

## CHAPTER 3

### Offenses Against Property

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#### **SEC. 11-3-1 DESTRUCTION OF PROPERTY PROHIBITED.**

- (a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Town and belonging to the Town or its departments, or to any private person, without the consent of the owner or proper authority.
- (b) **Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Five Thousand Dollars (\$5,000.00).
- (c) **Unlawful Removal of Property.** It shall be unlawful for any person to take and carry away the property of another without the owner's consent with the intention to do so.

#### **SEC. 11-3-2 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 upon any private person or 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) Cleanup of Litter. 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 twenty-four (24) hours of the time the same is deposited or immediately if such litter or debris presents a traffic or safety hazard. 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 shall arrange to have the same picked up by Town crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. 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 Attorneys office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.
- (c) **Dumping of Refuse and Grass in Gutters.** Except for temporary placement up to eight (8) hours, no person shall deposit any refuse, leaves or grass clippings in any gutter along any public street, road, alley or highway.
- (d) **Depositing of Materials Prohibited.** Except as provided in Subsection (c), it shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, 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 Town officials 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.
- (e) **Handbills.**
- (1) Scattering Prohibited. It shall be unlawful to deliver any handbills or advertising material to any premises in the Town except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or entrance way to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
  - (2) Papers in Public Places Prohibited. It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.
  - (3) Advertisements Upon Public or Private Property. No person shall place any advertisement upon any public property or any street, alley or public ground or

upon any private property situated and fixed in any street, alley or public ground or upon any other private property, except by the permission of the owner thereof, but this Section shall not apply to the posting of notices required by law.

**SEC. 11-3-3 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 agent and is securely locked or fastened.

**SEC. 11-3-4 RETAIL THEFT.**

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection (d).
- (b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- (c) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian of a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (d) **Penalty.** If the value of the merchandise does not exceed One Hundred Dollars (\$100.00), any person violating this Section shall forfeit not more than Two Hundred Dollars (\$200.00). If the value of the merchandise exceeds One Hundred Dollars (\$100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

State Law Reference: Sec. 943.50, Wis. Stats.

**SEC. 11-3-5 INTERFERENCE WITH FRANCHISED TELECOMMUNICATIONS NETWORKS.**

- (a) **Unauthorized Connections Prohibited.** No person, firm, group, company, or corporation shall, without the express consent of the franchisee to make any connection, extension or division, whether physically acoustically, inductively, electronically, or otherwise, with or to any segment of a franchised broadband telecommunications network for any purpose whatsoever.
- (b) **Removal or Destruction Prohibited.** No person, firm, group, company, or corporation shall, without the express written consent of the franchisee, willfully interfere, tamper, remove, obstruct, or damage any part, segment, or content of a franchised broadband telecommunications network for any purpose whatsoever.

**SEC. 11-3-6 ISSUANCE OF WORTHLESS CHECKS.**

- (a) Whoever issues any check or other order for the payment of money less than Five Hundred Dollars (\$500.00) which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
- (b) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
  - (1) Proof that, at the time of issuance, the person did not have an account with the drawee; or
  - (2) 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 (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
  - (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.
- (c) This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.
- (d) Any person violating any provisions of this Section shall forfeit not less than Fifty Dollars (\$50.00) if the worthless check is for an amount equal to or less than One Hundred Fifty Dollars (\$150.00) and shall forfeit not less than One Hundred Dollars (\$100.00) if the worthless check is an amount greater than One Hundred Fifty Dollars (\$150.00) and less than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment, imprisonment in the County Jail until forfeiture and costs are paid but not to exceed sixty (60) days.

**SEC. 11-3-7 THEFT OF LIBRARY MATERIAL.**

- (a) **Definitions.** For the purposes of this Section, certain words and terms are defined as follows:

- (1) Archives. A place in which public or institutional records are systematically preserved.
  - (2) Library. Means any public library, library of an educational or historical organization or society or museum, and specifically the public libraries serving the Town of Caledonia.
  - (3) Library Material. Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audio-visual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics, belonging to, on loan to or otherwise in the custody of a library.
- (b) **Possession Without Consent Prohibited**. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library and Town Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.
- (c) **Concealment**. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- (d) **Detention Based on Probable Cause**. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this Section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (e) **Damaging Material Prohibited**. No person shall mark, deface or in any other way damage or mutilate any library material.
- (f) **Return Demanded**. No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the library.

State Law Reference: Sec. 943.61, Wis. Stats.

**SEC. 11-3-8 DAMAGING OR TAMPERING WITH COIN MACHINE.**

- (a) No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the Town.
- (b) In this Section, coin machine means any device or receptacle designed to receive money or anything of value. The term includes a depository box, parking meter, vending machine, pay telephone, money-changing machine, coin-operated phonograph and amusement machine if they are designed to receive money or other thing of value.

**SEC. 11-3-9 DAMAGE TO PUBLIC PROPERTY.**

- (a) **Damaging Public Property.** No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or 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 any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Town,
- (b) **Breaking of Street Lamps or Windows.** No person shall break glass in any street lamps or windows of any building owned or occupied by the Town.

**SEC. 11-3-10 CEMETERY REGULATIONS.**

- (a) **Purpose and Definition.** In order to protect cemetery areas within the Town from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this Section shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the Town of Caledonia.
- (b) **Authority to Establish Rules and Regulations.** The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement, of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.
- (c) **Specific Regulations.**
  - (1) Disturbing Cemetery Property. No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property, except the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface,

mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person more or remove any cemetery equipment without the owner's consent.

- (2) Protection of Cemetery Property. No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb any animals, birds or waterfowl, wild or domestic, within any cemetery in any manner except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery.
- (3) Motor Vehicles. Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- (4) Speed Limit. No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) mile's per hour unless otherwise posted.
- (5) Parking. No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- (6) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.
- (7) Pets. Pets, including animals of any species, are prohibited in any cemetery without the cemetery owner's consent.
- (8) Sound Devices. No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.
- (9) Authorized Notices. 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 cemetery, except under these regulations. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.
- (10) Loitering Prohibited. No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
- (11) Alcoholic Beverages Prohibited. No person shall consume or have in his possession any open container containing an alcohol beverage upon any cemetery property within the Town unless the property is specifically named as being part of a licensed premises.
- (12) Play Vehicles Prohibited. No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this Section, a

play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.

- (13) Presence Prohibited During Nighttime. It shall be unlawful for any person to be within the boundaries of any cemetery between the hours of sunset and sunrise, except by written permission signed by the cemetery sexton.

**SEC. 11-3-11 THEFT.**

(a) Whoever does any of the following shall, upon adjudication to that effect, be subject to the penalties specified in Section 1-1-6.

- (1) Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of such property.
- (2) By virtue of his office, business, or employment or as trustee or bailee, having possession or custody of money or of a negotiable writing of another, intentionally uses, transfers, conceals, or retains possession of such money, security, instrument, paper, or writing without the owner's consent, contrary to his authority, and with intent to convert to his own use. A refusal to deliver any money or a negotiable security, instrument, paper, or other negotiable writing, which is in his possession or custody by virtue of his office, business, or employment, or as bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his own use within the meaning of this paragraph.
- (3) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property.
- (4) Obtains title to property of another by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.

(b) **Definitions.** In this Section:

- (1) "Property" means all forms of tangible property, whether real or personal, without limitation, including electricity, gas, and documents which represent or embody a chose in action or other intangible rights.
- (2) "Movable property" is property whose physical location can be changed without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found in land.
- (3) "Value" means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document, evidencing a chose in action or other tangible right, value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration



or value of such interest shall be deducted from the total value of the property.

- (4) "Property of Another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.
- (c) **Limitation.** No person shall be charged under this Section where the value of the stolen property exceeds Five Hundred Dollars (\$500.00).

#### **SEC. 11-3-12 DAMAGE TO RAILROADS.**

- (a) Whoever intentionally causes damage or who causes another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel, or signal or any railroad property used in providing rail services, which could cause an injury, accident or derailment, is guilty of an ordinance violation and, upon adjudication to that effect, shall be subject to the penalties specified in Section 1-1-6 of this Code of Ordinances.
- (b) Whoever intentionally shoots a firearm at any portion of a railroad train, car, caboose or engine is guilty of an ordinance violation and, upon adjudication to that effect, shall be subject to the penalties specified in Section 1-1-6 of this Code of Ordinances.
- (c) Whoever intentionally throws, shoots or propels any stone, brick, or other missile at any railroad train, car, caboose, or engine is guilty of an ordinance violation and, upon adjudication to that effect, shall be subject to the penalties specified in Section 1-1-6 of this Code of Ordinances.
- (d) Whoever intentionally throws or deposits any type of debris or waste material on or along any railroad track or right-of-way which could cause an injury or accident is guilty of an ordinance violation and, upon adjudication to that effect, shall be subject to the penalties specified in Section 1-1- 6 of this Code of Ordinances.

#### **SEC. 11-3-13 TRESPASSING ON RAILROADS.**

No person, other than a licensee or authorized newspaper reporters or those connected with or employed upon the railroad, shall walk, loiter or be upon or along the track of any railroad. The provisions of this Subsection shall not be construed to interfere with the lawful use of a public road or highway by any person, or to prevent any person from driving across any railroad from one part of his land to another part thereof, or from walking directly across the tracks or right-of-way of any railroad; or with the use of the right-of-way or track by any person when occasioned by or in connection with, either directly or indirectly, the shipping, loading or unloading of freight, seeking employment, the investigation or securing of evidence with respect to any accident or wreck, or in conducting or transacting any other business for or with said railroad; or with the entry of any employee during or on account of labor disputes by employees.

#### **SEC. 11-3-14 VANDALISM – GRAFFITI RELATED.**

- (a) **Prohibited Conduct.** No person may write, paint, or draw any inscription, figure, or mark of any type on any public or private building or other real or personal property owned,

operated or maintained by a government entity or any agency or by any person, firm or corporation unless the express permission of the owner or operator of the property has been obtained.

- (c) **Penalty.** Any person convicted of violating this Section shall forfeit not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Thousand Dollars (\$5,000.00) per violation, or upon default of payment be imprisoned for not more than ninety (90) days.