

## **CHAPTER 9**

### **PUBLIC PEACE AND GOOD ORDER**

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## PUBLIC PEACE AND GOOD ORDER 9.01

9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. The following statutes following the prefix 9 defining offenses against the peace and good order of the State or which involves conduct which is the same as or similar to that provided by 941 to 949 of the Wis. Stats. are adopted by reference to define offenses of the unincorporated areas of the County provided the penalty for commission of such offenses shall be limited to a forfeiture imposed under s. 25.04 of this Code of Ordinances. This section is authorized by s. 59.54(6) and (22), Wis. Stats., and any amendments thereto.

9.941.01	Negligent Operation of Vehicle
9.941.10	Negligent Handling of Burning Materials
9.941.13	False Alarms
9.941.23	Carrying Concealed Weapon
9.941.24	Possession of Switchblade Knife
9.941.2965	Restrictions on Use of Facsimile Firearms
9.941.297	Sale or Distribution of Imitation Firearms
9.941.35	Emergency Telephone Calls
9.941.37(1)&(2)	Obstructing Emergency Personnel
9.943.01(1)	Damage to Property
9.943.017(1)	Graffiti
9.943.07	Criminal Damage to Railroads
9.943.11	Entry into Locked Vehicle
9.943.125	Entry into Locked Coin Box
9.943.13	Criminal Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.145	Criminal Trespass to Medical Facility
9.943.15	Entry onto a Construction Site or into a Locked Building, Dwelling or Room
9.943.22	Use of Cheating Tokens
9.943.225	Refusal to Pay for a Motor Bus Ride
9.943.34(1)(a)	Receiving Stolen Property (less than \$1,000)
9.943.37	Alteration of Property Identification Marks
9.943.55	Removal of Shopping Cart
9.943.75	Unauthorized Release of Animals (Unless Violation is a Felony)
9.944.20	Lewd and Lascivious Behavior
9.944.23	Making Lewd, Obscene or Indecent Drawings
9.944.36	Solicitation of Drinks Prohibited
9.945.02	Gambling
9.945.04	Permitting Premises to be Used for Commercial Gambling
9.946.06	Improper Use of the Flag
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.46	Encouraging of Violation of Probation or Parole
9.946.49(1)(a)	Bail Jumping (unless underlying offense is felony)
9.946.70(1)	Impersonating Peace Officers
9.946.72(2)	Tampering with Public Notices
9.947.01	Disorderly Conduct
9.947.012	Unlawful Use of Telephone
9.947.0125	Unlawful Use of Computerized Communication Systems
9.947.04	Drinking in Common Carriers
9.947.06	Unlawful Assemblies and Their Suppression
9.948.10	Exposing Genitals or Pubic Area

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- 9.948.21 Neglecting a Child (if death is not a consequence)
- 9.948.40 Contributing to Delinquency of Child (only if not a felony under criminal law)
- 9.948.45 Contributing to Truancy
- 9.948.60(2)(a) Possession of a Dangerous Weapon By a Person Under 18
- 9.948.63 Receiving Property From a Child

9.02 ABANDONED VEHICLES.

(1) STATUTORY AUTHORIZATION. This section is adopted pursuant to s. 342.40(3), Wis. Stats.

(2) DEFINITION. A motor vehicle is abandoned if it is inoperable and over 8 years old and is left unattended on public property for more than 48 hours, or has remained illegally on public property for a period of more than 48 hours, or has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

(3) ABANDONMENT PROHIBITED. No person shall leave unattended any vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned, within the unincorporated municipalities of the County.

(4) PUBLIC NUISANCE DECLARED. An abandoned vehicle constitutes a public nuisance.

(5) AUTHORITY TO TAKE POSSESSION OF ABANDONED MOTOR VEHICLES. Any sheriff's deputy, County traffic patrolman, State Traffic Officer or Conservation Warden who discovers any motor vehicle, trailer semi-trailer or mobile home on any public highway or private or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle, the officer shall notify the Sheriff of the abandonment of the vehicle and the location of the impounded vehicle. The County, acting through one of the persons designated above, may employ its own personnel, equipment and facilities or hire persons, equipment and facilities for the purpose of removing, preserving, and restoring abandoned motor vehicles.

(6) NOTIFICATION OF OWNER AND LIENHOLDERS AND DISPOSAL.

(a) Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under (c) except that if it is deemed by a duly authorized County representative that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked or sold by the County prior to expiration of the impoundment period upon determination by the Sheriff having jurisdiction that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with (c).

(b) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the County against the owner. Whether or not the County recovers the cost of towing and enforcement, the County shall be responsible to the towing service for requisitional towing service and reasonable charges for impoundment.



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(c) Any vehicle which is deemed abandoned by a duly authorized County representative and not disposed of under sub.(6)(a) shall be retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle. Each retained vehicle not reclaimed by its owner or lienholder may be sold. The County may dispose of the vehicle by sealed bid or auction sale as provided by ordinance. At such sale the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by a duly authorized County representative, in which event all bids may be rejected. If all bids are rejected or no bid is received, the County may either re-advertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold. Public notice of such sale shall be posted at the office of the County Sheriff. The posting of the notice at the Sheriff's Department shall be in the same form as the certified mail notice sent to the owner or lienholders of record. Upon sale of an abandoned vehicle, the County shall supply the purchaser with a completed form designed by the department enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the County for each day the vehicle remains in storage after the 2nd business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the County shall be made available to any interested party or organization which makes a written request for such list. The County may charge a fee for the list.

(7) **REPORT.** Within 5 days after the sale or disposal of a vehicle as provided in sub. (6), the County shall advise the Division of Motor Vehicles, Madison, Wisconsin, of the sale or disposition of such vehicle on a form supplied by the Division of Motor Vehicles.

(8) **PENALTIES.** The owner of any abandoned motor vehicle which is sold or disposed of pursuant to this section shall, in addition to reimbursing the County for all costs the County incurred as provided in sub. (6)(b), be subject to a penalty as provided in s. 9.20.

9.03 **LITTERING PROHIBITED.** No person shall throw or deposit any weeds, sod, brush, lighted tobacco or other burning materials, bottles, cans, garbage, paper or other waster materials upon the streets, alleys, highways, public parks or other property of the County or upon any private property or upon the surface of any body of water within the County.

9.04 **AUXILIARY POLICE.** The County Sheriff and the County Emergency Government Coordinator may call upon the County auxiliary police to direct traffic and maintain order at County fairs, exhibitions, parades and similar activities.

9.05 CURFEW.

(1) Hours. No children of the following specified ages shall loiter, idle or remain upon any street, alley or other public place in the County during the set times on the designated dates:

(a) Children ages 15 through 17.

1. School year: 11:00 p.m.-5:00 a.m. – Sunday through Thursday  
12:30 a.m.-5:00 a.m. – Friday through Saturday
2. Summer: 12:30 a.m.-5:00 a.m. – Sunday through Saturday

(b) Children ages 12 through 14.

1. School year: 10:00 p.m.-5:00 a.m. – Sunday through Thursday  
11:00 p.m.-5:00 a.m. – Friday through Saturday
2. Summer: 11:00 p.m.-5:00 a.m. – Sunday through Saturday

(c) Children ages 11 and under.

1. School year: 10:00 p.m.-5:00 a.m. – Sunday through Saturday.
2. Summer: 10:00 p.m.-5:00 a.m. – Sunday through Saturday

(d) Definitions. The following terms have the designated meanings in this section:

1. “School year” means the period September 1 through May 30.
2. “Summer” means the period June 1 through August 31.

(e) Exceptions. This section shall not apply to a child:

1. Performing an errand as directed by his or her parent, guardian or person having lawful custody.
2. Who is on his or her premises or the areas immediately adjacent thereto.
3. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.

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4. Returning home from a supervised school, church or civic function.

5. These exceptions, however, shall not permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public street.

(2) PARENTAL VIOLATION. No parent, guardian or other person having legal custody of a child 17 or under shall permit such child to loiter, idle or remain upon any street, alley or other public place in the County during the hours specified in sub. (1)(a)-(c), unless such child is accompanied by his or her parent, guardian or other adult person having legal custody of such child.

(3) RESPONSIBILITY OF OPERATORS OF PLACES OF AMUSEMENT. No person operating a place of amusement or entertainment within the County, or any agent, servant or employee of such person, shall permit a child 17 years of age or younger to enter or loiter in such place of amusement or entertainment during the hours specified in sub. (1)(a)-(c), unless such child is accompanied by his or her parent, guardian or other adult person having legal custody of such child.

(4) RESPONSIBILITY OF OPERATORS OF HOTELS, MOTELS AND ROOMING HOUSES. No person operating a hotel, motel or lodging or rooming house within the County, or any agent, servant or employee of such person, shall permit any child 17 years of age or younger to visit, idle, wander or stroll in any portion of such hotel, motel or lodging or rooming house during the hours specified in sub. (1)(a)-(c), unless such child is accompanied by his or her parent, guardian or other adult person having legal custody of such child.

(5) LOITERING IN SCHOOL AND PLAYGROUND AREAS. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand, or play in any school building or in or about any playground area adjacent thereto within the County between 8:00 a.m. and 4:00 p.m. on official school days.

(6) TAKING A CHILD INTO CUSTODY. A child believed to be violating the provisions of this section may be taken to the Sheriff's Department for La Crosse County for proper identification. Every law enforcement officer while on duty may take into custody any child violating subs. (1), (3), (4) and (5) of this section until the parent, guardian, legal custodian or other responsible adult has been immediately notified and the person so notified has, as soon as is reasonably possible thereafter, reported to the Sheriff's office for the purpose of taking the child into custody and has signed a release for the child.

(7) GENERAL PENALTY.

(a) Any parent, guardian, or person having legal custody of a child described in subs. (1), (3), (4) and (5), who violates any of the provisions of this section, shall be subject to a penalty as provided in s. 25.04 of this Code; provided no forfeiture imposed for a violation of this section shall exceed the maximum for the same offense under State law.

(b) Any child 11 years of age or younger who violates this subs. (1), (3), (4) and (5) of this section may be referred to an intake worker of the La Crosse County Human Services Department for a determination whether a petition should be filed in the court assigned to exercise jurisdiction under Chapters 48 and 938, Wis. Stats.

(c) Any child 12 years of age or older who violates subs. (1), (3), (4) and (5) of this section may be:

1. Issued a citation imposing a forfeiture of \$25 plus court costs and directing the child to appear in the court assigned to exercise jurisdiction under Chapters 48 and 938, Wis. Stats., or make a deposit or stipulation and deposit in lieu of appearance is provided in s. 938.237, Wis. Stats.; or

2. Referred to an intake worker for a determination whether a petition should be filed in the court assigned to exercise jurisdiction under Chapters 48 and 938, Wis. Stats.

9.055 PROHIBITION OF HABITUAL TRUANCY. (Cr. #4-90)

(1) PROHIBITED. A child is prohibited from being a habitual truant.

(2) DEFINITION. For purposes of this Section:

(a) "Habitual Truant" shall mean a pupil who is absent from school without an acceptable excuse for either of the following:

1. Part or all of five or more days out of ten consecutive days on which school is held during a school semester.

2. Part or all of ten or more days in which school is held during a school semester.

(b) "Acceptable Excuse" shall mean an acceptable excuse as defined in s. 118.15 and 118.16(4), Wis. Stats.

(3) PENALTY. Upon finding that a person under 18 years of age is a habitual truant, the Court shall enter an order making one or more of the following dispositions:

(a) Suspend the person's operating privilege, as defined in s. 340.01(40), Wis. Stats., for not less than 30 days nor more than 90 days. The Court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with a notice stating the reason for and duration of the suspension.

(b) Order the person to participate in counseling, community service or a supervised work program under s. 938.34(5g), Wis. Stats.

(c) Order the person to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home for work purposes or if the child is accompanied by a parent or guardian.

(d) Order the person to attend an educational program under s. 938.34(7d), Wis. Stats.

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(e) Order the Department of Industry, Labor and Human Relations to revoke, under s. 103.72, Wis. Stats., a permit under s. 103.70, Wis. Stats., authorizing the employment of the person.

(f) Order the person to be placed in a teen court program as described in s. 938.342(1)(f), Wis. Stats.

(4) REFERENCE TO STATUTES. Reference to specific statutory sections used in this ordinance shall mean the Wisconsin Statutes of 1987-88 as from time to time amended, modified and repealed or otherwise altered by the State Legislature.

(5) ENFORCEMENT PROCEDURE.

(a) Any person violating any of the provisions of this section shall be issued a citation as provided in s. 25.04(4) of this Code of Ordinances.

(b) Who may issue citations authorized under this section.

1. Law enforcement officers.

2. Intake workers authorized under Chapter 48, Wis. Stats.

(6) 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.

9.06 DISCRIMINATION IN HOUSING PROHIBITED.

(1) POLICY. It is the policy of the County pursuant to the federal and state constitutions, and to its power to protect the public health, safety and general welfare, that all persons, regardless of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry are entitled to an equal opportunity for housing; and to that end, the County enacts this section, which prohibits any person not herein exempted from discriminating against any other person by impairing access to any housing or housing accommodations on any prohibited basis which are listed above, and which creates a Commission with the power and duty to enforce equal opportunity in housing for all citizens of unincorporated areas of the County.

(2) DEFINITIONS.

(a) "Commission" means the County Commission on Equal Opportunities in Housing, and "Commissioner" means a member thereof.

(b) "Complainant" means a person who files a complaint alleging discrimination in housing.

(c) "Disability" means a physical or mental impairment that substantially limits 1 or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in s. 961.01(4), Wis. Stats., or a controlled substance analog, as defined in s. 961.01(4m), Wis. Stats., unless the individual is participating in a supervised drug rehabilitation program.

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(d) "Discriminate" means to segregate, separate, exclude or treat a person or class of persons unequally in a manner described in sub.(4) because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, or ancestry.

(e) "Hearing" means a hearing under the jurisdiction of the Commission, except where otherwise indicated.

(f) "Housing" means any improved property, or any portion thereof, including a mobile home as defined in Chapter 66 of the Wisconsin Statutes, or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. "Housing" includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

(g) "Housing for older persons" means any of the following:

1. Housing provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program.

2. Housing solely intended for, and solely occupied by, persons 62 years of age or older.

3. Housing primarily intended and primarily operated for occupancy by at least one person 55 years of age or older per dwelling unit.

(h) "Owner-occupied building" means a building used for human habitation in which the owner thereof maintains his/her permanent living quarters.

(i) "Person" includes any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee, trustee in bankruptcy or other fiduciary, or the lessee, proprietor, manager, employee or any other agent of any such person.

(j) "Probable cause" means reasonable grounds to believe that a violation of sub. (4) not exempted by sub. (5) may have occurred or may be occurring.

(k) "Rent" means to lease, to sublease, to let or to otherwise grant for a consideration the right of a tenant to occupy housing not owned by the tenant.

(l) "Respondent" means the person accused in the complaint or amended complaint of discrimination in housing and any other person identified in the course of an investigation as allegedly having discriminated in housing.

(m) "Single-occupancy room" means any room which the owner has leased or rented or offered to lease or rent to a sole individual; provided the owner permanently occupies living quarters in the same dwelling.

(3) COMMISSION ON EQUAL OPPORTUNITIES IN HOUSING.

(a) Membership. The County Commission on Equal Opportunities in Housing shall be composed of 5 members appointed by the Chair of the County Board to serve 5-year terms; except of those first appointed, 1 shall be appointed for 1 year, 1 shall be appointed for 2 years, 1 shall be appointed for 3 years, 1 shall be appointed for 4 years and 1 shall be appointed for 5 years.

(b) Compensation. Commission members shall be reimbursed for all actual and necessary expenses but shall receive no other compensation.

(c) Powers and Duties. The County Commission on Equal Opportunities in Housing shall have the following powers and duties:

1. To adopt, amend, publish and rescind rules for governing its meetings and hearings;

2. To adopt, amend, publish and rescind regulations consistent with and for the enforcement of this section;

3. To appoint such other employees, agents and staff as are necessary to promote the purposes of this section; and to prescribe their duties;

4. To receive or initiate and investigate all complaints alleging any discriminatory practice prohibited by this section;

5. To appoint mediators who initially shall seek a settlement agreeable to both the complainant and the respondent by means of informal conferences;

6. If necessary, to hold hearings after efforts at settlement, based on complaints made against any person and a determination of probable cause; to administer oaths and take testimony; to compel the production of books, papers and any other documents relating to any matters involved in the complaints; and to subpoena witnesses and compel their attendance. If a witness fails or refuses to obey a subpoena issued by the Commission, the Commission may order attendance. At any time after it has issued such an order, the Commission may petition a court of competent jurisdiction for its enforcement;

7. To issue, after hearing, such final orders as are necessary to promote the purposes of this section;

8. To issue temporary orders effective for a maximum of 20 days, absent extraordinary circumstances, restraining the respondent from taking any action which would tend to render ineffectual or unenforceable any order which the Commission might issue;

9. To refer orders, pursuant to sub. (9) to the Corporation Counsel to be enforced in the name of the County;

10. To make available to the public written copies of:

a. Transcripts of all its proceedings, except initial settlement efforts by its mediators;

- b. All temporary and final orders;
  - c. All decisions and opinions rendered.
11. To require a written report of the manner of compliance with any final order it may issue;
12. To recommend to the County Board any legislation necessary to further promote the purposes of this section; and
13. To file annual written reports of its work with the County Board.

(4) PROHIBITED ACTS.

- (a) It is unlawful for any person to discriminate:
- 1. By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.
  - 2. By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing, or rental of housing.
  - 3. By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.
  - 4. By advertising in a manner that indicates discrimination by a preference or limitation.
  - 5. 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.
  - 6. By refusing to renew a lease, causing the eviction of tenant from rental housing or engaging in the harassment of a tenant.
  - 7. In providing the privileges, services, or facilities that are available in connection with housing.
  - 8. By falsely representing that housing is unavailable for inspection, rental, or sale.
  - 9. By denying access to, or membership or participation in, a multiple listing service or other real estate service.
  - 10. By coercing, intimidating, threatening, or interfering with a person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, a right granted or protected under this section, or with a person who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.

11. In making available any of the following transactions, or in the terms or conditions of such transactions for a person whose business includes engaging in residential real estate-related transactions:

a. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing, or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.

b. Selling, brokering, or appraising residential real property.

12. By otherwise making unavailable or denying housing.

(b) The provisions of s. 106.50(2r), Wis. Stats., prohibiting discrimination against persons with disabilities is hereby adopted and incorporated by reference.

(5) EXEMPTIONS AND EXCLUSIONS.

(a) Nothing in this section prohibits discrimination based on age or family status with respect to housing for older persons.

1. Under this paragraph, housing may qualify as housing for older persons only if the owner of the housing maintains records containing written certification that all of the following factors apply to the housing:

a. At least 80% of the dwelling units under s. 106.04(1m)(m)3., Wis. Stats., are occupied by at least 1 person 55 years of age or older.

b. Policies are published and procedures are adhered to that demonstrate an intent by the owner or manager to provide housing under s. 106.50(1m)(m)3., Wis. Stats., for persons 55 years of age or older.

2. No person may discriminate by refusing to continue renting to a person living in housing for older persons under s. 106.50(1m)(m)3., Wis. Stats., who is subject to a hardship condition.

3. Under this paragraph, housing may qualify as housing for older persons with respect to persons first occupying the housing on or after September 1, 1992, regardless of whether a person who had not attained the age of 62 resided in the housing on that date or regardless of whether 1 or more dwelling units were unoccupied on that date, if the person who first occupied the housing on or after that date attained the age of 62.

(b) Nothing in this section 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 section shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.

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(d) Nothing in this section requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others, if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual which caused harm or damage, which directly threatened harm or damage or which caused a reasonable fear of harm or damage to other tenants, persons employed on the property or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the fact that a tenant has been or may be the victim of domestic abuse, as defined in s. 813.12(1)(a), Wis. Stats.

(e) 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.

(f) 1. Subject to subd. 2., nothing in this section applies to a decision by an individual as to the person with whom he or she will, or continues to, share a dwelling unit, as defined in s. 101.71(2), Wis. Stats., except that dwelling unit does not include any residence occupied by more than 5 persons.

2. Any advertisement or written notice published, posted or mailed in connection with the rental or lease of a dwelling unit under subd. 1. may not violate sub.(4)(a)4. of this Code, 42 USC 3604(c), or any rules or regulations promulgated under this section or 42 USC 3601 to 3619, except that such an advertisement or written notice may be for a person of the same sex as the individual who seeks a person to share the dwelling unit for which the advertisement or written notice is placed.

(g) Nothing in this section 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, ancestry, national origin, religion, creed, or subject or subd.1, age.

1. Notwithstanding the above, an owner or agent may require that a person who seeks to buy or rent housing under s. 106.50(1m)(m)3., Wis. Stats., supply information concerning his or her age for the purpose of verifying compliance with s. 9.06(5)(a)1.a., of this Code.

(6) No person shall file or cause to be filed any complaint that is not valid or is blatantly untrue for the purpose of defamation and with intent to expose any respondent to hatred, contempt, ridicule, degradation or disgrace.

(7) COMMISSION AND CORPORATION COUNSEL TO ENFORCE. This section shall be enforced by the Commission and, where necessary, by the Corporation Counsel.

(8) ENFORCEMENT PROCEDURE.

(a) Complaint.

1. Who May Initiate. Any complaint alleging any discriminatory practice prohibited by this section shall be in writing. Such complaint may be initiated by:

a. The complainant, who may mail his/her complaint to the Commission c/o the County Clerk's office;

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b. Any agent of the complainant, including any agent who has solicited offers to buy, lease, rent or in any other manner seek access to any interest in any part of any housing accommodation for the complainant; or

c. Any member of the Commission on his or her own initiative or the County or an agent of the County.

2. Information. All complaints shall contain the following:

a. The name and address of the complainant;

b. The name and address of the respondent or respondents;

c. A statement setting forth the particulars of the alleged discrimination or discriminatory practice; and

d. The date or dates of the alleged discrimination or discriminatory practice.

3. Where Filed. Complaints shall be filed with the County Clerk's office by the complainant, his/her duly authorized agent or a member or duly authorized agent of the Commission, and may be filed in person or by mail. Complaint forms shall be available at the County Clerk's office.

4. When Filed. Complaints alleging any discriminatory practice prohibited by this section shall be filed not later than 1 year after the alleged discrimination occurred or terminated.

5. Amendment and Withdrawal. A complaint may be amended or withdrawn at any time with and subject to the approval of the Commission or its designated agent and under such terms as the Commission or agent shall direct.

(b) Notice to Respondent. Upon the filing of a complaint, the Commission shall serve a copy thereof upon the respondent within 10 days of filing, which notice shall be sent by certified mail with return receipt requested and shall also include a written statement from the Commission directing the respondent to respond in writing to the allegations in the complaint within 20 days after the date of notice and further stating that, if the respondent fails to answer the complaint in writing, the Commission will make an initial determination as to whether discrimination has occurred based only on the Commission's investigation and the information supplied by the complainant.

(c) Notice to Complainant. Upon the filing of the complaint, the Commission shall also serve a notice on the complainant acknowledging the filing of the complaint and advising the complainant of the time limits for filing the complaint and the choice of forums provided, which include the right to bring a private civil action for injunctive relief for damages, including punitive damages, and in the case of a prevailing plaintiff, for court costs and reasonable attorney's fees, in a court of competent jurisdiction as provided for in s. 106.50(6m), Wis. Stats.

(d) Investigation and Hearing.

1. The Corporation Counsel shall promptly investigate any duly filed complaint. Within 30 days of the filing of each complaint, Corporation Counsel shall issue to the complainant and respondent an initial determination in writing of whether probable cause exists and setting forth the basis of the determination. If probable cause is found to exist, the determination shall include the charge on behalf of the aggrieved person, which shall be served by certified mail on the parties. A person on whose behalf the charge is filed may elect to have the charges decided in a civil action in circuit court instead of pursuing the rights and remedies under this Code.

2. Should a determination be made that there is no probable cause to believe discrimination in violation of this section has been or is being committed, the complainant shall be afforded an opportunity to appeal such decision to the full Commission. Should the full Commission decide there is no probable cause, the complainant may appeal to the Circuit Court of the county in which the property or property interest in question is located, which must occur within 30 days after service of the determination of the commission.

3. Should a determination be made that there is probable cause to believe discrimination in violation of this section has been or is being committed, an agent designated by the Commission shall endeavor by means of conference, conciliation or persuasion to eliminate the alleged discriminatory practice.

4. If efforts at settlement have failed to eliminate the discriminatory practice alleged by the complaint, the Commission shall promptly cause to be issued a notice of hearing before a hearing examiner, who shall act as an agent of the Commission, to determine the merits of the complaint.

(e) Action on Determination.

1. If, after hearing and on the basis of the official record made therein, the examiner finds the respondent has engaged in or is engaging in any discrimination prohibited by this section, he/she shall make and recommend to the Commission written findings of fact and conclusions thereon and shall recommend such action be taken by the respondent and, where necessary, by the complainant as will effect the purposes of this section by eliminating the discrimination found. The hearing shall be held substantially in accordance with the procedures set forth in s. 106.50(6)(f), Wis. Stats.

2. A certified copy of such recommended findings, conclusions and orders, together with a summary of the findings of fact, shall be mailed to the last known address of the complainant and respondent. The complainant shall again be notified that he or she may elect to have the claims asserted if decided in a civil action in a circuit court in the State of Wisconsin as provided for in 106.50(6m), Wis. Stats., which election to initiate an action in circuit court must be made no later than 20 days after receipt of service of the findings.

3. If within 20 days following the mailing of the examiner's decision, the Commission does not receive notice of appeal, the findings, conclusions and orders of the examiner shall be the findings, conclusions and orders of the full Commission.

(f) Appeal. If within 20 days following the mailing of the examiner's decision the complainant or respondent serves notice of appeal, such appeal may be had to the full Commission. The Commission may reverse or modify the determination of the hearing examiner. After final determination of the Commission, either party may appeal by certiorari to a court of competent jurisdiction.

(g) Transfer of Proceedings. At any time after a finding of probable cause, the Commission, with appropriate notice to the complainant and respondent, may transfer the proceedings to itself. In addition, at anytime after the complaint is filed, the commission may file a petition in the circuit court for the county where the discrimination occurred, seeking a temporary injunction or restraining order against the respondent to prevent the respondent from performing any act which would tend to render any order in effectual, pending final determination of proceedings.

(h) Disqualification of Commissioners. No Commissioner who, pursuant to sub. (8)(a)1.c., has filed a complaint on his own initiative shall participate in any subsequent hearing or proceeding except as a witness, nor shall he participate in the deliberation of the Commission in such case.

(i) Judicial Enforcement. Whenever, in the judgment of the Commission, judicial enforcement of a Commission order is necessary, the Commission shall in writing request the County Corporation Counsel to commence proceedings in a court of competent jurisdiction to enforce such orders in the name of the County. Upon receipt of any such request, the Corporation Counsel shall seek enforcement of such orders in a court of competent jurisdiction.

(9) REMEDIES AND PENALTIES.

(a) Remedies. The Commission shall, after investigation and hearing, issue and implement such orders as may be necessary to effectuate the purposes of this section. Such orders may include:

1. Cease and desist orders;
2. Compensatory damages to the complainant;
3. Affirmative action by the respondent and, where necessary, by the complainant; and
4. Any other orders which may be necessary to effectuate the purposes of this section, but the commission may not order punitive damages.

(b) Penalties. Any person who willfully violates this section or any lawful orders shall be subject to the following penalties:

1. Damages not to exceed \$10,000.
2. A respondent who is not a natural person who has committed 1 other discriminatory act during the preceding 5 year period may be assessed a forfeiture not to exceed \$25,000, and if the respondent is not a natural person who has been adjudged to have committed 2 or more prior discriminatory acts during the prior 7 year period, he or she may be assessed a forfeiture not exceeding \$50,000.
3. If the respondent is a natural person who has been adjudged to have committed 1 other prior discriminatory act based on an offense before September 1, 1992, the forfeiture may not exceed \$25,000, and if the respondent is a natural person who has been adjudged to have committed 2 or more discriminatory acts based on an offense date prior to September 1, 1992, the forfeiture may not exceed \$50,000.

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(10) LIBERAL CONSTRUCTION. The provisions of this section shall be liberally construed to promote the purposes and provisions contained herein.

(11) JUDICIAL REVIEW. Within 30 days after service upon all parties of an order or determination of the commission under this subsection, the respondent, the complainant, or any aggrieved party may appeal the order or the determination to the circuit court for the County in which the alleged discrimination took place by the filing of a petition for review.

9.07 THEFT OF LIBRARY MATERIAL. The provisions of s. 943.61, Wis. Stats., relating to theft of library materials and any amendments, revisions and modifications of said statute, are hereby adopted by reference for violations where the value of the library materials does not exceed \$1,000.

9.08 OFFENSES INVOLVING ALCOHOLIC BEVERAGES. (Cr. #10-84)

(1) UNDERAGE AND INTOXICATED PERSONS. The provisions of s. 125.07, 125.02(8m) and (20m), Wis. Stats., as amended to take effect on July 1, 1984, relating to underage and intoxicated persons, presence on licensed premises and possession, and any amendments, revisions and modifications of such statutes, are hereby adopted by reference.

(2) PROHIBITED USE OF OFFICIAL IDENTIFICATION CARD. The provisions of s. 125.08, Wis. Stats., as amended to take effect on July 1, 1984, relating to proof of age and prohibited use of an official identification card, and any amendments, revisions, and modifications of such statutes, are hereby adopted by reference.

(3) POSSESSION ON SCHOOL GROUNDS AND IN PUBLIC PLACES PROHIBITED. The provisions of s. 125.09, Wis. Stats., relating to the consumption of alcoholic beverages on the premises of a public place and the possession of alcoholic beverages on school grounds, and any amendment, revisions and modifications of such statute, are hereby adopted by reference.

9.09 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY

(1) THEFT UNDER \$1,000. The provisions of s. 943.20(1) and (2), Wis. Stats., relating to theft, and any amendments, revisions and modifications of such statute are hereby adopted by reference for thefts under \$1,000.

(2) RETAIL THEFT. The provisions of s. 943.50, Wis. Stats., relating to retail theft and any amendments, revisions and modifications of such statute, exclusive of any provisions therein relating to penalties to be imposed, are hereby adopted by reference where the value of the merchandise does not exceed \$1,000.

(3) FRAUD ON HOTEL OR RESTAURANT KEEPERS OR TAXICAB OPERATORS. The provisions of s. 943.21(1) and (2), Wis. Stats., relating to fraud on hotel or restaurant keepers, and any amendments, revisions and modifications of such statute, are hereby adopted by reference where the value of any beverage, food, lodging, accommodation, transportation or other services, \$1,000 or less.

9.10 ISSUE OF WORTHLESS CHECKS.

(1) Whoever issues any check or other order for the payment of not more than \$1,000, which, at the time of issuance, the person intends shall not be paid is guilty of issuing a worthless check.

(2) Any of the following is prima facie evidence that the person at the time of issuance of 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; or

(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 five days after receiving notice of non-payment or dishonor to pay the check or other order; or

(c) Proof that, when presentment was made within reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five days after receiving notice of non-payment or dishonor to pay the check or other order.

(3) This section does not apply to a post-dated check or to a check given for a past consideration, except a payroll check.

9.11 SHINING ANIMALS PROHIBITED.

(1) No person may use or possess with intent to use a light for shining wild animals between 10:00 P.M. and 7:00 A.M. from September 1 to December 31 of a particular year and between 7:00 A.M. and 10:00 P.M. from September 1 to December 31 if the shining is within the public highway right-of-way where the beam from the light used or intended to be used shines within 1,000 feet of any building or structure inhabited by livestock or persons. This ban shall apply to all hand held lights and vehicle supported spotlights.

(2) Exceptions: This section does not apply:

(a) To a peace officer on official business, an employee of the DNR on official business, or a person authorized by the DNR to conduct a game census.

(b) To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes, or other unprotected animals during the open season for the animals hunted.

(c) To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes, or other unprotected animals.

(d) If rules promulgated by the DNR specifically permit a person to use or possess a light for shining wild animals during these times.

9.12 REGULATION OF FIREWORKS.

(1) DEFINITIONS. In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (a) Fuel or a lubricant.
- (b) A firearm cartridge or shotgun shell.
- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco and a tobacco product.
- (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
- (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
- (m) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- (n) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(2) The prohibitions regarding the sale, possession or use of fireworks as provided in s. 167.10, Wis. Stats., and amendments, or revisions, thereto are hereby adopted by reference.

(3) This ordinance does not apply and may not be enforced within any city, village, or town that has enacted or annexed an ordinance regulating fireworks pursuant to s. 167.10, Wis. Stats.

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9.13 OBSCENE MATERIAL OR PERFORMANCE. The provision of s. 944.21, Wis. Stats., relating to obscene materials or performances and any amendments, revisions and modifications of such statute, exclusive of any provisions therein relating to penalties to be imposed, are hereby adopted by reference.

9.14 PUBLIC ASSISTANCE; FALSE REPRESENTATION. The provision of s. 49.95(1), Wis. Stats., and any amendments, revisions or modifications thereto, are hereby adopted by reference.

9.15 PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY MINOR. The provisions of s. 938.983, Wis. Stats., regarding the purchase or possession of tobacco products by a person under 18 years of age and any amendments, revisions, or modifications thereto, are hereby adopted by reference.

9.16 POSSESSION OF MARIJUANA. It is unlawful for any person to possess 25 grams or less of marijuana as defined in s. 961.04(14), Wis. Stats., unless the marijuana was obtained directly from, or pursuant to a valid prescription or order of, a practitioner who is acting in the course of his or her professional practice as provided in s. 961.41(3g)(intro.), Wis. Stats, or unless the person is otherwise authorized by Chapter 961, Wis. Stats., to possess the marijuana. This section shall not apply to any person who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in this state. This section applies in every municipality within La Crosse County.

### 9.17 POSSESSION OF DRUG PARAPHERNALIA.

1. It is unlawful for any person to use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of Chapter 961, Wis. Stats. Drug paraphernalia shall be defined as provided in s. 961.571, Wis. Stats., or any amendments thereto. This section may be enforced in any municipality within La Crosse County.

2. Any person who violates this section who is under 17 years of age is subject to a disposition under s. 938.344(2e), Wis. Stats., or any amendments thereto.

### 9.20 PENALTY

(1) Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in s. 25.04 of this Code of Ordinances. In addition to any penalty imposed for violation of s. 9.943.01(1), any person who shall damage or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates s. 9.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with s. 895.035, Wis. Stats.

(2) Any person who shall violate any provision of ss. 9.08, 9.09 and 9.10 shall be subject to a penalty as provided in s. 25.04 of this Code of Ordinances, except as otherwise provided in s. 125.07 and 125.08, Wis. Stats.