

CHAPTER 4
LAW ENFORCEMENT

4.01	Police Protection	4-2
4.03	Police Officers	4-2
4.05	Resisting or Obstructing an Officer	4-2
4.06	Disorderly Conduct	4-2
4.07	Petty Theft	4-3
4.08	Shoplifting	4-3
4.09	Restrictions on Sale to and Possession by Persons Under the Legal Drinking Age; Presence of Underage Persons on Licensed Premises; and Regulation of Underage Persons.	4-3
4.10	Possession of Marijuana Prohibited	4-5
4.11	Curfew	4-5

Chapter 4.01 TOWN CONSTABLE (repealed 2-25-04): The provisions related to the Town Constable and their (1) Election, (2) Salary, and (3) Powers and Duties are herewith amended and replaced as follows:

4.01 POLICE PROTECTION (Created 2-25-04):

(1) **PERSONNEL.** In accordance with Section 61.65(1)(c), Wis. Stats., the Village of Bellevue hereby elects to contract for police protection services with the Brown County Sheriff's Department.

4.03 POLICE OFFICERS (Created 2-25-04):

(1) **GENERAL POWERS AND DUTIES.** Each officer of the Department shall possess the powers conferred on marshals and constables by law and as provided for the Wisconsin Stats., and shall preserve the public peace and shall enforce the laws and ordinances of the State and Village subject to the orders, rules and regulations of the State of Wisconsin, the the Village of Bellevue, the Village President and the Village Board.

(2) **POWER OF ARREST.** The Chief of Police and any police officer shall arrest all persons in the Village found in the act of violating any law or ordinance of the Village or State or aiding or abetting in such violation, and they shall arrest without warrant all persons whom they have reasonable grounds to believe have violated any law or ordinance and who will not be apprehended unless immediately arrested, 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.

4.05 RESISTING OR OBSTRUCTING AN OFFICER(Created 2-25-04).

(1) Whoever knowingly resists or obstructs an officer while such officer is doing any act in his official capacity and with lawful authority shall be subject to a forfeiture of not more than \$500, together with the costs of prosecution, and in default of the payment of the forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 90 days.

4.06 DISORDERLY CONDUCT (Created 2-25-04).

Whoever does any of the following shall be subject to a forfeiture of not more than \$500, together with the costs of prosecution, and in default of the payment of the forfeiture and the costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 90 days.

(1) In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or

(2) With intent to annoy another, makes a telephone call, whether or not conversation ensues.

4.07 PETTY THEFT (Created 2-25-04).

(1) Whoever intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another, the value of which does not exceed \$500 without the person's consent and with the intent to deprive the owner permanently of possession of such property shall be subject to a forfeiture of not more than \$500, together with the costs of prosecution, and in default of the payment of the forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed 90 days.

(2) Whoever intentionally fails to return any personal property which is in his/her possession or under his/her control by virtue of a written lease or written rental agreement, within 10 days after the lease or rental agreement has expired, shall be subject to a forfeiture of not more than \$500 together with the cost of prosecution, and in default of the payment of forfeiture and cost of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed 90 days.

4.08 SHOPLIFTING (Created 2-25-04).

(1) Whoever intentionally alters indicia or price or value of merchandise or who takes and carries away, transfers, conceals, or retains possession of merchandise held for resale by a merchant without his consent and with intent to deprive the merchant permanently of possession, or the full purchase price of such merchandise, shall be subject to a forfeiture of not more than \$500, together with the cost of prosecution, and in default of the payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed 90 days.

(2) 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 without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

(3) 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 in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he shall not be interrogated or searched against his will before the arrival of a peace 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.

4.09 RESTRICTIONS ON SALE TO AND POSSESSION BY PERSONS UNDER THE LEGAL DRINKING AGE; PRESENCE OF UNDERAGE PERSONS ON LICENSED PREMISES; AND REGULATION OF UNDERAGE PERSONS (Created 2-25-04).

(1) Statutory Authority. This ordinance is enacted pursuant to the authority granted to counties by Sec. 125.10 of the Wisconsin Statutes.

(2) Applicability. This ordinance does not apply within any municipality with an ordinance regulating underage drinking.

(3) Definitions.

- (a) "Alcohol beverages" means fermented malt beverages and intoxicating liquor.
- (b) "Legal drinking age" means 21 years of age.

(4) Sale or Furnishing to Persons Under the Legal Drinking Age. Except as otherwise provided in this section, whoever sells or furnishes alcohol beverages to a person under the legal drinking age not accompanied by a parent, guardian, or adult spouse, shall be subject to a forfeiture of not more than \$500, together with the costs of prosecution, and in default of the payment of the forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 90 days. This subsection shall not apply to licensees or employees of licensees under Chapter 66 or 125, Wisconsin Statutes.

Any forfeiture for violation of any section of Wisconsin Statutes adopted in this section of this Code shall conform to the forfeiture permitted to be imposed for violation of the comparable state statute including any variations for subsequent offenses and that the state of Wisconsin Deposit Schedule and Uniform Misdemeanor Bail Schedule adopted by the Wisconsin Judicial Conference and as amended from time to time are hereby adopted and by reference made a part of this Code for those violations of this Section.

(5) Presence of Underage Persons on Licensed Premises. A person under the legal drinking age not accompanied by a parent, guardian, or adult spouse, who possesses alcohol beverages or who enters, or knowingly attempts to enter, or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licenses premises with or for the licensee or his or her employee, shall be subject to the sanctions for municipal ordinance violations provided in Section 48.343, Wisconsin Statutes, as well as the motor vehicle operating privilege sanctions provided in Sections 343.30(6), Wisconsin Statutes. An underage person may not be present on such licensed premises other than for the transaction of business, which business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. The prohibition for underage persons to be present on licensed premises does not apply to exceptions set forth in Sec. 125.07(3) subparagraphs 1 - 10 of the Wisconsin Statutes.

This section does not prevent a person under the legal drinking age in the employ of a licensee or permittee from possession of alcohol beverages for sale or delivery to customers. Any person who violates the provisions of this section shall upon conviction thereof forfeit not more than \$300 nor less than \$25 and shall pay the costs of prosecution for each such violation.

(6) Possession of Alcohol Beverages by Persons Under the Legal Drinking Age. No person under the legal drinking age not accompanied by his or her parent, guardian or spouse, shall procure, seek to procure, knowingly possess, or consume any alcohol beverages within the Village. Any person who violates the provisions of this section shall upon conviction thereof forfeit not more than \$300 nor less than \$25 and shall pay the costs of prosecution for each such violation. If any person fails to pay the forfeiture imposed, the Court may suspend any driver's license or operating privileges pursuant to Section 48.17, Wisconsin Statutes.

(7) Possession of False Identification. No person under the legal drinking age shall knowingly possess identification that has been altered so as to be untrue or inaccurate, nor shall any person under the legal drinking age present as identification, for purposes of procuring or seeking to procure alcohol beverages, a document that is not a true and accurate identification of said persons. Any person who violates the provisions of this section shall upon conviction thereof forfeit not more than \$300 nor less than \$25 and shall pay the costs of prosecution for each such violation. If any person fails to pay the forfeiture imposed, the Court may suspend any driver's license or operating privileges pursuant to Section 48.17, Wisconsin Statutes.

4.10 POSSESSION OF MARIJUANA PROHIBITED (Created 2-25-04).

- (1) Possession Prohibited. The possession of 25 grams or less of marijuana is hereby prohibited.
- (2) Definitions. "Marijuana" shall have, for purposes of this section, the same meaning and definition as set forth in the provisions of Sec. 161.01 (14), Stats., with the exception set forth in Sec. 161.41(3r), Stats.
- (3) Application. This ordinance does not apply in any city or village within Brown County which has adopted an ordinance prohibiting the possession of marijuana.
- (4) Penalty. Any person violating this section shall be subject to a forfeiture in the amount of not less than \$50.00, nor more than \$1000.00.
- (5) Defenses. Authorization of possession of marijuana under Sec. 161.32, Stats., or Sec. 161.335, Stats., shall be a defense to any offense alleged hereunder.

4.11 CURFEW (Adopted 5-26-04).

- (1) It shall be unlawful for any person under the age of 18 to be out in the Village of Bellevue for any reason between the hours of 11 p.m. and 6 a.m. unless accompanied by their parent or guardian or the person having lawful custody and control of their person or unless there exists a reasonable necessity therefore.
- (2) The curfew shall not apply to children returning home from municipal, religious or school activities or children returning home from or traveling to employment.
- (3) Any member of the police force is authorized to arrest, with or without warrant, any person or persons under the age of 18 violating the provisions of this section.
- (4) Violations and penalties.
 - (a) Any minor child found violating the provisions of Subsection 1 or 2 above may be taken to the police station where a written record shall be made, and the minor shall be released to their parent, guardian or custodian at the police station. For repeated violations, the minor may be referred to the County Juvenile Court in accordance with the provisions of Chapter 48, Wis. Stats.
 - (b) Any person violating the provisions of Subsection 1 or 2 above shall, upon conviction, be subject to a fine of not less than \$10, nor more than \$100. In default of payment said person shall be subject to confinement in jail for not more than five days.