license;
2. Current, valid Wisconsin identification card;
3. Current, valid photo identification card or photo driver's license issued by another state or province of Canada.

B. Transactions with minors.

1. Except as provided in B. 2., no pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction of purchase, receipt, or exchange of any secondhand article from any minor, defined as a person under the age of 18 years.

2. A pawnbroker, secondhand article dealer, or secondhand jewelry dealer may engage in a transaction described under B. 1. if the minor is accompanied by his or her parent or guardian at the time of the transaction and the parent or guardian signs the transaction form and provides identification as required by this section.

C. Records required. At the time of any reportable transaction other than renewals, extensions, or redemptions, every pawnbroker, secondhand article dealer, or secondhand jewelry dealer must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the sheriff's office:

1. A complete and accurate description of each item, including, but not limited to any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

2. The purchase price, amount of money loaned upon or pledged therefore.

3. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.

4. Date, time, and place the item of property was received by the pawnbroker, secondhand article dealer, or secondhand jewelry dealer, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the pawnbroker, secondhand article dealer, or secondhand jewelry dealer's records.

5. Full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including sex, height, weight, race, color of eyes, and color of hair.

6. The identification number and state of issue from any of the following forms of identification of the seller:

a. Current, valid Wisconsin driver's license;

b. Current, valid Wisconsin identification card;

c. Current, valid photo identification card or photo driver's license issued by another state or province of Canada.

7. The signature of the person identified in the transaction.

8. Renewals, extensions, and redemptions. The pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall provide the original transaction identifier, the date of the current transaction, and the type of transaction for renewals, extensions, and redemptions.

9. Record retention. Data entries shall be retained for at least 1 year from the date of transaction.

10. For every secondhand article purchased, received, or exchanged by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer from a customer of the pawnbroker, secondhand article dealer, or secondhand jewelry dealer's premises, or consigned to the pawnbroker, secondhand article dealer, or secondhand jewelry dealer for sale on their premises, the pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall keep a written inventory. In this inventory the pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall record the name and address of each customer, the date, time, and place of the transaction, and a detailed description of the article that is the subject of the transaction. The customer shall sign his or her name on a declaration of ownership of the secondhand article identified in the inventory and shall state that he or she owns the secondhand article. The pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt, or exchange of any secondhand article for not less than one year after the date of the transaction, except as provided in E., and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time.

D. Holding period.

1. Except as provided in D. 3., any secondhand article purchased or received by a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall be kept on the premises or other place for safekeeping for not less than 30 days, unless a shorter holding period is expressly permitted by state law, after the date of purchase or receipt, unless the person known by the pawnbroker, secondhand jewelry dealer, or secondhand article dealer to be the lawful owner of the secondhand article redeems it or unless the secondhand article dealer or secondhand jewelry dealer takes and maintain as many clear digital photographs of the item(s) as is reasonably necessary to identify the item(s) including, but not limited to, clear digital photograph(s) of the items' serial number in which case the holding period shall be 21 days. If a pawnbroker, secondhand jewelry dealer or secondhand article dealer takes clear digital photograph(s) and submits an electronic report that includes an image of all items the holding period shall be 7 days.

2. During the period set forth in D. 1., the secondhand article shall be held separate from saleable inventory and may not be altered in any manner. The pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article during this period. Within 24 hours after a request of a law enforcement officer during this period, a pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall make available for inspection any secondhand article which is kept off the premises for safekeeping.

3. D. 1. and 2. do not apply to a secondhand article consigned to a pawnbroker.

E. Redemption period. Any person pledging, pawning or depositing any item for security must have a minimum of 60 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 60-day holding period, items may not be removed from the licensed location. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with the approval of the sheriff's office. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record in accordance with C. 9.

F. Sheriff order to hold property.

1. Investigative hold. Whenever a law enforcement officer from any agency notifies a pawnbroker, secondhand article dealer, or secondhand jewelry dealer not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within 72 hours and will remain in effect for 15 days from the date of initial notification, or until the investigative order is canceled, or until an order to confiscate is issued, pursuant to 2., whichever comes first.

2. Order to confiscate.

a. If an item is identified as stolen or evidence in a criminal case, the sheriff's office may physically confiscate and remove it from the shop, pursuant to a written order from the sheriff's office.

b. When an item is confiscated, the person doing so shall provide identification upon request of the pawnbroker, secondhand article dealer, or secondhand jewelry dealer, and shall provide the pawnbroker, secondhand article dealer, or secondhand jewelry dealer with the name and phone number of the confiscating officer and the case number related to the confiscation.

c. When an order to confiscate is no longer necessary, the sheriff's office shall so notify the pawnbroker, secondhand article dealer, or secondhand jewelry dealer.

G. Daily reports to sheriff.

1. Pawnbrokers and secondhand jewelry dealers must submit every reportable transaction to the sheriff's office daily in the following manner. Pawnbrokers and secondhand jewelry dealers must provide to the sheriff's office all information required in C. and other required information, by transferring it from their computer to an electronic record keeping system approved by the sheriff or their designee via modem. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the sheriff's office using procedures that address security concerns of the pawnbroker and the sheriff's office. The pawnbroker must display a sign of sufficient size in a conspicuous place on the premises which informs all patrons that all transactions are reported daily to the department and APS.

2. If a pawnbroker is unable to successfully transfer the required reports by modem, the pawnbroker must provide the sheriff's office with printed copies of all reportable transactions by 12:00 noon the next business day.

3. If the problem is determined to be in the pawnbroker's system and is not corrected by the close of the first business day following the failure, the pawnbroker must provide the required reports as detailed in 3., and shall be charged a daily reporting failure fee of \$10.00 until the error is corrected, or, if the problem is determined to be outside the pawnbroker's system, the pawnbroker must provide the required reports in 3. and resubmit all such transactions via modem when the error is corrected.

4. Regardless of the cause or origin of the technical problems that prevented the pawnbroker from uploading the reportable transactions, upon correction of the problem, the pawnbroker shall upload every reportable transaction from every business day the problem has existed.

5. The provisions of this section notwithstanding, the sheriff's office may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

6. Shall not apply to businesses that did not have 200 reportable transactions in the past calendar year. However, any such pawnbroker must follow the daily reporting procedure for each reportable transaction by submitting a written transaction form approved by the sheriff's office to the department on the business day following the date of the reportable transaction.

H. Exception for customer return or exchange. Nothing in this section applies to the return or exchange from a customer to a pawnbroker of any secondhand article purchased from the pawnbroker. (Ord. 162-35, Sec. 4, 2019; Ord. 160-24, Sec. 1, 2017)

9.96.100 Receipt required. Every pawnbroker, secondhand article dealer, or secondhand jewelry dealer must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for 3 years. The receipt must include at least the following information:

- A. The name, address, and telephone number of the licensed business.
- B. The date and time the item was received by the pawnbroker, secondhand article dealer, or secondhand jewelry dealer.
- C. Whether the item was pawned, sold, or the nature of the transaction.
- D. An accurate description of each item received, including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

- E. The signature or unique identifier of the pawnbroker, secondhand article dealer, or secondhand jewelry dealer or employee that conducted the transaction.
- F. The amount advanced or paid.
- G. The monthly and annual interest rates, including all pawn fees and charges.
- H. The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.
- I. The full name, residence address, residence telephone number, and date of birth of the pledger or seller.
- J. The identification number and state of issue from any of the following forms of identification of the seller:
 - 1. Current, valid Wisconsin driver's license.
 - 2. Current, valid Wisconsin identification card.
 - 3. Current, valid photo driver's license or identification card issued by another state or province of Canada.
- K. Description of the pledger or seller, including approximate sex, height, weight, race, color of eyes, and color of hair.
- L. The signature of the pledger or seller. (Ord. 160-24, Sec. 1, 2017)

9.96.110 Label required. Pawnbrokers, secondhand article dealer, or secondhand jewelry dealer must attach a label to every item at the time it is pawned, purchased, or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the items as reported to the sheriff's office, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be reused. (Ord. 160-24, Sec. 1, 2017)

9.96.120 Prohibited acts.

- A. No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any pawnbroker, secondhand article dealer, or secondhand jewelry dealer, nor may any pawnbroker, secondhand article dealer, or secondhand jewelry dealer receive any goods from a person under the age of 18 years, except as permitted by 9.96.090 B. 2.
- B. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may receive any goods from a person of unsound mind or an intoxicated person.
- C. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may receive any goods unless the seller presents identification in the form of a valid driver's license, a valid state of Wisconsin identification card, or current, valid photo driver's license or identification card issued by the state of residency of the person from whom the item was received.
- D. No pawnbroker, secondhand article dealer, or secondhand jewelry dealer may receive any item of property that possesses an altered or obliterated serial number or other identification number, or any item of property that has had its serial number removed.
- E. No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own, nor shall any person pawn, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without, nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest with any pawnbroker, secondhand article dealer, or secondhand jewelry dealer.

F. No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any pawnbroker, secondhand article dealer, or secondhand jewelry dealer shall give a false or fictitious name, nor give a false date of birth, nor give a false or out-of-date address of residence or telephone number, nor present a false or altered identification or the identification of another to any pawnbroker, secondhand article dealer, or secondhand jewelry dealer. (Ord. 160-24, Sec. 1, 2017)

9.96.130 License denial, suspension, or revocation.

A. A license issued hereunder may be denied, revoked, or suspended by the county clerk upon administrative determination that the licensee has committed fraud, misrepresentation, or provided a false statement in the application for a license, or violated this chapter or Wis. Stats. §§134.71, 943.34, 948.62 or 948.63, or violated any local, state, or federal law substantially related to the businesses licensed under this chapter.

B. The county clerk may deny, suspend, or revoke any license issued under this section upon administrative determination that the applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.

C. Appeal from a determination made under this section shall be made to the committee on judiciary and law enforcement.

1. Notice of Appeal. Appeals to the committee can be made by any person having a license denied, revoked or suspended within 30 days after the decision by filing a written notice of appeal with the county clerk. The committee shall hold a hearing within 30 days of the filing of the appeal, or at such time as agreed upon by both parties. The appellant shall be notified at the address provided on the appeal by either certified mail receipt requested or registered mail post marked at least 10 days before the hearing. The county clerk shall provide the committee all of the papers constituting the record upon which the action appealed was taken.

2. Hearing. At the hearing the appellant and the county clerk may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The chair or acting chair shall conduct the hearing.

If applicable, the presiding member may administer oaths to witnesses, issue subpoenas and seek advice of counsel. The rules of evidence provided in Wis. Stat. § 227.45, for administrative proceedings shall be followed. The clerk of the committee may receive and mark all exhibits, if any.

If either or both parties request that the hearing be recorded on audio or video tape or requests a stenographic recording, the staff shall make the necessary arrangements but the expense shall be borne by the requesting party, or split equally if requested by both parties. Such request shall be made at least 5 days before the hearing.

3. Decision. The board may issue an oral decision at the time of the hearing. Within 10 days of the completion of the hearing, the aggrieved person may request the board to reduce its decision to written form, which the board shall do within 10 days of receipt. The board shall have the power to affirm or reverse the administrative determination. Such decisions shall be consistent with applicable law and, when issued in written form, shall be final determinations for the purpose of judicial review. (Ord. 160-24, Sec. 1, 2017)

9.96.140 Fees.

A. The license fee under this chapter for the pawnbroker shall be \$210, for a second hand article dealer \$27, for a second hand jewelry dealer \$30 and for a mall/flea market \$165.

B. A transaction fee of \$5,000/year shall be charged to each pawnbroker billed quarterly and is due and payable within 30 days of the billing date. Failure to pay within that time period is a violation of this chapter. (Ord. 162-35, Sec. 5, 2019; Ord. 160-24, Sec. 1, 2017)

9.96.150 Penalty. Any person who is convicted of violating any of the provisions of this chapter shall forfeit not less than \$5 nor more than \$2,000, plus the costs of prosecution, and in default of such payment, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days. Each day of violation shall constitute a separate offense. (Ord. 160-24, Sec. 1, 2017)