

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN  
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Update to Ch. 9-Traffic Code; Chapter 10 Public Peace and Good Order

Code Section(s) replaced	<u>Sections 09.01, 10.01, 10.02 and 10.03</u>
Presented to Board by	<u>Town Clerk</u>
Committee Review by	<u>None (Town Attorney &amp; Police Chief)</u>
Date(s) Public Hearing(s) held (if required)	<u>None Required 10/15/2012</u>
Date adopted	<u>10/15/2012</u>
Vote	<u>4-0</u>
Date of publication of adoption of ordinance	<u>10/29/12</u>

The Town Board of the Town of Cottage Grove does ordain as follows:

*Section 09.01, 10.01, 10.02 and 10.03 of the Cottage Grove Town Ordinances shall be repealed and recreated to read as follows:*

*See attached 9 pages, which are incorporated by reference.*

Adopted this 15<sup>th</sup> day of October, 2012, by a vote of 4 for and 0 against and 0 abstentions.

TOWN OF COTTAGE GROVE

  
Kris Hampton, Town Chair

ATTEST:

  
Kim Banigan, Town Clerk

Approved as to form this  
15<sup>th</sup> day of October, 2012.

STAFFORD ROSENBAUM LLP

  
Constance L. Anderson  
Cottage Grove Town Attorney

## **CHAPTER 09 - TRAFFIC CODE**

### **09.01 STATE STATUTES ADOPTED BY REFERENCE**

(1) Except as otherwise specifically provided in the code of ordinances of the Town, the provisions of Wis. Stat. ch. 340 - 350, Wis. Stat. 23.33, and Wis. Adm. Code Trans 305, as may be amended from time to time, are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein. Notwithstanding the foregoing, the penalties and forfeitures for violations shall be those specified in the Town Code of Ordinances. (*See*; for example, TCG 25.04.)

(2) Any future amendments, revisions or modifications of the Wisconsin Statutes incorporated herein by reference, and Wisconsin Administrative Code provisions related thereto, are intended to be made part of this Code of Ordinances. For convenience, ordinances incorporating the Wisconsin Statutes may be referred to using the prefix "9" and the Wisconsin Statute. That is, as TCG 9- \_\_\_\_\_ (*insert Wisconsin Statute number*).

(3) The definitions of words and phrases contained in the Wisconsin State Statutes that are incorporated in this Code of Ordinances, are hereby adopted and made a part of this Code of Ordinances with the same force and effect as if fully reprinted herein.

#### **(4) EFFECTIVE DATE**

(a) The original ordinance was adopted on July 6, 1981. The ordinance was amended on October 1, 2012.

(b) This section shall take effect upon passage and publication.

## CHAPTER 10 - PUBLIC PEACE AND GOOD ORDER

### 10.01 TOWN PROSECUTION; REFERRALS TO DISTRICT ATTORNEY

(1) **PROSECUTION OF ORDINANCES.** To the extent that jurisdiction exists in Municipal Court, violations of this Code of Ordinances shall be prosecuted by the Town Prosecutor in Municipal Court as municipal ordinance violations, and not as criminal violations.

(2) **REFERRAL TO DISTRICT ATTORNEY.** Notwithstanding TCG 10.01(1), nothing in this Code of Ordinances shall prevent the Police Department or the Town Prosecutor from referring violations of this Code of Ordinances to the District Attorney's office, where such referral is in the interest of justice or where otherwise required by law.

### 10.02 DEFINITIONS OF TERMS; STATE STATUTES INCORPORATED BY REFERENCE

(1) **DEFINITIONS.** The definitions of words and phrases contained in the Wisconsin State Statutes<sup>1</sup> that are incorporated in this Code of Ordinances, are hereby adopted and made a part of this Code of Ordinances with the same force and effect as if fully reprinted herein. The following terms used in this Code of Ordinances are incorporated as set forth below:

(a) **Attempt.** (*See also, Wis. Stat. 939.32*)

(i) Whoever attempts to commit an act prohibited by this Code of Ordinances may be required to forfeit amounts not to exceed one-half ( $\frac{1}{2}$ ) the maximum penalty for the completed act.

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

(b) **Parties to Acts Prohibited in the Code of Ordinances**

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

(ii) A person is concerned in the commission of an act prohibited by these

---

<sup>1</sup> See, for example, Wis. Stat. 939.22.  
3079074.DOCX

ordinances if he or she:

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

(c) **Intent.** As used herein, "intent" means the same as the term "criminal intent" when used in the Wisconsin Statutes.

(d) **Offense.** As used herein, "offense" means the same as the terms "crime," "felony," or "misdemeanor" when used in the Wisconsin Statutes.

## (2) WISCONSIN STATE STATUTES ADOPTED BY REFERENCE AND SUBJECT TO FORFEITURE

The following Wisconsin Statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Town of Cottage Grove. Any future amendments, revisions or modifications of the Wisconsin Statutes incorporated herein by reference, and Wisconsin Administrative Code provisions related thereto, are intended to be made part of this Code of Ordinances. For convenience, ordinances incorporating the Wisconsin Statutes may be referred to using the prefix "10" and the Wisconsin Statute. That is, as TCG 10- \_\_\_\_\_ (*insert Wisconsin Statute number*).

29.288	Throwing Refuse in Waters
48.983	Use of Tobacco Products
50.58	Careless Smoking
118.07	Safety Requirements
118.08	School Zones; Crossings
118.09	Safety Zones
118.10	School Safety Patrols
118.105	Control of Traffic on School Premises
118.11	School Fences

- 118.123 Reports and Records
- 118.163 Truancy
  
- 134.65 Cigarette and Tobacco Products Retailer License
- 134.66 Restrictions on Sale or Gift of Cigarettes or Tobacco Products
  
- 167.10 Regulation of fireworks.
- 167.30 Use of firearms near parks.
- 167.31 Safe use and transportation of firearms and bows.
  
- 175.25 Illegal storage of junk vehicles.
  
- 254.92 Underage Possession of Tobacco Products

**Ch. 938 Juvenile Justice Code**

*Including, in particular, but not limited to the following:*

- 938.17 Jurisdiction—Civil Law and Ordinance Violations
- 938.342 Dispositions—Truancy and School Dropout Ordinance Violations
- 938.343 Dispositions—Civil Law and Ordinance Violations
- 938.344 Dispositions—Intoxicating Liquor and Beer Violations
- 938.345 Disposition of Child Adjudged in Need of Protection

**Ch. 939 Crimes, Generally**

*Including, in particular, but not limited to the following:*

- 939.05(2)(b) Aiding and Abetting
- 939.22 Words and Phrases Defined

**Ch. 940 Crimes—Life and Bodily Security**

*Including, in particular, but not limited to the following:*

- 940.19(1) Battery
- 940.291 Failure of a Police Officer to Render Aid

**Ch. 941 Crimes---Public Health and Safety**

*Including, in particular, but not limited to the following:*

- 941.01 Negligent Operation of a Vehicle
- 941.10 Negligent Handling of Burning Materials
- 941.12(2), (3) Interfering With or Failing to Assist in Firefighting
- 941.13 False Alarms and Interference with Firefighting
- 941.20(1) Reckless Use of Weapon
- 941.23 Carrying Concealed Weapon
- 941.235 Carrying a Firearm in a Public Building
- 941.24 Possession of Switchblade Knife
- 941.35 Emergency Telephone Calls
- 941.36 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes

941.37(1), (2) Obstructing Emergency or Rescue Personnel

**Ch. 942 Crimes Against Reputation, Privacy and Civil Liberties**

*Including, in particular, but not limited to the following:*

10-942.05 Opening Letters

**Ch.943 Crimes---Property**

*Including, in particular, but not limited to the following:*

943.01(1) Criminal Damage to Property  
943.11 Entry Into Locked Vehicle  
943.125 Entry Into Locked Coin Box  
943.13 Trespass to Land  
943.14 Trespass to Dwellings  
943.145 Criminal Trespass to a Medical Facility  
943.15 Entry Into Locked Site  
943.20(3)(a) Theft of Property  
943.21(3)(a) Fraud on Innkeeper  
943.22 Cheating Tokens  
943.23(4), (5) Operating Vehicle Without Owner's Consent  
943.34(1)(a) Receiving Stolen Property  
943.37 Alteration of Property Identification Marks  
943.38(3) Forgery  
943.41 Credit Card Crimes  
943.50(4)(a) Retail Theft  
943.55 Removal of a Shopping Cart

**Ch. 944 Crimes---Sexual Morality**

*Including, in particular, but not limited to the following:*

944.15 Fornication  
944.17 Sexual Gratification  
944.20 Lewd and Lascivious Behavior  
944.21 Obscene Material or Performance  
944.23 Making Lewd, Obscene or Indecent Drawings  
944.30 Prostitution  
944.31 Patronizing Prostitutes  
944.33 Pandering  
944.36 Solicitation of Drinks Prohibited

**Ch. 945 Gambling**

*Including, in particular, but not limited to the following:*

945.01 Definitions Relating to Gambling  
945.02 Gambling  
945.04 Permitting Premises to be Used for Commercial Gambling

**Ch. 946 Crimes---Government and Administration**

*Including, in particular, but not limited to the following:*

- 946.40 Refusing to Aid Officer
- 946.41 Resisting or Obstructing Officer
- 946.42(2) Escape
- 946.46 Encouraging Violation of Probation or Parole
- 946.69 Falsely Assuming to Act as Public Officer or Employee
- 946.70 Impersonating Peace Officer
- 946.72(2) Tampering with Public Records and Notices

**Ch. 947 Crimes Against Public Peace, Order and Other Interests**

*Including, in particular, but not limited to the following:*

- 947.01 Disorderly Conduct
- 947.012 Unlawful Use of Telephone
- 947.013 Harassment
- 947.047 Littering Shores
- 947.06 Unlawful Assemblies

**Ch. 948 Crimes Against Children**

*Including, in particular, but not limited to the following:*

- 948.01 Definitions Relating to Crimes Against Children
- 948.09 Sexual Intercourse With a Child Age 16 or Older
- 948.10 Exposing a Sex Organ
- 948.11(1)(b) Exposing a Child to Harmful Material
- 948.21 Neglecting a Child
- 948.40 Contributing to the Delinquency of a Child
- 948.50 Strip Search by School Employee
- 948.51(3)(a) Hazing
- 948.60 Possession of a Dangerous Weapon by a Child
- 948.61(2)(a) Dangerous Weapons on School Premises
- 948.63 Receiving Property From a Child

**Ch. 951 Crimes Against Animals**

*Including, in particular, but not limited to the following:*

- 951.01 Definitions Relating to Crimes Against Animals
- 951.015 Construction and Application
- 951.02 Mistreating Animals
- 951.03 Dognapping or Catnapping
- 951.04 Leading Animal from Motor Vehicle
- 951.05 Transportation of Animals
- 951.06 Use of Poisonous and Controlled Substances
- 951.07 Use of Certain Devices Prohibited
- 951.08 Instigating Fights Between Animals

- 951.09 Shooting at Caged or Staked Animals
- 951.10 Sale of Baby Rabbits, Chicks and Other Fowl
- 951.11 Artificially Colored Animals; Sale
- 951.13 Providing Proper Food and Drink to Confined Animals
- 951.14 Providing Proper Shelter
- 951.15 Animals; Neglected or Abandoned; Police Powers
- 951.16 Investigation of Animal Cruelty Complaints
- 951.17 Reimbursement for Expenses

**Ch. 961 Uniform Controlled Substances Act**

*Including, in particular, but not limited to the following:*

- 961.41 Possession, manufacture or delivery of marijuana, 25 grams or less, or other controlled substances.
- 961.573(1)-(2) Possession of drug paraphernalia.
- 961.574(1)-(2) Manufacture or delivery of drug paraphernalia.
- 961.575(1)-(2) Delivery of drug paraphernalia to a minor.
- 961.576 Advertisement of drug paraphernalia.

**SECTION 10.03 GENERAL PROHIBITIONS**

**Sec. 10.03-1 - Damage to or Destruction of Property Prohibited.**

(a) **No Damage or Destruction.** No person shall willfully damage, injure or intentionally deface, destroy, or unlawfully remove or interfere with any property belonging to the Town of Cottage Grove, the Cottage Grove Fire Department, the Cottage Grove Police Department or the EMS serving the Town of Cottage Grove, or to any private person without the consent of the owner or proper authority. The term “property” includes, but is not limited to, building, windows, street or building lamps, fences, equipment, trucks or vehicles, tools, apparatus, benches and tables, signs, bridges, structures, trees, shrubs, flowers, landscaped areas, turf, ornaments, statues, or other property.

(b) **No Posting; Defacing.** No person or organization shall place or permit to be placed any sign, poster, advertisement, notice, or other writing upon any structure belonging to the Town without the consent of proper authority. Any signs, posters, advertisements, notices, or other writings so placed shall be removed by law enforcement authorities and the placing person or organization cited for violation of this ordinance.

(c) **Personal and Parental Liability.** All persons who engage in prohibited damage or destruction of property shall be liable therefor. Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage to or destruction of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).

**Sec. 10.03-2 - Trespass to a Dwelling or Land.**

(a) **Trespass to Land.** No person shall enter or remain on any land after having been notified by the owner or duly authorized occupant (such as a tenant) not to remain on the premises.

(b) **Trespass to Dwelling.** No person shall intentionally enter or remain in the dwelling of another without the consent of the owner or duly authorized occupant (such as a tenant) who is otherwise lawfully able to grant permission to enter and remain upon the premises. Trespass often occurs under circumstances tending to create or provoke a breach of the peace.

**Sec. 10.03-3 - Littering Prohibited.**

(a) **Littering Prohibited.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Town of Cottage Grove, the Cottage Grove Fire Department, the Cottage Grove Police Department or the EMS serving the Town of Cottage Grove or any private person, or upon the surface of any body of water within the Town.

(b) **Litter From Conduct of Commercial Enterprise.**

(1) **Scope.** The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.

(2) **Litter to be cleaned up.** Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

(3) **Litter picked up at litterer's expense.** If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Town has the option but not the obligation to arrange to have the same picked up by Town crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Town Attorney, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.

(c) **Depositing of Materials Prohibited.** It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Town Board or Director of Public Works pursuant to the provisions of this Code of Ordinances, or upon any private property

without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

**Sec. 10.03-4 - Abandoned Refrigerators Prohibited.**

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

**CHAPTER 10: EFFECTIVE DATE:**

(a) The original TCG 10 ordinance was adopted on 7 Jun 1993. The ordinance was amended on February 19, 2007, and October 1, 2012.

(b) This amendment shall take effect upon passage and publication.