

# Chapter 1

## State Statutes Adopted

**11-1-1** Offenses Against State Laws Subject to Forfeiture

**11-1-2** Penalties; Attempt; Parties to Acts

### **Sec. 11-1-1 Offenses Against State Laws Subject to Forfeiture.**

The following 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 City of Onalaska. With the exception of Sec. 938.342, Wis. Stats., the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code. The penalty for truancy and high school dropouts shall be governed by the provisions of Sec. 938.342, Wis. Stats., as adopted herein.

29.288	Throwing Refuse in Waters
48.983	Purchase or Possession of Tobacco Products Prohibited
50.58	Careless Smoking
118.07	Safety Requirements
118.08	School Zones; Crossings
1 18.09	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 and School Dropout Violations
134.65	Cigarette and Tobacco Products Retailer License
134.66	Restrictions on Sale or Gift of Cigarettes or Tobacco Products
167.10	Fireworks Regulated
175.25	Illegal Storage of Junked Vehicles
175.60	License to carry a Concealed Weapon
938.125	Jurisdiction -- Juveniles Alleged to Have Violated Civil Laws or Ordinances
938.17	Jurisdiction -- Juveniles -- Traffic, Boating, Snowmobile and All-Terrain Vehicle Violations and Over Civil Law and Ordinance Violation
938.342	Disposition - Truancy and School Dropout Ordinance Violations
938.343	Disposition -- Juvenile Adjudged to Have Violated a Civil Law or an Ordinance
938.344	Disposition -- Certain Intoxicating Liquor, Beer and Drug Violations

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938.345	Disposition -- Juvenile Adjudged in Need of Protection or Services
939.05(2)(b)	Aiding and Abetting
939.22	Words and Phrases Defined
940.19(1)	Battery
940.291	Failure of a Police Officer to Render Aid
940.42	Misdemeanor Intimidation of Witness's
940.44	Intimidation of Victims
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
942.01	Defamation
942.03	Giving False Information for Publication
942.05	Opening Letters
942.20(1),(2)	Theft
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)	Fraud on Innkeeper or Restaurant Keeper
943.22	Cheating Tokens
943.23(1)(4)(5)	Operating Vehicle Without Owner's Consent
943.24	I.O.W.C.

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- 943.34(1)(a) Receiving Stolen Property
- 943.37 Alteration of Property Identification Marks
- 943.38(3) Forgery
- 943.41 Credit Card Crimes
- 943.46 Theft of Cable Services
- 943.50(1)-(3),
  - (4)(a) Retail Theft
- 943.55 Removal of a Shopping Cart
- 943.70 Computer Theft
- 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
- 945.01 Definitions Relating to Gambling
- 945.02 Gambling
- 945.04 Permitting Premises to be Used for Commercial Gambling
- 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
- 947.01 Disorderly Conduct
- 947.012 Unlawful Use of Telephone
- 947.013 Harassment
- 947.047 Littering Shores
- 947.06 Unlawful Assemblies
- 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),
  - (2)(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

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948.51(1),(2), (3)(a)	Hazing
948.60	Possession of a Dangerous Weapon by a Child
948.61(1),(2)	Dangerous Weapons on School Premises
948.63	Receiving Property From a Child
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	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
961.01 -	Uniform Controlled Substances Act
961.61	Uniformity of Interpretation
961.573(1)	Possession of drug paraphernalia.
961.574(1)	Manufacture or delivery of drug paraphernalia.
961.575(1)	Delivery of drug paraphernalia to a minor.

### Sec. 11-1-2 Penalties; Attempt; Parties to Acts.

- (a) **Penalty.** In addition to the general penalty provisions of this Code in Section 1-1-7 or any other penalty imposed for violation of any Section of this Title, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any un-emancipated juvenile who violates Section 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.
- (b) **Attempt.**
- (1) Whoever attempts to commit an act prohibited by Title 11 of the Code of Ordinances of the City of Onalaska may be, required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.

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- (2) An attempt to commit an act prohibited by the ordinances in Title 11 requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he/she does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he/she formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.
- (c) **Parties to Acts Prohibited in Title 11.**
- (1) Whoever is concerned in the commission of an act prohibited by Title 11 of this Code of Ordinances, is a principle and may be charged with and convicted of the commission of said act although he/she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
  - (2) A person is concerned in the commission of an act prohibited by these ordinances if he/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/her mind and no longer desires that the act be committed and notifies the other parties concerned of his/her withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.