

**ORDINANCE 85-2
TOWN OF ASHFORD**

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TITLE 4
TOWN CONSTABLE

Chapters:

4.04 Town Constable

4.08 Officers

Chapter 4.04

Sections:

- 4.04.010 Powers and Duties Generally
- 4.04.020 Obedience to Town Board
- 4.04.030 Law Enforcement and Prosecution
- 4.04.040 Supervision—Rule Adoption
- 4.04.050 Equipment
- 4.04.060 Recordkeeping
- 4.04.070 Duty Roster
- 4.04.080 Operation of Department—Administration

4.04.010 Powers and Duties Generally

The Town Constable shall possess the power, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon marshals and police chiefs.

4.04.020 Obedience to the Town Board

The constable shall obey all lawful written orders of the Town Board.

4.04.030 Law Enforcement and Prosecution

The constable shall cause the public peace to be preserved and see that all laws and ordinances of the Town and State are enforced, and whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders.

For Statutory provisions on municipal Police Departments see Wis. Stat. 1975 62.15. For Statutory provisions on the constable, see Wis. Stat. 1975 62.09 (13) and 62.1393).

4.04.040 Supervision – Rule Adoption

The constable shall exercise supervisory control over all the personnel of his department and may adopt, subject to the approval of the Board, rules and regulations for the government, discipline, equipment and uniforms of officers.

4.04.050 Equipment

The constable shall be solely responsible for the care and condition of the equipment used by his department.

4.04.060 **Recordkeeping**

The constable shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the department.

4.04.070 **Duty Roster**

The constable shall be solely responsible for the drafting, signing, and carrying out of all duty rosters of the members of the department, based upon the capabilities and abilities of the various members.

4.04.080 **Operation of Department—Administration**

The constable shall be responsible for the entire operation of the department at maximum efficiency. He shall perform all administration duties carried out by the constable.

Chapter 4.08
OFFICERS*

Sections:

- 4.08.010 Department--Composition
- 4.08.020 Powers and Duties Generally
- 4.08.030 Power of Arrest
- 4.08.040 Assistance by Civilians
- 4.08.050 Assisting Escape of Prisoner
- 4.08.060 Salaries
- 4.08.070 Disciplinary Actions
- 4.08.080 Emergency Government Director

4.08.010 Department--Composition

The police department of the Town shall consist of a constable and such subordinates as the Town Board or constable may designate, who shall be appointed pursuant to Section 62.13, Wis. Stats.

4.08.020 Powers and Duties Generally

Each officer of the department shall possess the power conferred on marshals and constables by law, and shall preserve the public peace and enforce the laws and ordinances of the state and Town subject to the orders, rules and regulations of the constable and the Town Board.

4.08.030 Power of Arrest

The constable and any police officer shall arrest all persons in the Town found in the act of violating any law or ordinance of the Town or State, or aiding or abetting in any such violation, and they shall arrest without warrant all persons whom they have reason to believe have violated any law or ordinance and who will not be apprehended unless immediately arrested. They shall take all arrested persons in charge and confine them, and shall within a reasonable time bring such persons before the court having jurisdiction thereof to be dealt with according to law.

*For statutory provisions on appointment of constables, see Wis. Stat. 1975 62.13(3) and (4); for statutory provisions on the powers of officers, see Wis. Stat. 1975 62.09 (13) (a); for statutory provisions on disciplinary action against officers, see Wis. Stat. 1975 62.13 (5); for statutory provisions on compensation for officers, see Wis. Stat. 1975 62.13 (7); for statutory provisions authorizing constables to command assistance by civilians, see Wis. Stat. 1975 62.09 (13).

4.08.040 **Assistance by Civilians**

All persons in the Town at the request of any police or peace officer shall aid and assist such officer in the execution of his duties.

4.08.050 **Assisting Escape of Prisoner**

No person shall assist any person in the custody of any police or peace officer to escape or attempt to escape from such custody.

4.08.060 **Salaries**

The salaries of the constable and subordinates shall be fixed by the Town Board, but shall not be lowered unless recommended by the board. The salary of the constable shall be negotiated annually based upon the parity of other departments of its size and type within the area.

4.08.070 **Disciplinary Actions**

Disciplinary action against the constable and subordinates shall be subject to Section 62.13 (5) Wisconsin Statutes.

TITLE 6
MINORS DRINKING – LICENSING

Chapters:

- 6.32.010 Ordinance Relating to Minors Drinking and/or Loitering
- 6.32.020 Prohibited Acts, Unlawful to Possess a Controlled Substance.
- 6.32.030 Contributing to the Delinquency of Children or Juveniles
- 6.36.050 License – Granting – Restrictions
- 6.36.060 License – Quotas
- 6.36.070 Restrictions on Operations
- 6.36.080 Closing Hours
- 6.36.090 License – Revocation

CHAPTER 6.32
MINORS DRINKING

6.32.010 Ordinance Relating to Minors Drinking and/or Loitering

- (1) It shall be unlawful for any person who is under the age of 19 years to enter upon or remain upon a place that serves malt beverages or liquor unless he or she is accompanied by parent, guardian or adult spouse. This section does not apply to a bowling alley, grocery store, or restaurant or other properly licensed establishment, whose primary purpose is not to sell or serve intoxicating beverages.
- (2) It shall be unlawful for any person under the age of 19 years to have in his/her possession or consume any malt beverage or intoxicating liquor in the Town of Ashford, Wisconsin unless accompanied by a parent, guardian, or adult spouse.

The court may impose a maximum forfeiture and costs for a finding and judgment that this ordinance has been violated, and if the violator fails to pay the forfeiture within the time provided by the court at imposition of the forfeiture, the minor will be thereafter be subject to the provisions of Wis. Stat. 48.343 and 48.344 pertaining to the suspension or surrender of operating privileges regarding motor vehicles and watercraft, and further subject to application of the Town of Ashford Uniform Municipal Citation Ordinance, adopted October 7, 1985, Ordinance 85.2.

6.32.020 **Prohibited Acts, Unlawful to Possess a Controlled Substance***

- (1) It is unlawful for any person within the Town of Ashford to possess a controlled substance, other than a controlled substance classified in 161.01 Subchapter I and 161.11 Subchapter II of Wis. Stats. which is a narcotic drug, unless the substance was obtained directly from or pursuant, to a valid prescription or order of, a practitioner while acting in the course of his professional practice or except as otherwise authorized by Wis. Stats. Any person who violates this subsection is guilty of a misdemeanor.

6.32.030 **Contributing to the Delinquency of Children or Juveniles**

- (1) Any person 19 or older who intentionally encourages or contributes to the delinquency of any child as defined in a 48.02 (3m) or the neglect of any child. This subsection includes intentionally encouraging or contributing to an act by a child under the age of 12 which would be a delinquent act if committed by a child 12 years of age or older.
- (2) Any parent, guardian or legal custodian who by neglect, or disregard of the morals, health or welfare of his or her child contributes to the delinquency of that child. This subsection includes neglect or disregard on the part of the parents which results in the commission or probable commission by a child under the age of 12 of any act which would be a delinquent act if committed by a child 12 years of age or older.
- (3) An act or failure to act contributes to the delinquency or neglect of a child, although the child does not actually become neglected or delinquent, if the natural and probable consequences of that act or failure to act would be to cause the child to become delinquent or neglected.
- (4) Any person 19 years of age or older who intentionally furnishes, sells, or gives any malt beverage or intoxicating liquor to a juvenile (minor) is guilty of a Class C misdemeanor.
- (5) Any person 19 years of age or older who intentionally permits a juvenile (minor) to consume a malt beverage or intoxicating liquor in his vehicle or residence (residence = inside the dwelling or outdoors on the property under control of the adult). Except for the adult spouse, parent or legal guardian is guilty of a Class C misdemeanor.

* Wis Stats. Definition of a Controlled Substance 161.01 Subchapter I and Authority to Control Wis. Stats. 161.11, Subchapter II.

6.36.050

License – Granting - Restrictions

- A. Age - No license shall be granted to any person under nineteen years of age.
- B. Proximity to Public Institutions Etc. - No retail class B license shall be granted for any premises within three hundred feet of any school, hospital or church, nor any residential district under the zoning code, except premises where such licenses are now in existence, or to a bona fide club.
- C. Premises to Be at Street Level - A retail class B license shall be issued only for that portion of the premises located at the street level.
- D. Subsections B and C shall not apply to a bona fide Club.
- E. Sanitation Requirements - No retail Class B license shall be issued unless the premises comply with Section 176.05 (6) (a), Wisconsin Statutes, the state building and plumbing code and all ordinances and regulations of the council and the Board of Health.
- F. Corporations – No license shall be granted to any corporation where more than fifty percent of the stock is held by persons not eligible for license under this chapter.
- G. Agents – No license shall be granted to a person acting as agent for or in the employ of another person, except licenses granted to domestic corporations.
- H. Delinquent Property Taxpayers – Delinquent property taxpayers, both real and personal, shall not be issued Class A or Class B liquor licenses. Upon the advice of the Town Attorney that a judgment has been entered against a property owner in Ashford, or against any party doing business with the Town, or applying for either a Class A or Class B liquor license in the Town, because of nonpayment of delinquent taxes, both real and personal, or failure to satisfy judgment taken by the Town for any reason, the Town Board Chairman shall advise the department involved in the licensing procedure of said delinquency or non-satisfaction of a judgment, and that department of the Town shall not issue a license until the delinquency is paid or the judgment satisfied. The entry of judgment shall also be brought to the attention of the Town Board, along with other relevant material, at the time of renewal of the license. A waiver of this subsection may be granted by action of the Town Board when in the determination of the Town Board, such waiver is justified.

6.36.060

License - Quotas

- A. Fermented Malt Beverage Licenses – Not more than two retail Class A or more than one retail Class B fermented malt beverage license shall be issued in the Town to any person.

- B. Retail Class A Liquor Licenses – One license shall be issued for each one thousand residents or major fraction thereof, as determined according to the last federal census.
- C. Retail Class B liquor licenses according to Section 176.05 (21), Wisconsin Statutes.

6.36.070 **Restrictions on Operations**

- A. Right of Inspection – Every applicant procuring a license thereby consents to the entry of police or authorized representatives of the Town at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there found in violation of this chapter, and consents to the introduction of such things and articles in evidence in any prosecution of such things and articles in evidence in any prosecution that may be brought for such violation
- B. Employment of Minors – No retail class B license shall employ any person under nineteen years of age.
- C. Disorderly Conduct Prohibited – Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on licensed property.
- D. Dancing Prohibited – No dancing of any kind shall be permitted upon the premises by patrons or entertainers unless a dance license or permit has been first obtained.

6.36.080 **Closing Hours**

- A. Fermented Malt Beverages – No person shall sell fermented malt beverages between one a.m. and eight a.m. In the case of a Class B license, the room in which said beverages are sold shall be closed to the public during such hours, and no person other than the licensee shall remain in the room or licensed premises in which non-intoxicating liquors are sold after one-fifteen a.m. of each day; nor shall any such person or persons other than the licensee enter such room or licensed premises, except for cleaning purposes, during the hours in which the sale of non-intoxicating liquor is not permitted in this section.
- B. Class A Intoxicating Liquors – If a Class A license, between nine p.m. and eight a.m. on all days.
- C. Retail Class B Intoxicating Liquors – If a retail Class B license, between one a.m. and eight a.m. except, that during daylight-

savings time the closing hours shall be between two a.m. and eight a.m.; and provided further, that no licensee, person or persons shall remain in the licensed premises or room in which said intoxicating liquors are sold after the closing hours, nor shall any such person or persons other than the licensee enter any such licensed premises or room, except for cleaning purposes, during the hours in which the sale of non-intoxicating liquor is permitted.

- D. Emergencies – The constable may order any premises license under this chapter immediately closed during a civil defense emergency, riot, labor disturbance, strike or other emergency tending to disturb the peace of the Town.

6.36.090 **License - Revocation**

- A. Violation by Agent – A violation of this chapter by duly authorized agent or employee of a licensee shall constitute a violation by the licensee.
- B. Proceedings – Proceedings for revocation of any license issued under this chapter may be instituted in the manner and under the procedure prescribed in Sections 176.11 and 176.12 Wisconsin Statutes.
- C. Automatic Revocation – If a licensee or his agent or employee is convicted of a second offense under this Chapter, the licensee, in addition to the penalties provided for violation in this Chapter, shall automatically forfeit any license issued to him without further notice.
- D. Grant of License After Revocation – No license shall be granted to a person who has had his license revoked under this chapter for a period of one year from the date of revocation, nor shall a license be granted for the same premises for at least six months from the time of revocation.

TITLE 11
PUBLIC NUISANCES

Chapters:

- 11.04 Prohibited
- 11.08 Defined
- 11.12 Health Nuisances
- 11.16 Nuisances Offending Morals and Decency
- 11.20 Nuisances Affecting Peace and Safety
- 11.24 Abandoned, Junked or Dismantled Vehicles
- 11.28 Abatement
- 11.32 Penalty

CHAPTER 11.04
PROHIBITED*

Sections:

11.04.010 Prohibited

11.04.010 **Prohibited**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Ashford.

CHAPTER 11.08
DEFINED

Sections:

11.08.010 Defined

11.08.010 **Defined**

A public nuisance is a thing, act, occupation, condition, or use of property which shall continue for such a length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose, or safety of the public.

*For statutory provisions on abatement of nuisances by local government see Wis. Stat. 1975 146.14; for provision on public nuisances generally, see Wis. Stat. 1975 Chapter 823.

- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency;
- D. Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way, or use of public property.

CHAPTER 11.12
HEALTH NUISANCES*

Sections:

11.12.010 Enumerated

11.12.010 Enumerated

The following acts, omissions, places, conditions, and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming with the definition in Chapter 11.08.

- A. Unburied carcasses, carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within twenty-four hours after death.
- B. Breeding places for vermin, etc. - Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed.
- C. Stagnant Water - All stagnant water in which mosquitoes, flies, or other insects can multiply.
- D. Privy Vaults and Garbage Cans – Privy vaults and garbage cans which are not fly-tight.
- E. Noxious Weeds – All noxious weeds and other rank growth of vegetation.
- I. Storage of Junk, Etc. – The open storage of junk, refuse, litter, garbage, scrap, or waste matter, and disassembled or damaged motor vehicles, whether awaiting repair or not.

CHAPTER 11.16
NUISANCES OFFENDING MORALS AND DECENCY*

Sections:

11.16.010 Enumerated

11.16.010 Enumerated

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Chapter 11.08;

- A. Disorderly Houses – All disorderly houses, bawdy houses, houses of ill fame, gambling houses, and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling;
- B. All Gambling Devices and Slot Machines;
- C. Unlicensed Sale of Liquor and Beer – All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license, as provided by the Ordinance of the Town of Ashford.
- D. Continuous Violation of Town Ordinances – Any place or premises within the Town where Town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated;
- E. Illegal Drinking – Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the state or ordinances of the Town of Ashford.

* For statutory provisions on municipal prohibition of gambling see Wis. Stat. 1975 66.051 (1).

CHAPTER 11.10

Sections:

11.20.010 Enumerated

11.20.010 Enumerated

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Chapter 11.08;

- A. Signs, Billboards, Etc. – All signs, billboards, awnings and other structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or construed as to endanger the public safety.
- B. Illegal Buildings – All building erected, repaired or altered in violation of the provisions of the ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town of Ashford.
- C. Unauthorized Traffic Signs – All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic-control device, railroad sign or signal, or which because of color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.
- D. Obstruction of Intersections – All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- E. Tree Limbs – All limbs of trees which project over and less than ten feet above any public sidewalk, street or other public place.
- F. Dangerous Trees – All trees which area menace to public safety or are the cause of substantial annoyance to the general public.
- G. Fireworks – All use or display of fireworks, except as provided by the laws of the state and ordinances of the Town.

*For statutory provisions on dangerous or dilapidated buildings, see Wis. Stats. 1975 66.05; for provisions on privileges for obstructions on excavations, see Wis Stats. 1975 66.045.

- H. Wires Over Streets – All wires over streets, alleys or public grounds which are strung less than fifteen feet above the surface thereof.
- I. Noisy Animals or Fowl – The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises greatly annoys or disturbs a neighbor or neighborhood or any considerable number of persons within the Town of Ashford.
- J. Obstructions of Streets and Excavations – All obstructions of streets, alleys, sidewalks or crosswalks, and all excavations in or under the same, except as permitted by the Town ordinances, or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- J. Unlawful Assembly – Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk, or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks.
- L. Flammable Liquids – Repeated or continuous violations of the ordinances of the Town or laws of the state relating to the storage of flammable liquids.
(1—13)

CHAPTER 11.24
ABANDONED, JUNKED OR DISMANTLED VEHICLES*

Sections:

- 11.24.010 Definitions
- 11.24.020 Abandonment Prohibited
- 11.24.030 Impoundment—When
- 11.24.040 Impoundment—Notification—Redemption
- 11.24.050 Owner Responsibility
- 11.24.060 Sale of Disposal—Notice
- 11.24.070 Violation—Penalty
- 11.24.080 Applicability

11.24.010 Definitions

For the purpose of this chapter, the following definitions shall be applicable:

- A. **“Abandoned Motor Vehicle”** means a motor vehicle which, through disuse and failure to be used, remains in one location for a period of thirty days or a motor vehicle which has been reported stolen to any law enforcement agency, or a motor vehicle which does not have affixed thereto a current motor vehicle license.
- B. **“Discarded Motor Vehicle”** means a motor vehicle placed upon public or private property without the permission or knowledge of the owner of said property and a motor vehicle the ownership of which the real estate owner is unaware.
- C. **“Dismantled Motor Vehicle”** means any motor vehicle which has parts, accessories or equipment removed therefrom so that the same cannot be operated legally upon any highway.
- D. **“Equipment”** means any part of a motor vehicle or any accessories for the use thereon, which affects the safety or operation of such motor vehicle or the safety of the occupants therein.
- E. **“Inoperative Motor Vehicle”** means a motor vehicle, part of which has been removed, rendering the same incapable of being safely or legally operated.

* For provisions on abandoned motor vehicles, see Wis. Stats. 1975 342.40

- F. **“Junked Motor Vehicle”** means any motor vehicle which has been wrecked or damaged in such a manner that it cannot safely or legally be operated.
- G. **“Motor Vehicle”** means a vehicle which is designed for operating on land, which is self-propelled and which can be used for transporting people and materials.
- H. **“Person”** means any individual, firm, partnership, corporation or association.
- I. **“Private Property”** means any real property not owned by the federal government, state government, Joint Common School District, Town or other political subdivisions.
- J. **“Stored Motor Vehicle”** means one extra vehicle used for fishing, hunting, or other recreational purposes. Stored vehicles shall be currently licensed with plates affixed to said vehicle, with the exception of vehicles owned by persons serving in the armed forces.
- K. **“Wrecked Motor Vehicle”** means any motor vehicle which has been damaged by collision either with a motor vehicle or stationary object, and parts of which are bent, broken or attached so that it is rendered incapable of being safely or legally operated.

11.24.020 **Abandoned Prohibited**

No person shall leave unattended any motor vehicle, as defined in Section 11.24.010, on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear that it was abandoned. When any such vehicle has been left unattended on any Town street or highway or on any public or private property for more than seven days, the vehicle is deemed to come within the provisions of Section 11.24.010 and constitutes a public nuisance.

11.24.030 **Impoundment--When**

Any vehicle in violation of this chapter shall be impounded until lawfully claimed or disposed of under Section 11.24.010 except, that if the constable or his duly authorized representative deems that the cost of towing and storage charges, for the impoundment, would exceed the value of the vehicle, the vehicle may be junked prior to the expiration of the impoundment period, upon the determination of the constable or his duly authorized representative that the vehicle is not wanted for evidence or any other reason.

11.24.040 **Impoundment—Notification--Redemption**

- A. If the constable or his duly authorized representative determines that the value of the motor vehicle, as defined in Section 11.24.010 exceeds one hundred dollars, he shall notify the owner and lien holders of record by certified mail that the vehicle has been impounded by the Town and may be reclaimed within fifteen days upon the payment of accrued towing, storage and notice charges and, if not so reclaimed, shall be sold.

- B. If such motor vehicle is determined to exceed one hundred dollars in value and is not reclaimed within the period and under the conditions as provided above, it may be sold at a private sale.

- C. After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the Town treasury.

- D. Any motor vehicle which is determined by the constable or his duly authorized representative to have a value of less than one hundred dollars may be disposed of by direct sale to a licensed salvage dealer, upon determination that the vehicle is not reported stolen.

11.24.050 **Owner Responsibility**

The owner of any motor vehicle, except a stolen vehicle, is responsible for all costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered by a civil action by the Town against the owner.

11.24.060 **Sale of Disposal--Notice**

Within five days after the sale or disposal of a vehicle, as provided in Section 11.24.040, the constable or his duly authorized representative shall advise the Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposition on a form supplied by the Division. A copy of such a form shall also be given to the purchaser of the vehicle, and a copy shall be retained on file in the Town of Ashford.

11.24.070 **Violation--Penalty**

Any person who violates this chapter, shall, upon conviction, forfeit no less than ten dollars or more than one hundred dollars together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution, and shall be imprisoned in the county jail until said forfeitures and costs are paid, but not to exceed five days.

11.24.080 **Applicability**

This chapter shall not apply to automobile sales or repair enterprises operated in a properly zoned area for such enterprises; provided, that upon such premises there is inside storage.

CHAPTER 11.28
ABATEMENT*

Sections:

- 11.28.010 Enforcement
- 11.28.020 Summary Abatement
- 11.28.030 Abatement After Notice
- 11.28.040 Other Methods Not Excluded
- 11.28.050 Court Order
- 11.28.060 Cost—Collection

11.28.010 **Enforcement**

The constable, the chief of the fire department, the building inspector and health officer shall enforce those provisions of this title that come within the jurisdiction of their office, and they shall make periodic inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this chapter to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

11.28.020 **Summary Abatement**

If the inspecting officer determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Board may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing permitting or maintaining the nuisance, as the case may be.

11.27.030 **Abatement After Notice**

After the inspecting officer determines that a public nuisance exists on private premises but that the nature is not such as to threaten great and immediate danger to the public health, safety, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within ten days, the proper official shall cause the nuisance to be removed, as provided in Section 11.28.020.

* For statutory provisions on abatement of nuisances by local government, see Wis. Stat.1975 146.14.

11.28.040 Other Methods Not Excluded

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials, in accordance with the laws of the state.

11.28.050 Court Order

Except when necessary under section 11.28.020, no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting in the abatement of the public nuisance.

11.28.060 Cost--Collection

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

CHAPTER 11.32
PENALTY

Sections:

11.32.010 Violation--Penalty

11.32.10 Violation--Penalty

Any person who violates any provision of this title or permits or causes a public nuisance shall be subject to penalty as provided in Chapter 1.16 of this code.

TITLE 12
PUBLIC PEACE, MORAL AND WELFARE

Chapters:

I. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

- 12.02 False Alarms
- 12.04 Obedience to Officers
- 12.08 Alcoholic Beverages on School Property

II. OFFENSES AGAINST THE PERSON

III. OFFENSES AGAINST PUBLIC DECENCY

- 12.20 Indecent Conduct and Language
- 12.22 Obscene Literature
- 12.24 Prostitution

IV. OFFENSES AGAINST THE PUBLIC PEACE

- 12.30 Amplifying Devices
- 12.32 Disorderly Conduct
- 12.34 Loitering
- 12.36 Loud Noises
- 12.38 Obstruction of Streets and Sidewalks

V. OFFENSES AGAINST PROPERTY

- 12.45 Bodily Security
- 12.45.010 Battery
- 12.45.020 Contributing to the Delinquency of a Minor

VI. CONSUMER PROTECTION

- 12.46 Littering
- 12.50 Trespassing

VII. OFFENSES BY OR AGAINST MINORS

VIII. WEAPONS AND FIREARMS

- 12.68 Firearms
- 12.70 Arrows, Stones and Other Missiles
- 12.72 Firearms

XI. PENALTIES

- 12.78 Penalty

I. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

CHAPTER 12.02 FALSE ALARMS

Sections:

12.02.010 Prohibited

12.02.010 Prohibited

No person shall give or send or cause to be given or sent in any manner any alarm of fire or other emergency which he knows to be false.

CHAPTER 12.04 OBEDIENCE TO OFFICERS*

Sections:

12.04.010 Resistance, Interference—Refusal to Assist--Prohibited

12.04.010 Resistance, Interference—Refusal to Assist--Prohibited

No person shall resist or in any way interfere with any officer of the Town while such officer is doing any act in his official capacity and with lawful authority, or shall refuse to assist an officer in carrying out his duties when so requested by the officer.

CHAPTER 12.08 ALCOHOLIC BEVERAGES ON SCHOOL PROPERTY

Sections:

12.08.010 Prohibited

12.08.010 Prohibited

No person shall have in his or her possession any intoxicating liquor or fermented malt beverage while on any public school properties located in the Town of Ashford.

* For statutory provisions on obedience to police for assistance, see Wis. Stat. 1975 62.09 (13).

II. OFFENSES AGAINST THE PERSON
III. OFFENSES AGAIN PUBLIC DECENCY

CHAPTER 12.20
INDECENT CONDUCT AND LANGUAGE

Sections:

12.20.010 Prohibited

12.20.10 **Prohibited**

No person shall use any indecent vile, profane, or obscene language, or conduct himself in any indecent, lewd, lascivious or obscene manner within the Town.

CHAPTER 12.22
OBSCENE LITERATURE

Sections:

12.20.010 Prohibited

12.20.010 **Prohibited**

No person shall within the Town sell, offer for sale, give away, exhibit or possess any obscene book, pamphlet, paper, card, picture, toy or device.

CHAPTER 12.24
PROSTITUTION

Sections:

12.24.010 Prohibited

12.24.010 **Prohibited**

No person shall operate or be an inmate of a house of prostitution, or engage in prostitution within the Town of Ashford.

IV. OFFENSES AGAINST THE PUBLIC PEACE

CHAPTER 12.30

AMPLIFYING DEVICES

Sections:

12.30.010 Permit—Fee—Conditions—Hours of Operation

12.30.010 Permit—Fee—Conditions—Hours of Operation

No person shall operate an amplifying system, whether stationary or carried in a vehicle, without a permit therefore from the Town of Ashford. The permit fee shall be one dollar per day, and it shall state the hours of the day when the system may be used, and any other conditions placed upon such use. No such system shall be operated between nine p.m. and eight a.m., or on Sunday.

CHAPTER 12.32 DISORDERLY CONDUCT

Sections:

12.32.010 Prohibited

(A)12.32.010 Prohibited

Any person who shall engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct tending to create or provoke a breach of the peace or to disturb or annoy others, whether in a public or private place, shall forfeit to the Town of Ashford, an amount not to exceed \$1,000.00 plus costs of prosecution, payable 30 days from the day of assessment or forfeiture. This ordinance is enforceable by prosecution of the Town Attorney, or by the Fond du Lac County District Attorney. In the alternative, the Town or DA may seek issuance of a citation through the constable and employment of the procedure provided in the Town of Ashford Uniform Municipal Citation Ordinance, adopted October 7, 1985.

(B)12.32.010 Prohibited

Any person who shall engage in any of the following is guilty of Disorderly Conduct with a motor vehicle.:

1. Operation of a motor vehicle in an unreasonable and/or imprudent speed or manner tending to create or provoke a breach of the peace or to disturb or annoy others, whether in a public or private place.
2. No person shall make or cause to be made any loud, disturbing or un-necessary sounds or noises with or in a motor vehicle such as may tend to annoy or disturb another whether in a public or private place.
3. No person shall operate a motor vehicle in excess of posted and fixed speed limits.

- (a) Operate a motor vehicle at a speed too fast for conditions.

(C)12.32.010 Prohibited

Any person who with intent to annoy another, makes a telephone call, whether or not a conversation ensues is guilty of Disorderly Conduct by use of the telephone.

(D)12.32.010 Prohibited. Unlawful Assemblies and Their Suppression

- (1) Sheriffs, their under-sheriffs and deputies, constables, marshals, chief of police and policemen have a duty to suppress unlawful assemblies within their jurisdiction. For that reason they may order all persons who are part of an assembly to disperse. An “unlawful assembly” is an assembly which consists of (3) three or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.
- (2) An “unlawful assembly” includes an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by other persons, or person of any private or public thoroughfares, property or of any positions of access or exit to or from private or public building, or dwelling place, or any portion thereof and which assembly does in fact so block or obstruct the lawful use by other person or persons of any such private or public thoroughfares, property or any position of access or exit to or from any private or public building, or dwelling place, or any portion thereof.
- (3) Whoever intentionally fails or refuses to withdraw from an unlawful assembly which the person knows has been ordered to disperse is guilty of a Class A misdemeanor.
- (4) Whoever causes, attempts to cause, or participates in an unlawful assembly upon any property, is punishable under sub. (3) if he fails to withdraw from the assembly promptly upon issuance of an order to disperse, if such is given in such manner that such person can reasonably be expected to hear or read such order.

(E) 12.32.010 Prohibited

Have in his possession any open can, bottle, or other container containing malt beverages or intoxicating liquor, or to drink from the same on any public way, public street, sidewalk, boulevard parkway, safety zone, alley, or public parking lot, or on and/or in any motor vehicle parked on a public way, public street, alley or parking lot.

(F)12.32.010 Prohibited

Consume any fermented malt beverage or intoxicating liquor or possess any open can, bottle or other container, containing fermented malt beverages or intoxicating liquor outside the premises of any tavern on any property contiguous or adjacent thereto unless such property is under the control or management of the tavern's license holder, agent or owner.

(G)12.32.010 Prohibited

The provision of the above shall not apply if the holder of the tavern license first applies to the Town of Ashford Town Board and receives permission therefrom to hold a private party or gathering wherein malt beverages and/or intoxicating liquor will be consumed. Such application shall be made to the Town Clerk or his designated subordinate and shall be such as to satisfy the Town Board of Ashford of the following:

- (1) The identity of the license holder;
- (2) The time, place and duration where authorization is requested;
- (3) The approximate number of persons for whom authorization is requested; and
- (4) The name or names of those persons responsible for conducting the party or gathering

In no such case shall permission granted under this subsection extend for a period of more than 24 hours.

CHAPTER 12.78.050

12.78.050 Minor—Violation of Chapter 12.78.050--Penalty

Any person under the age of eighteen (18) violating Chapter 12.32.010 shall be punished by forfeiture and possible suspension of driving privileges as provided under Wisconsin Statute 48.17 (2) which is adopted in its entirety by this ordinance.

For Minor Drinking see Page 6.

12.32.020 Resisting or Obstructing Officer

- (1) Whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority, is guilty of a Class A misdemeanor.
- (2) In this section:

- (a) "Officer" means a constable or other peace officer or public officer or public employee having the authority by virtue of his office or employment to take another into custody.
 - (b) "Obstructs" includes without limitation knowingly giving false information to the officer with intent to mislead him in the performance of his duty including the service of any summons or civil process.
- (3) Whoever by violating this section hinders, delays or prevents an officer from properly serving or executing any summons or civil process, is civilly liable to the person injured for any actual loss caused thereby and to the officer or his superior for any damages judged against either of them by reason thereof.

History: 1977 c. 173

CHAPTER 12.34
LOITERNG

Sections:

- 12.34.010 Prohibited –Determination—Arrest Procedure
- 12.34.020 Obstruction of Highway Prohibited
- 12.34.030 Obstruction of Traffic Prohibited
- 12.34.040 After Request to Move—Prohibited
- 12.34.050 In Public Places—Prohibited

12.34.010 Prohibited—Determination—Arrest Procedure

No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a constable or peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, the constable or peace officer shall, prior to any arrest for an offense under this chapter, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this chapter if the constable or peace officer did not comply with the preceding provision, or if it appears at trial that the explanation given by the person was true and, if believed by the constable or peace officer at the time, would have dispelled the alarm.

12.34.020 **Obstruction of Highway Prohibited**

No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by the constable.

12.34.030 **Obstruction of Traffic Prohibited**

No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings, or bridges, or in any other public places within the Town, in such manner as to prevent, interfere with or obstruct the ordinary free use of said public streets, sidewalks, streets, street crossings and bridges, or other public places, by persons passing along and over same.

12.34.40 **After Request to Move—Prohibited**

No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges, or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move by the constable or any person in authority at such a place.

12.34.50 **In Public Places—Prohibited**

No person shall loiter, lounge or loaf in or about any depot, theater, dancehall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by the constable. Upon being requested to move, a person must immediately comply with such request by leaving the premises or area thereof at the time of the request.

CHAPTER 12.36
LOUD NOISES

Sections:

12.36.010 Prohibited

12.36.010 **Prohibited**

No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence. No railroad shall blow a whistle within the Town except as required by law.

CHAPTER 12.38
OBSTRUCTION OF STREETS AND SIDEWALKS*

Sections:

12.38.010 Prohibited

12.38.010 Prohibited

No person shall stand, sit, loaf or loiter, or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Town in such a manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

CHAPTER 12.45
BODILY SECURITY

Sections:

12.45.010 Battery

12.45.020 Contributing to the Delinquency of a Juvenile

12.45.010 Battery

(1) Whoever causes bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed is guilty of a Class A misdemeanor,

Wis. Stats. 940.19 (1), History 1977 c.173.

* For statutory provision on local regulation of sidewalks, see Wis. Stat. 1975 66.615.

12.45.020 **Contributing to the Delinquency of a Juvenile**

- (1) Any person 19 or older who intentionally encourages or contributes to the delinquency of a minor by doing any of the following is guilty of a Class C misdemeanor.
 - (a) Make sale of intoxicating liquor to a minor (by business or by private person).
 - (b) Procure for, or sell or give away, to any minor intoxicating liquor.
 - (c) To have a minor in a vehicle where there is intoxicating liquor (open or unopened) when person is not minors parent, guardian or adult spouse.
 - (d) To have a minor in a house or other building where there is intoxicating liquor being consumed and there is no parent, guardian, or adult spouse of the minor.
 - (e) To take a minor into a place that serves malt beverages or liquor unless he or she is accompanied by parent, guardian or adult spouse. This section does not apply to a bowling alley, grocery store or restaurant or other properly licensed establishment, whose primary purpose is not to sell or serve intoxicating beverages.
 - (f) No person shall sell, offer for sale, give away, exhibit to any to any minor any obscene book, pamphlet, paper, card, picture, adult toy or device within the Town of Ashford.
 - (g) No person 18 years or older shall use any indecent, vile, profane or obscene language, or conduct himself or herself in any indecent, lewd, lascivious or obscene manner to a minor within the Town of Ashford, Wisconsin.

CHAPTER 12.46
LITTERING

Sections:

12.46.010 Prohibited

12.46.010 **Prohibited**

No person shall throw any glass, garbage, rubbish, waste, slop, dirty water or noxious liquid or other litter or unwholesome substance upon the streets, alleys, highways, public parks or other property of the Town or

upon private property now owned by him or upon the surface of any body of water in the Town of Ashford.

CHAPTER 12.50
TRESPASSING

Sections:

- 12.50.010 Prohibited Where
- 12.50.021 Prohibited Where—Criminal Trespass to Land
- 12.50.030 Prohibited Where—Criminal Trespass to Dwellings

12.50.010 Prohibited Where

No person shall trespass upon any garden or cultivated tract belonging to another person within the Town nor shall any person allow any animal or fowl owned by him or under his control to so trespass.

12.50.020 Prohibited Where—Criminal Trespass to Land

- (1) Whoever does any of the following is guilty of a Class C misdemeanor:
 - (a) Enters any enclosed or cultivated land of another with intent to catch or kill birds, animals, or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of these activities.
 - (b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.
 - (c) Hunts, shoots, fishes or gathers any product of the soil on the premises with the intent to do any of the forgoing after having been notified by the owner or occupant not to do so.
 - (d) Enters any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.
- (2) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign at least 11 inches square in at least two (2) conspicuous places every 40 acres to be protected. The sign must carry an appropriate notice and name of the person giving notice followed by

the word “owner” if the person giving the notice is the holder of legal title to the land and by the word “occupant” if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs are herein were erected or in existence upon the premises to be protected within six (6) months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

- (3) Whoever erects on land of another signs which are the same as or similar to those described in sub (2) without obtaining legal title to such land is subject to a Class C forfeiture.
- (4) Nothing in this section shall prohibit a representative of a labor union from conferring with any employee provided such conference is conducted in the living quarters of the employee and with the consent of the employee occupants.
- (5) Any authorized occupant of employer provided housing shall have the right to decide who may enter, confer and visit with him/her in the housing area he/she occupies.

Note: Wis. Stats. 943.13, History 1971 c. 317: 1977 c. 173, 295.

N.R. 10.07 (8), Wis Adm. Code, requiring hunters to make reasonable effort to retrieve game birds killed or injured does not exempt a person from criminal prosecution under (1) (b) for trespassing upon posted lands to retrieve birds shot from outside the posted area. 64 Atty. Gen. 204

12.50.030 Prohibited Where—Criminal Trespass to Dwellings

Whoever intentionally enters the dwelling of another without the consent of some person lawfully upon the premises under circumstances tending to create or provoke a breach of the peace, is guilty of a Class A misdemeanor.

History 1977 c. 173, Criminal trespass to a dwelling is not a lesser included offense of the crime of burglary. Raymond vs. State., 55 Wi (2d) 382, 198 NW (2d) 351.

Entering an outbuilding accessory to a main house may be a violation. 62 Atty. Gen. 16

VIII. WEAPONS AND FIREARMS

12.68.030 Reckless Use of Weapons

- (1) Whoever does any of the following is guilty of a Class A misdemeanor:

- (a) Endangers another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow: or
- (b) Operates or goes armed with a firearm while he is under the influence of an intoxicant: or
- (c) Intentionally points a firearm at or toward another.
- (d) While on the lands of another discharges a firearm within 200 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. "Building" as used in this paragraph does not include any house trailer, mobile home, tent, bus, truck, vehicle or similar portable unit.

CHAPTER 12.70
ARROW, STONES AND OTHER MISSILES

Sections:

12.70.010 Throwing or Shooting Prohibited

12.70.010 Throwing or Shooting Prohibited

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Town; provided, that the constable may grant a permit for archery for a period of not more than one year.

CHAPTER 12.72
FIREWORKS*

Sections:

12.72.010 Sale and Use—State Statutes Adopted by Reference

12.72.010 Sale and Use—State Statutes Adopted by Reference

Section 167.10 Wisconsin Statutes, regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this section as though set forth in full.

*For statutory provisions requiring local enforcement of fireworks regulations, see Wis. Stat. 1975 167.10

IX. PENALTIES

CHAPTER 12.78 **PENALTY**

Sections:

- 12.78.010 General Penalty
12.78.020 Violation of Chapter 12.44—Penalty
12.78.030 Minor—Violation of Chapter 12.60—Penalty
12.78.040 Parent--Violation of Chapter 12.60—Penalty

12.78.010 **General Penalty**

Any person who shall violate any provision of this title shall be subject to a penalty as provided in Chapter 1.16 of this code.

12.78.020 **Violation of Chapter 12.44--Penalty**

In addition to any penalty imposed for violation of Chapter 12.44, any person who causes physical damage to or destroys any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any un-emancipated minor child who violated Chapter 12.44 may also be held liable for the cost of replacing or repairing such damaged or destroyed property, in accordance with Section 895.035, Wisconsin Statutes.

12.78.030 **Minor—Violation of chapter 12.60--Penalty**

Any person under the age of sixteen (16) violating Chapter 12.60 shall be taken by the constable, and such person's parents notified to call for him. If said parent cannot be reached or refuse to come, such person shall be released to a responsible party.

12.78.040 **Parent—Violation of Chapter 12.60--Penalty**

Any parent or guardian having legal custody of any person or persons under the age of sixteen (16) who has allowed, suffered or permitted such person or persons to violate Chapter 12.60, after having been notified in writing of violation thereof, shall be subject to a penalty as provided in Chapter 1.16 of this code.

TOWN OF ASHFORD
ORDINANCE NO. 85-2

Pursuant to the power vested in the Town Board by Wisconsin Statutes Chapter 60, the Town Board of the Town of Ashford, Fond du Lac County, Wisconsin does ordain and adopt:

1. The Wisconsin Uniform Local Traffic Code Annotated, and all sections and subsections therein, according to Wisconsin State Law.
2. The Town of Ashford Wisconsin Municipal Code of Uniform Misdemeanor Violations, Traffic Offenses, Powers and Duties of the Town Constable, and all sections and subsections therein, according to Wisconsin State Law.
3. The State of Wisconsin (Current) Revised Uniform State Traffic Deposit Schedule and Juvenile Drinking Violation Deposit Schedule and Uniform Misdemeanor Bail Schedule. Revised Deposit Schedules Established Pursuant to Sections 345.26 (2) (a), 778.25 (3), and 969.06. Wisconsin Statutes adopted by Wisconsin Judicial Conference.
 - A. Uniform Traffic Deposit Schedule to be used with:
 1. Wisconsin Uniform Traffic Citation and Complaint
 2. Wisconsin Uniform Traffic Citation Alcohol offenses involving Minors with optional use of Section 2.
 - B. Wisconsin Revised Misdemeanor Bail Schedule to be used with:
 1. Wisconsin Municipal Court Citation with optional use of Section 2 Bail Schedule.
4. The Town of Ashford does hereby adopt the following:

- A. The Wisconsin Uniform Traffic Citation and Complaint.
- B. Wisconsin Uniform Municipal Court Citation.
- C. Wisconsin Uniform Citation Alcohol Offenses Involving Minors.

This Ordinance is enforceable by prosecution by the Town Attorney or the Fond du Lac County District Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Town of Ashford Board of Supervisors adopt the attached Municipal Code and State Statutes and all Subsections therein.

APPROVED,

Joseph Koch
Joe Koch, Town Chairman

Gene Rohlinger
Supervisor

Bernard Hall
Supervisor

Robert Wilke
Robert Wilke
Town Constable

This Ordinance shall become effective and in force upon passage and publication.

Passed and adopted this 7th day of October 1985.

Published October 16th, 1985.