

## ADOPTING STATE STATUTES FOR FORFEITURES ORDINANCE

**Section I. Title/Purpose.** This Ordinance is entitled “Adopting State Statutes for Forfeitures Ordinance.” The purpose of this Ordinance is as follows:

To promote the safety, health and general welfare by adopting and enforcing certain statutes of the State of Wisconsin.

**Section II. Authority.** The Town Board of the Town of Shelby has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this Ordinance and/or by its adoption of Village Powers under Section 60.10, Wis. Stats., to regulate, control, prevent and enforce against in the Town of Shelby certain uses, activities, businesses and operations by persons that may affect Public safety and Public order in the Town of Shelby.

**Section III. Adoption of Ordinance.** The Town Board of the Town of Shelby has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and has established by these sections and this Ordinance the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect Public safety and Public order in the Town of Shelby.

**Section IV. General Provisions.** No person shall commit the following offenses in the Town of Shelby that are hereby adopted by reference in this Ordinance. The prosecution of such offenses under this Ordinance shall be as provided in the Wisconsin Statutes and Annotations 2007-2008 (49<sup>th</sup> Edition) in the following Sections: Section 60.23, Town Board Miscellaneous powers, Section 60.05, Organization of Towns in special cases, and the below noticed Statutes from:

- A. State Statute 29.314, Shining Animals.
- B. State Statute 118.163, Municipal truancy and school dropout ordinances.
- C. State Statute 125.07, Underage and intoxicated persons; presence on licensed premises; possession; penalties.
- D. State Statute 125.085, Proof of Age.
- E. State Statute Chapter 172, Animals Distrained or Doing Damage.
- F. State Statute 287.81, Littering.

- G. State Statute 943.01, Damage to property.
- H. State Statute 943.11, Entry into locked vehicle.
- I. State Statute 943.12, Possession of burglarious tools.
- J. State Statute 943.125, Entry into locked coin box.
- K. State Statute 943.13, Trespass to land.
- L. State Statute 943.14, Criminal trespass to dwellings.
- M. State Statute 943.15, Entry onto a construction site or into a locked building, dwelling or room.
- N. State Statute 943.20, Theft.
- O. State Statute 943.201, Un-authorized use of an individual's personal identifying information or documents.
- P. State Statute 943.203 Un-authorized use of an entity's identifying information or documents.
- Q. State Statute 943.21, Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station.
- R. State Statute 946.41 Resisting or obstructing officer.
- S. State Statute 947.01 Disorderly Conduct.
- T. State Statute 947.012 (2) Unlawful use of telephone.
- U. State Statute 961.41 (3G) Possession.
- V. State Statute 961.573 (Sub 1) Possession of drug paraphernalia.

**Section V. Enforcement and Penalties.** Any person who is convicted of Damage to Property under Section II of this ordinance shall be fined One Hundred Dollars (\$100.00).

**Section VI. Severability.** The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid, and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of

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the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section VII. Effective Date.** This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: March 22, 2010

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Lynnetta P. Kopp, Town Chair

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Randall R. Knapp, Town Supervisor

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John O. Zahn, Town Supervisor

ATTEST:

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Catherine Brott, Town Clerk