

**CHAPTER 22**  
**TOWN OF DECATUR**  
**AN ORDINANCE CREATING CHAPTER 22 OF THE CODE**  
**OF ORDINANCES OF THE TOWN OF DECATUR REGULATING**  
**THE USE OF PARK PROPERTY IN THE TOWN OF DECATUR**

WHEREAS, the City of Brodhead owns property within the Town of Decatur which is used for various recreational purposes including park land and conservancy areas; and

WHEREAS, the Town Board of the Town of Decatur having been made aware that inappropriate

conduct has been occurring on these properties, all to the detriment of the property itself and to neighboring properties located within the Town; and

WHEREAS, the Town Board of the Town of Decatur finds that it is in the public interest to enact an Ordinance regulating that use of the property of the City of Brodhead located within the Town of

Decatur in order to better protect the property of the City and the property and interests of the neighboring

properties in the Town;

NOW, THEREFORE, the Town Board of the Town of Decatur do hereby ordain as follows:

Section I: Chapter 24 of the Code of Ordinances of the Town of Decatur is hereby created to read as follows:

**CHAPTER 22: PARK PROPERTY REGULATIONS**

**Sec 1. Purpose And Definitions.**

**(a) Purpose.** In order to protect the parks, parkways, recreational facilities and conservancy areas owned by the City of Brodhead and located in the Town of Decatur from injury, damage or desecration, and to protect the interests of neighboring properties, these regulations are enacted.

**(b) Definitions.**

**(1) Park Property.** Includes any and all grounds, structures and water courses owned by the City of Brodhead located in the Town of Decatur.

**(2) City.** The City of Brodhead, Green County, Wisconsin.

**(3) Common Council.** The Common Council of the City of Brodhead.

(Cross Reference 12-1-1 Brodhead Code)

**Sec. 2. Park Property Regulations.**

**(a) Specific Regulations.**

**(1) Littering Prohibited.** Depositing rubbish or litter in any park property is prohibited. No person shall place or deposit any filth, ashes, embers, dirt, garbage, rubbish, paper or other litter, refuse or offensive matter in or on any park property. This provision shall not prevent the proper use of rubbish burners or other receptacles where they are provided by the City.

**(2) Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the Common Council, or designated committee thereof.

**(3) Bill Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park property, except park regulations and other signs authorized by the Common Council or designated committee thereof.

**(4) Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park property.

**(5) Removal of Park Property Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park property.

**(6) Trapping.** "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or

contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals. The trapping of wild animals is hereby prohibited in park property unless authorized by the Common Council.

**(8) Protection of Park Property.** No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park property, except as permitted by the Common Council. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park property.

**(9) Motorized Vehicles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Common Council authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.

**(10) Snowmobiles.** No person shall operate a snowmobile in park property except in designated areas. Snowmobiles shall only be operated on designated trails.

**(11) Speed Limit.** No person shall operate any vehicle in a park property in excess of fifteen (15) miles per hour unless otherwise posted.

**(12) Glass Beverage Bottles in Park Property Prohibited.** No person shall bring into, carry onto or possess while in any park property glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcoholic beverages.

**(13) Reckless Driving in Park Property Prohibited.** No person shall operate a motor vehicle in any park property except in a designated parking area.

**(14) Parking in Park Property.** No person shall park any motor vehicle in any park property except in a designated parking area.

**(15) Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park property, except on roads or designated bridle paths, except when approval of the Common Council is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped.

**(16) Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.

**(17) Golfing and Sporting Activities.** No golfing or practicing golf in park property shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.

**(18) Arrows.** No person shall use or shoot any bow and arrow in any park property, except in authorized areas.

**(20) Camping.** Camping in all park property is prohibited.

**(21) Firearms.** Possessing or discharging of any firearm or weapon of any kind, except as authorized by the Common Council, is prohibited in all park property.

**(22) Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all park property.

**(23) Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all park property.

(Cross-Reference 12-1-1 Brodhead Ordinance)

### **Sec. 3. Park Hours.**

**(a) Park Property Use Hours.** Subject to subpart (b) below, no person shall be in any park

property between the hours of 10:00 p.m. and 5:00 a.m.

**(b) Fishing.** Persons engaged in the recreational activity of fishing, as evidenced by their attending to one or more fishing lines, may be present in park property at times other than those listed in subpart (a) above.

**(c) Park Property Closing and Opening Dates.** The Chief of Police of the City of Brodhead or Common Council will have full authority to open and close any park property because of weather conditions, physical condition, construction or when, in the interest of public safety, it is deemed necessary.

(Cross-Reference Section 12-1-4 Brodhead Ordinance)

**Sec. 4. Possession Of Cigarettes Or Tobacco Products By A Minor.**

No person under the age of eighteen (18) years shall possess or carry a cigarette or a tobacco product within any park property. A cigarette for purposes of this section has the meaning given in

Section 139.30(1), Wis. Stats. Tobacco products for purposes of this section has the meaning given in

Section 139.75(12), Wis. Stats.

(Cross-Reference Section 11-5-8 Brodhead Ordinance)

**Sec. 5. Possession, Manufacture and Delivery of Drug Paraphernalia By Minor Prohibited.**

**(a) Definition.** In this Section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance, as defined in Ch. 961, Wis. Stats., in violation of this Section. It includes but is not limited to:

**(1)** Kits used, intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

**(2)** Kits used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, or preparing controlled substances.

**(3)** Isomerization devices used, intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance.

**(4)** Testing equipment used, intended for use, or designed for use, in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.

**(5)** Scales and balances used, intended for use, or designed for use, in weighing or measuring controlled substances.

**(6)** Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.

**(7)** Separation gins and sifters used, intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

**(8)** Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use, in compounding controlled substances.

**(9)** Capsules, balloons, envelopes or other containers used, intended for use, or designed for use, in packaging small quantities of controlled substances.

**(10)** Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

**(11)** Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting controlled substances into the human body.

**(12)** Objects used, intended for use, or designed for use, in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil, into the human body, including but not limited to:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without

- screens, permanent screens, hashish heads, or punctured metal bowls;
- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons and cocaine vials.
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bongs;
- m. Ice pipes or chillers.

**(b) Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered, without limitation, of such other considerations a court may deem relevant:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
- (2) Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.
- (3) The proximity of the object in time and space to a direct violation of this Section.
- (4) The proximity of the object to controlled substances.
- (5) The existence of any residue of controlled substance on the object.
- (6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
- (7) Oral or written instructions provided with the object concerning its use.
- (8) Descriptive materials accompanying the object which explain or depict its use.
- (9) National and local advertising concerning its use.
- (10) The manner in which the object is displayed for sale.
- (11) Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise.
- (12) The existence and scope of legitimate uses for the object in the community.
- (13) Expert testimony concerning its use.

**(c) Prohibited Uses.**

**(1) Possession of Drug Paraphernalia.** No person in any park property may use, or possess with the sole 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 in violation of this Subsection.

**(2) Manufacture or Delivery of Drug Paraphernalia.** No person in any park property may deliver, or possess with intent to deliver, drug paraphernalia, knowing that it will be solely used 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 in violation of this Subsection.

**(3) Delivery of Drug Paraphernalia By a Minor to Minor.** Any person who is under eighteen (18) years of age, who violates Subsection (c)(2) by delivering drug paraphernalia in any park property to a person under eighteen (18) years of age who is at least three (3) years younger than the violator, is guilty of a special offense.

**(4) Exemption.** This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Chapter 161, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 161, Wis. Stats.

**(d) Drug Paraphernalia Prohibited for Adults.** The Town of Decatur does hereby adopt by reference Secs. 161.573, 161.574 and 161.575, Wis. Stats., relating to the possession, manufacture, sale and delivery of drug paraphernalia in any park property.

**(e) Penalties.** In addition to any other penalty provided in this Ordinance, any person who violates Subsection (c)(1), (2) or (3), shall, upon conviction, be subject to disposition under Sec. 938.344(2e), Wis. Stats.

(Cross-Reference Section 11-5-6 Brodhead Ordinance)

**Sec. 6. Possession Of Controlled Substances By Juveniles.**

It shall be unlawful for any person under the age of seventeen (17) to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161, of the Wisconsin Statutes in any park property.

(Cross-Reference Section 11-5-2 Brodhead Ordinance)

**Sec. 7. Underage Persons; Prohibitions.**

No person under the legal drinking age as defined by the Wisconsin Statutes, not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, shall knowingly possess or consume alcohol beverages in park property.

(Cross-Reference Section 11-4-4 Brodhead Ordinance)

**Sec. 8. Adult Permitting Or Encouraging Underage Violation.**

**(a)** No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages in park property by a person under the legal drinking age. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service, or to an adult who is the parent, guardian or spouse of legal drinking age of the person who is under the legal drinking age.

**(b)** No adult may intentionally encourage or contribute to a violation of Section 7.

(Cross-Reference Section 11-4-8 Brodhead Ordinance)

**Sec. 9. Theft.**

No person shall, in park property, intentionally take and carry away, use, transfer, conceal or retain possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of such property.

(Cross-Reference Section 11-3-11 Brodhead Ordinance)

**Sec. 10. Damage To Park Property.**

No person (except those authorized by the Common Council) shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within park property.

(Cross-Reference Section 11-3-6 Brodhead Ordinance)

**Sec. 11. Possession Of Marijuana.**

**(a)** No person in park property shall possess twenty-five (25) grams or less of marijuana, as defined in Section 961.01(14), Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 161, Wis.

Stats.

**(b)** For purposes of this Section, "practitioner" means:

**(1)** A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.

**(2)** A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.

**(c)** This Section does not apply to any person who is charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

(Cross-Reference Section 11-2-11 Brodhead Ordinance)

**Sec. 12. Failure to Obey Lawful Order; Resisting an Officer.**

**(a) Lawful Orders.** It shall be unlawful for any person in park property to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

**(b) Resisting or Interfering with Officer Prohibited.** It shall be unlawful for any person in park property to resist or in any way interfere with any police officer or member of the City of Brodhead Police Department or any person called to assist such officer, or to threaten, resist or interfere with such officer or person or to advise or encourage any other person to resist or interfere with such officer or person in the discharge of his duty, or to in any way interfere with or hinder or prevent him from discharging his duty as such officer or assistant, or to offer or endeavor to do so, or to in any manner assist any person in the custody of any law enforcement officer to escape or to attempt to escape from such custody, or to try to persuade any person to escape from the custody of such officer or to rescue or attempt to rescue any person so in custody or to fail to obey the order or direction of such officer while such officer is acting in his official capacity in carrying out his duties.

**(c) Obstructing a Police Officer.** It shall be unlawful for any person in park property to obstruct a police officer, while such police officer is doing any act in an official capacity and with lawful authority, or member of the City of Brodhead Police Department or any person called to assist such officer. In this Subsection "obstructs" includes, without limitation, knowingly giving false information to the police officer or member of the City of Brodhead Police Department or any person called to assist such officer or knowingly placing physical evidence with intent to mislead the police officer or City of Brodhead Police Department member or person called to assist in the performance of his or her duty, including the service of any summons or civil process.

(Cross-Reference Section 11-2-10 Brodhead Ordinance)

**Sec. 13. Disorderly Conduct.**

**(a) Disorderly Conduct Prohibited.** No person within park property shall:

**(1)** In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person;

**(2)** Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation;

**(3)** With intent to annoy another, make a telephone call, whether or not conversation ensues;

**(4)** Indecently expose his or her person.

**(b) Defecating or Urinating in Public Places.** It shall be unlawful of any person to defecate or urinate outside of designated sanitary facilities in any park property.

(Cross-Reference Section 11-2-8 Brodhead Ordinance)

**Sec. 14. Loud and Unnecessary Noise Prohibited.**

It shall be unlawful for any person in park property to make, continue or cause to be made or continued any loud and unnecessary noise. It shall be unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any park property in such manner that the peace and good order of the neighborhood is disturbed of that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.

(Cross-Reference Section 11-2-7 Brodhead Ordinance)

**Sec. 15. Regulation of Firearms, Explosives, and Other Missiles.**

No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description in his possession or under his control within park property.

(Cross-Reference Section 11-2-1 Brodhead Ordinance)

**Sec. 16. 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 Town of Decatur. With 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 Ordinance. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made by part of this Ordinance.

(1) 29.288 Throwing Refuse in Waters

(24) 940.19(1) Battery

(42) 942.20(1), (2) Theft

(43) 943.01(1) Criminal Damage to Property

(64) 944.20 Lewd and Lascivious Behavior

(Cross-Reference Section 11-1-1 Brodhead Ordinance)

**Sec. 17. Disturbance of the Peace With a Motor Vehicle.**

**(a) Disorderly Conduct With a Motor Vehicle Prohibited.** It shall be unlawful for any person to operate a motor vehicle in park property in an unreasonably loud, disturbing or otherwise disorderly fashion which, under the circumstances, does or tends to annoy or disturb another in or about park property or its immediate neighborhood.

**(b) Unnecessary Smoke Prohibited.**

(1) It shall be unlawful for any person to operate a motor vehicle in park property in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about the park property or its immediate neighborhood.

(2) Loud, disturbing, or unnecessary sounds or noises shall include, but are not limited to the following:

a. The making of intentional and unnecessary noises with the engine of the motor vehicle which engine noise is not required for the purpose of normal operation of the motor vehicle.

b. The unnecessary and intentional blowing of the horn or the playing of the radio at a sufficiently loud volume to create a disturbance outside the motor vehicle.

**(c) Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for

any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles in park property in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.

(Cross-Reference Section 10-1-40 Brodhead Ordinance)

**Sec. 18. Penalties; Attempts; Parties to Acts.**

**(a) Penalty.** In addition to the general penalty provisions of this Ordinance in Section 19 or any other penalty imposed for violation of any section of this Ordinance, any person who shall cause physical damage to or destroy any park property shall be liable for the cost of replacing or repairing such damaged or destroyed property. Nothing in this Ordinance shall prevent the City of Brodhead Police Department from referring violations of the provisions of this Ordinance to the District Attorney's office in the interest of justice.

**(b) Attempt.**

(1) Whoever attempts to commit an act prohibited by this Ordinance may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.

(2) An attempt to commit an act prohibited by this Ordinance 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 this Ordinance.**

(1) Whoever is concerned in the commission of an act prohibited by this Ordinance 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 this Ordinance.

(2) A person is concerned in the commission of an act prohibited by this Ordinance if he:

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.

(Cross-Reference Section 11-1-2 Brodhead Ordinance)

**Sec. 19. General Penalty.**

**(a) General Penalty.** Except where a penalty is provided elsewhere in this Ordinance, any person seventeen (17) years of age or older who shall violate any of the provisions of this Ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

**(1) First Offense – Penalty.** Any person seventeen (17) years of age or older who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), together with all costs, surcharges, penalty assessments, and any other taxable item of cost as provided for by the laws of the State of Wisconsin as applicable to forfeiture actions that are in effect at the time of the offense, and any other taxable costs as imposed by any other provision of this Ordinance.

**(2) Second and Subsequent Offenses – Penalty.** Any person seventeen (17) years of age or

older who is found guilty of violating any section of this Ordinance who has previously been convicted of a violation of the same section of this Ordinance within three (3) years from the date of the last offense to the date of the current offense shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each such offense, together with all costs, surcharges, penalty assessments, and any other taxable item of cost as provided for by the laws of the State of Wisconsin as applicable to forfeiture actions that are in effect at the time of the offense, and any other taxable costs as imposed by any other provision of this Ordinance.

**(b) Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town of Decatur from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance.

**(c) Other Remedies.**

(1) The Town of Decatur shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

(2) Execution or assessment against defendant's property. Whenever any person fails to pay a forfeiture and costs of prosecution upon the order of any court for violation of this Ordinance, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs. In the alternative, upon authorization of the court imposing any such forfeiture and costs, such sum as remains unpaid shall be assessed against any real property owned by the defendant within the Town of Decatur and shall be added to the Town's portion of the property tax liability.

(3) In addition to any forfeiture imposed under this Section or any other penalty section of this Ordinance, the Town of Decatur may institute an action or proceeding to enjoin any violation; and such violation or any nonpayment of any forfeiture and costs shall constitute the basis for revocation or denial of any and all licenses and permits wherein the Town is the issuing authority.

**(d) Time to Pay.** Any forfeiture and costs imposed as a penalty pursuant to this Section or any penalty provisions of this Ordinance shall be payable forthwith if so ordered by the court; however, the court may, in its discretion, allow reasonable time for payment, or reasonable payment plans, considering the defendant's ability to pay, and the court shall allow any time for payment or payment plan as provided for by any state law applicable at the time of imposition of the forfeiture.

**(e) Disposition of Children Twelve (12) Through Sixteen (16) Years of Age Adjudged to Have Violated This Ordinance.** If the court finds a child twelve (12) through sixteen (16) years of age violated this Ordinance, it shall enter an order making one or more of the dispositional orders permitted under Section 938.343(1), (2), (4), (5), (6), (7), (8) or (10), Wis. Stats.

**(f) Violation of Juvenile Dispositional Orders.** The court may impose the following sanctions on a child twelve (12) through sixteen (16) years of age who has violated this Ordinance and who has violated a condition of his or her dispositional order:

(1) Suspend the child's operating privilege for a period not more than ninety (90) days;

(2) Detain the child in his or her home or current residence for not more than thirty (30) days without electronic monitoring.

(Cross-Reference Section 1-1-7 Brodhead Ordinance)

**Sec. 20. Enforcement of Ordinance; Issuance of Citation.**

**(a) Method of Enforcement.** The Town of Decatur hereby elects to use the citation method of enforcement of this Ordinance. All law enforcement officers charged with the responsibility of enforcing the provisions of this Ordinance are hereby authorized pursuant to Sec. 66.119 (1)(a), Wis. Stats., to issue citations for violations of this Ordinance including sections of this Ordinance for which a statutory counterpart exists.

**(b) Form of Citation.** Each citation shall contain the information required to State law and

may contain additional information. The form of the citation is hereby prescribed as found in Sec. 66.119(1)(b), Wis. Stats., as amended, which is incorporated herein by reference.

**(c) Schedule of Deposits.**

(1) The schedule of cash deposits for the sections of this Ordinance for which a citation may be issued are as established according to the penalty provisions of Section 19 on the deposit schedule established by the Town of Decatur Town Board, a copy of which is on file with the Town Clerk.

(2) The State of Wisconsin Revised Uniform State Traffic Deposit Schedule, and Alcohol Beverages, Harassment and Safety Violations Deposit Schedule, and Uniform Misdemeanor Bail Schedule, and Trespass to Land Deposit Schedule, including future amendments, revisions or modifications, is adopted for all violations of state statutes adopted by this Ordinance, and statutory counterpart sections of this Ordinance adopted by this Ordinance.

(3) Deposits shall be made in cash, money order or certified check to the Green County Clerk of Court who shall provide a receipt therefor.

**(d) Issuance of Citation.** Any law enforcement officer of the City of Brodhead or the Green County Sheriff's Department may issue citations authorized under this Ordinance.

**(e) Procedure.** State laws which describe the procedures to be followed before, during, and after a citation is written and State laws which Towns have the option of adopting with respect to procedures to be followed before, during, and after a citation is written, including provisions which relate to an alleged violator's options and procedure on default, are hereby adopted and incorporated herein by reference.

**(f) Nonexclusivity.**

(1) **Other Ordinance.** Adoption of this Ordinance does not preclude the Town of Decatur Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(2) **Other Remedies.** The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

(Cross-Reference Section 1-2-1 through 1-2-6 Brodhead Ordinance)

Adopted this the 17<sup>th</sup> day of January, 2017  
By the Town Board of the Town of Decatur

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Allen Schneider, Chairperson

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Ronald L. Schwartzlow, 1<sup>st</sup> Supervisor

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Robert A. Gadow, 2<sup>nd</sup> Supervisor

Attest:

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Ann L. Schwartz, Clerk/Treasurer