

CHAPTER 9
ORDERLY CONDUCT

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9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. The following Statutes following the prefix “§” 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, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 20.04 of this Code.

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| §346.935 | Drinking in Motor Vehicles on Highway |
| §940.19(1) | Battery |
| §940.34 | Duty to Aid Endangered Crime Victim |
| §941.03 | Highway Obstruction |
| §941.10 | Negligent Handling of Burning Materials |
| §941-12 | Interfering With or Failing to Assist in Fire-fighting |
| §941-13 | False Alarms and Interference With Firefighting |
| §941.20 | Reckless Use of Weapon |
| §941.22 | Possession of Pistol by Minor |
| §941.23 | Carrying Concealed Weapon |
| §941.35 | Emergency Telephone Calls |
| §941.37 | Obstruction of Emergency Vehicles Prohibited |
| §943.01(1) | Criminal Damage to Property |
| §943.13 | Criminal Trespass to Land |
| §943.14 | Criminal Trespass to Dwellings |
| §943.15 | Entry Onto a Construction Site |
| §943.20 | Theft |
| §943.24 | Issue of Worthless Checks |
| §943.34(1) | Receiving Stolen Property |
| §943.35 | Receiving Property From Children |
| §945.04 | Permitting Premises to be Used for Commercial Gambling |
| §946.40 | Refusing to Aid Officer |
| §946.41 | Resisting or Obstructing Officer |
| §946.42 | Escape |
| §946.44 | Assisting or Permitting Escape |
| §946.70 | Personating Peace Officer |
| §946.72 | Tampering With Public Records and Notices |
| §947.01 | Disorderly Conduct |
| §947.012 | Telephone Harassment Prohibited |
| §947.013 | Harassment Prohibited |
| §947.06 | Unlawful Assemblies |
| §948.015-.62 | Crimes Against Children |
| §948.40 | Contributing to the Delinquency of a Minor |
| §948.45 | Contributing to Truancy |
| §951.01-.16 | Crimes Against Animals |
| §961.573(2) | Drug Paraphernalia |
| §961.574(2) | Manufacture or Delivery of Drug Paraphernalia |
| §961.575(2) | Delivery of Drug Paraphernalia to a Minor |

9.02 POSSESSION AND USE OF FIREARMS AND OTHER DANGEROUS WEAPONS. (1)
DEFINITIONS. For the purpose of this section, the following definitions shall apply:

(a) *Firearm.* Any weapon which acts by force of gunpowder.

(b) *Other Dangerous Weapon.* Includes air guns, BB guns, bows and arrows, crossbows, sling shots, blow guns and other similar weapons.

(c) *Public Building.* Any building owned by the Town, the County or the School District.

(2) **POSSESSION OF FIREARMS IN PUBLIC PLACES PROHIBITED.** In addition to the provisions of sub. (3) below, no person, except duly authorized city, village, town, county, State or Federal law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while in any public building, as defined in sub. (1)(c) above, within the Town as provided in §941.235, Wis. Stats., in any tavern within the Town as provided in §941.237, Wis. Stats., or within any school zone as provided in §948.605, Wis. Stats.

9.03 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES 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.

9.04 POSSESSION OF MARIJUANA. (1) PROHIBITED. Subject to sub. (2) below and subject to the exception provided in §161.41(3r), Wis. Stats., no person shall possess marijuana, as defined in §161.01(14), Wis. Stats.

(2) **EXCEPTIONS.** This section shall not apply to a person who possesses more than 25 grams of marijuana or to a person who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in this State.

(3) **PENALTY.** Any person who shall violate sub. (1) above, except as provided in sub. (2) above, shall, upon conviction, be subject to a forfeiture as provided in sec. 20.04 of this Code.

9.05 SALE AND USE OF FIREWORKS REGULATED. (1) DEFINITIONS. For purposes of this section, "legal fireworks" means those items which from time to time are excluded from the definition of "fireworks" as set forth in §167.10(1), Wis. Stats., specifically:

(a) A cap containing not more than 1/4 grain of explosive mixture if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.

(b) A toy snake which contains no mercury.

(c) A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.

(d) A device designed to spray out paper confetti or streamers and which contains less than 1/4 grain of explosive mixture.

(e) A device designed to produce an audible sound, but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight.

(f) A device that emits smoke with no external flame and does not leave the ground.

(g) A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.

(h) A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

(2) **SALE REGULATED.** The sale of legal fireworks within the Town is prohibited unless such sales are made as part of the indoor sales of goods by an established place of business having the appropriate zoning, occupancy, sanitary, seller's s and other permits and licenses necessary for the operation of the business within the Town.

(3) **USE REGULATED.** Except as provided in §167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit issued pursuant to sub. (4) below.

(4) **USER'S PERMIT.** As provided in §167.10(3), Wis. Stats., fireworks user's permits may be issued by the Town Chairperson. The Chairperson shall require a certificate of liability insurance or similar proof of coverage in the amount of \$1,000,000. A copy of the permit and proof of insurance shall be filed with the Clerk-Treasurer and copies of the permit shall be given to the Fire Chief and the Police Chief at least 2 days before the authorized use.

(5) **FEE.** The fireworks user's permit fee shall be established from time to time by the Town Board. See the Town Fee Schedule in the office of the Clerk-Treasurer.

(6) **USE OF CERTAIN DEVICES REGULATED.** No person may use fireworks of devices listed in §167.10(1)(e) to (g) and (i) to (n), Wis. Stats., including, but not limited to, caps, toy snakes, model rocket engines, sparklers or cone fountains at a fireworks display for which a permit has been issued if the display is open to the general public.

9.06 LOUD AND UNNECESSARY NOISE PROHIBITED. (1) **PUBLIC ADDRESS SYSTEMS AND AMPLIFIERS.** No person shall use or operate any public address system, amplifier or device which increases the volume of voice, music or other sounds so loud as to disturb the public peace or the quiet and peacefulness of the neighborhood.

(2) **CONSTRUCTION AND MACHINERY NOISE.** Except for farm machinery, between the hours of 10:00 P.M. and 6:00 A.M. on week days and between 10:00 P.M. and 8:00 A.M. on Sundays and holidays, no person, except Town employes, shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature within 300 feet of a residence of another.

9.07 LOITERING PROHIBITED. (1) **LOITERING OR PROWLING.** 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 police or peace officer, manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears, at trial, that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

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(2) **OBSTRUCTION OF HIGHWAY BY LOITERING.** No person shall obstruct any street, highway, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police or peace officer.

(3) **OBSTRUCTION OF TRAFFIC BY LOITERING.** 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 place within the Town in such manner as to prevent, interfere with or obstruct the ordinary free use of such public sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.

(4) **LOITERING AFTER BEING REQUESTED TO MOVE.** 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 any police officer or by any person in authority at such places.

(5) **LOITERING IN PUBLIC PLACES.** No person shall loiter, lounge or loaf in or about any dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

9.08 PARK HOURS. No person shall enter or remain in any Town park between the hours of 9:00 P.M. and 8:00 A.M.

9.09 CURFEW. REGULATIONS AND EXCEPTIONS. (a) *Regulations* It shall be unlawful for any child under the age of 18 years to loiter, idle or remain upon any street or alley or other public place in the Town between 11:00 P.M. and 6:00 A.M. the next day.

(b) *Exceptions.* The following shall constitute valid exceptions to the operation of the curfew:

1. At any time, if the person is accompanied by his parent, legal guardian, or other responsible person who is over the age of 18 and who is approved by the person's parent or legal guardian.

2. At any time, in the event of an emergency which would justify the reasonableness of the person's presence.

3. At any time while the person is pursuing the duties of his employment.

4. Until the hour of 12:30 A.M. if the person is on an errand as directed by the person's parent or legal guardian.

5. If the person is coming directly home from a public meeting or place of public entertainment such as a movie; play; or school, church or sporting event. This exception will apply for 1/2 hour after the completion of such event. If the event is not commercial in nature or does not have a fixed publicly known time at which it will end, the sponsoring organization must register the event with the Police Department at least 24 hours in advance informing the Department of the time such event is scheduled to be, the place at which it will be held, the time at which it shall end, and the name of the sponsoring organization.

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6. If the person is coming directly home from a private home which has been approved by the person's parent or legal guardian.

7. Until the hour of 12:30 A.M. if the person is on the property of or the sidewalk directly adjacent to the building in which he resides or the buildings immediately adjacent thereto.

(2) **PARENTAL VIOLATION.** No parent, guardian or person having legal custody of a child under the age of 18 years shall suffer or permit such child to violate sub. (1) above.

(3) **TAKING A CHILD INTO CUSTODY.** (a) A child believed to be violating this section shall be taken to the Police Department for proper identification. Every law enforcement officer, while on duty, is hereby authorized to take into custody any child violating the provisions of sub. (1) above. Children taken into custody shall be released from custody as soon as is reasonably possible. A person taking a child into custody shall make every effort to immediately release the child to the child's parent, guardian or legal custodian or, if the parent, guardian or legal custodian is unavailable, unwilling or unable to provide supervision for the child, may release the child to a responsible adult, and shall verbally counsel or warn as may be appropriate; or, in the case of a run-away child, may release the child to a home authorized under §48.227, Wis. Stats. The parent, guardian, legal custodian or other responsible adult to whom the child is released shall sign a release for the child.

(b) If the child is not released under this subsection, the officer shall deliver the child to the County Juvenile Court intake workers in a manner determined by the Court and law enforcement agencies, stating, in writing, with supporting facts, the reasons why the child was taken into physical custody and giving any child 12 years of age or older a copy of the statement, in addition to giving a copy to the intake worker.

(c) If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, the officer shall take such action as is required under §48.20, Wis. Stats. If the child is believed to be mentally ill, drug dependent or developmentally disabled and exhibits conduct which constitutes a substantial risk of physical harm to the child or to others, the officer shall take such action as is required under §48.20(5), Wis. Stats. If the child is believed to be an intoxicated person who has threatened, attempted or inflicted physical harm on himself or on another and is likely to inflict such physical harm unless committed, or is incapacitated by alcohol, the officer shall take such action as is required under §48.20(6), Wis. Stats.

(4) **WARNING AND PENALTY.** (a) *Warning.* The first time a child is taken into custody by a law enforcement officer, as provided in sub. (3) above, the parent, guardian or person having legal custody of such child shall be advised as to the provisions of this section and further advised that any violation of this section occurring thereafter by this child or any other child under his care or custody shall result in a penalty being imposed as hereinafter provided.

(b) *Penalty.* Any parent, guardian or person having legal custody of a child described in sub. (1) above, who has been warned in the manner provided in par. (a) above and who thereafter violates this section shall be subject to a penalty as provided in sub. (5) below. Any child under the age of 18 years who violates this section shall also be subject to a penalty as provided in sub. (5) below.

(5) **PENALTY.** (a) A violation of this section may be punishable by a forfeiture of not less than \$5 nor more than \$200.

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(b) In addition to the penalty outlined above, any person under the age of 18 years may be punished under §48.17(2) and §48.343, Wis. Stats.

9.10 DESTRUCTION OF PROPERTY PROHIBITED. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the Town or its departments or to any private person without the consent of the owner or proper authority.

9.11 SMOKING IN TOWN HALL. (1) **SMOKING DEFINED.** "Smoking" means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

(2) **PROHIBITED.** No person shall smoke in the Town Hall.

9.12 MISUSE OF E911. (1) No person shall utilize the E911 emergency telephone number system for any purpose other than to report an emergency.

(2) It shall be unlawful to report an alleged emergency knowing that the fact situation which he reports does not exist.

(3) An emergency, under this section, exists when the person reasonably believes that immediate response by public safety personnel is essential due to the risk or actual occurrence of:

(a) Death or great bodily harm.

(b) Property damage.

(c) Any other situation which mandates the immediate response of public safety personnel.

(4) **PENALTY.** Any person who violates any provision of this section shall be subject to a penalty as provided in sec. 20.04 of this Code.

9.13 CONSUMPTION OF FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR ON PUBLIC PROPERTY AND PARKING LOTS PROHIBITED.

(1) **DEFINITION, LICENSED PREMISES.** The area within a building or structure which is licensed pursuant to ch. 12 of this Code, but not including parking lots, sidewalks, roadways or land which is adjacent to the building or structure and within the property boundary lines, unless authorized by the Town Board.

(2) **CONDUCT PROHIBITED OUTSIDE LICENSED PREMISES.** No person who has purchased opened fermented malt beverages or intoxicating liquor from any licensed premises shall consume said beverages or liquor outside of, but within the property boundary lines of, such premises.

(3) **EXCEPTIONS.** (a) The prohibitions in sub. (2) above shall not apply to those events or activities which are otherwise permitted or licensed pursuant to ch. 12 of this Code.

(b) The prohibitions in sub. (2) above shall not apply to those persons who transport unopened fermented malt beverages or intoxicating liquor from a point of purchase to their destination unless it is in violation of §346.93, Wis. Stats.

9.14 ANIMALS AND POULTRY NOT TO RUN AT LARGE. No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the Town.

9.15 KEEPING OF LIVESTOCK AND POULTRY REGULATED. No person shall keep or maintain any livestock such as horses, cattle, sheep, goats, rabbits or poultry, except in Agricultural Districts.

9.16 LITTERING. (1) PROHIBITED. No person shall deposit any mud, glass, refuse or waste, filth or other litter upon the streets, highways, alleys, parks or other property of the Town or upon any private property or into or upon any body of water or stream within the Town.

(2) **PENALTY.** Any person found guilty of violating this section shall be subject to a forfeiture, as provided in sec. 20.04 of this Code, plus the cost of cleanup. Each day a violation continues shall constitute a separate violation.

9.17 BURNING REGULATIONS. (1) RESIDENTIAL DISTRICTS. (a) *Trash Burning.* No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private ground within any Residential District within 25 feet of any building or within any fire lane unless the same is confined within an outside fireplace or grill, metal or concrete incinerator, wire refuse burner, basket or metal enclosure with a cover attached to prevent the escape of sparks and burning material. No garbage, rags, rubber, wet paper or other materials producing a foul smell shall be burned.

(b) ***Leaf Burning.*** Leaves may be burned in the rear setback while attended continuously by an adult.

(2) **DISTRICTS OTHER THAN RESIDENTIAL.** Bonfires, brush fires and open burning is permitted in Agricultural, Manufacturing and Commercial Districts, subject to the following:

(a) No fire shall be kindled on right of way normally maintained by the Town, the County or the State, or any roadway in the Town.

(b) No burning of garbage; rubber; materials emitting toxic fumes or substances, noxious odors or creating a health hazard; building materials; or waste materials and rubbish resulting from building construction, demolition or site clearing shall be allowed, except all-wood products.

(c) During periods of dry weather, the Town Chairperson or the Fire Chief may declare a burning ban and, until such burning ban is terminated, it shall be unlawful to kindle any fire except in a fireplace or grill.

(3) **PENALTY.** Any person who is convicted of violating any of the terms and provisions of this section shall be liable to the Town for all costs and expenses incurred in fighting or extinguishing such fire and, in addition thereto, shall forfeit not less than \$10 nor more than \$200, together with the costs of prosecution, and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs, together with subsequent costs, shall be paid, but not exceeding 10 days.

9.18 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED. No person shall have or permit on any premises owned or

occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

9.19 ABANDONED OR UNATTENDED ICEBOXES, ETC., 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 icebox, 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 such door or lid, snap lock or other locking device from such icebox, 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.

9.20 ACCIDENTAL SPILLS OF HAZARDOUS OR DETRIMENTAL SUBSTANCES. See Mutual Aid Agreement For Hazmat Response.

9.21 UNIFORM CITATION METHOD ADOPTED. (1) CREATION. Pursuant to §66.0113, Wis. Stats., the Town hereby elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.

(2) CITATION. The citation shall contain the following:

- (a) The name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance or the municipal code violated.
- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court.
- (g) A statement which, in essence, informs the alleged violator, as follows:
 1. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.
 2. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.
 3. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and appropriate statutory penalty assessment and costs not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons shall be issued demanding him to appear in court to answer the complaint.

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4. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the appropriate statutory penalty assessments and costs.

(h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (g) above has been read. Such statement shall be sent or brought with the cash deposit.

(i) Such other information as the Town Board deems necessary.

(3) DEPOSITS. (a) Each citation issued under this section, except those to which par. (d) below applies, shall specify a cash deposit as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of County or, where applicable, the Town Deposit Schedule, which is hereby adopted by reference, which consists of the appropriate forfeiture, the current penalty assessment, the jail assessment, the automation fee, the municipality ordinance fee and court costs.

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

(c) The current assessments and fees imposed under the Wisconsin Statutes shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which State law controls or for ordinances involving nonmoving traffic violations. Said assessments shall be in an amount determined after deducting the court costs.

(d) The deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed the maximum penalties provided in Ch. 48, Wis. Stats., plus the penalty assessment imposed under the Wisconsin Statutes, except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.

(4) DEPOSIT SCHEDULE. Every police officer or other Town officer issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit, as provided in sub. (3) above, that the alleged violator may make in lieu of court appearance.

(5) ISSUANCE OF CITATION. Any peace officer may issue citations authorized under this section. In addition, all Town Board members, the Building Inspector, and the Fire Chiefs may issue citations for violations.

(h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (g) above has been read. Such statement shall be sent or brought with the cash deposit.

(i) Such other information as the Town Board deems necessary.

(4) DEPOSIT SCHEDULE. Every police officer or other Town officer issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit, as provided in sub. (3) above, that the alleged violator may make in lieu of court appearance.

(5) ISSUANCE OF CITATION. Any peace officer may issue citations authorized under this section. In addition, all Town Board members, the Building Inspector, and the Fire Chiefs or Fire Inspectors may issue citations for violations.

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(6) **PROCEDURE.** Section 66.0113(3), Wis. Stats., relating to a violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(7) **NONEXCLUSIVITY.** (a) *Other Ordinances.* Adoption of this section does not preclude the 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.

(b) *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.

9.25 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 20.04 of this Code. In addition to any penalty imposed for violation of sec. 9.943.01(1) of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates sec. 9.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with §895.35, Wis. Stats.