

CHAPTER 3

Offenses Against Property

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SEC. 10-3-1 DESTRUCTION OF PROPERTY PROHIBITED

- (a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the City and belonging to the City or its departments, the Thorp School District or to any private person, without the consent of the owner or proper authority.
- (b) **Parental Liability.** Pursuant to Section 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child.
- (c) **Unlawful Removal of Property.** It shall be unlawful for any person to take and carry away the property of another without the owner's consent with the intention to do so.

SEC. 10-3-2 LITTERING PROHIBITED

- (a) **Littering Prohibited.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the City, or upon property within the City owned by the Thorp School District or any private person, or upon the surface of any body of water within the City.

(b) **Litter From Conduct of Commercial Enterprise.**

- (1) Scope. The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
- (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
- (3) Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the City shall arrange to have the same picked up by City crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the City Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.

(c) **Dumping of Refuse and Grass in Gutters.** No person shall deposit any refuse, leaves or grass clippings in any gutter along any public street, road, alley or highway.

(d) **Handbills.**

- (1) Scattering Prohibited. It shall be unlawful to deliver any handbills or advertising material to any premises in the City except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- (2) Papers in Public Places Prohibited. It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this

shall not prohibit the sale of newspapers in vending machines.

State Law Reference: §§80.65 and 86.07, Wis. Stats.

SEC. 10-3-3 ABANDONED REFRIGERATORS PROHIBITED

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

SEC. 10-3-4 RETAIL THEFT

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchants permanently of possession or the full purchase price may be penalized as provided in Subsection (d).
- (b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- (c) A merchant or merchant's adult employee who has probable cause to believe 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 if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the

arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

- (d) If the value of the merchandise does not exceed One Hundred Dollars (\$100.00), any person violating this Section shall forfeit not more than Two Hundred Dollars (\$200.00).

State Law Reference: Section 943.50, Wis. Stats.

SEC. 10-3-5 STORAGE OF JUNK, ETC. REGULATED

No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood except upon permit issued by the Common Council. The Chief of Police may require by written order any premises violating this Section to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

Cross Reference: Title 9, Chapter 8.

SEC. 10-3-6 ISSUANCE OF WORTHLESS CHECKS

- (a) Whoever issues any check or other order for the payment of money less than Five Hundred Dollars (\$500.00) which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
- (b) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
 - (1) Proof that, at the time of issuance, the person did not have an account with the drawee; or
 - (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
 - (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient

funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.

- (c) This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.
- (d) Any person violating any provisions of this Section shall forfeit not less than Fifty Dollars (\$50.00) if the worthless check is for an amount equal to or less than One Hundred Fifty Dollars (\$150.00) and shall forfeit not less than One Hundred Dollars (\$100.00) if the worthless check is an amount greater than One Hundred Fifty Dollars (\$150.00) and less than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment, imprisonment in the County Jail until forfeiture and costs are paid but not to exceed sixty (60) days.

State Law Reference: Section 943.24, Wis. Stats.

SEC. 10-3-7 THEFT OF LIBRARY MATERIAL

- (a) **Definitions.** For the purposes of this Section, certain words and terms are defined as follows:
 - (1) Archives. A place in which public or institutional records are systematically preserved.
 - (2) Library. Means any public library, library of an educational or historical organization or society or museum, and specifically the public libraries of the City of Thorp.
 - (3) Library Material. Includes any book, plate picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics, belonging to, on loan to or otherwise in the custody of a library.
- (b) **Possession Without Consent Prohibited.** Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library or City Attorney, shall be

deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.

- (c) **Concealment.** The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- (d) **Detention Based on Probable Cause.** An official or adult employee or agent of a library who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this Section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (e) **Damaging Material Prohibited.** No person shall mar, deface or in any other way damage or mutilate any library material.
- (f) **Return Demanded.** No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the library.

State Law Reference: Section 943.61. Wis. Stats.

SEC. 10-3-8 DAMAGING OR TAMPERING WITH COIN MACHINES

- (a) No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending

machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the City. No person shall deposit a slug in a coin-operated machine.

- (b) In this Section, coin machine means any device or receptacle designed to receive money or anything of value. The terms include a depository box, parking meter, vending machine, pay telephone, money-changing machine, coin-operated phonograph and amusement machine if they are designed to receive money or other things of value.

State Law Reference: Section 943.125, Wis. Stats.

SEC. 10-3-9 THEFT OF CABLE TELEVISION SERVICE AND TAMPERING

- (a) No person, whether or not a subscriber to the cable television system, may intentionally or knowingly damage or cause to be damaged and wire, cable, conduit, equipment or apparatus of Franchisee or commit any act with intent to cause such damage, or tap, tamper with or otherwise connect any wire or device to a wire, cable, conduit, equipment and apparatus, or appurtenances of the Franchisee with the intent to obtain a signal or impulse from the cable system without authorization from the Franchisee, or to obtain cable television or other communications services with the intent to cheat or defraud the Franchisee of any lawful charge to which it is entitled.
- (b) It is unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cable, wire, or other equipment used for the distribution of television signals, radio signals, pictures, programs, sound or any other information or intelligence transmitted over a cable system.

State Law Reference: Section 943.46 Wis. Stats.

SEC. 10-3-10 DAMAGE TO PUBLIC PROPERTY

- (a) **Damaging Public Property.** No person shall break, cut down, trample upon, remove, or in any manner injury or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign,

bridge, structure or the property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the City.

- (b) **Breaking of Street Lamps or Windows.** No person shall break glass in any streetlamps or windows of any building owned or occupied by the City.

- (c) **Theft.**

(1) Acts Prohibited.

- a. It shall be unlawful for any person to intentionally take and carry away, use, transfer, conceal or retain possession of moveable property of another without his consent and with intent to deprive the owner permanently of possession of such property.
- b. It shall be unlawful for any person to intentionally take and carry away, use, transfer, conceal or retain possession of moveable property belonging to the City of Thorp or its departments without the consent of the proper authority and with intent to deprive the City or its departments permanently of possession of such property.

(2) Definitions.

- a. Property means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a choice in action or other intangible rights.
- b. Moveable property is property whose physical location can be changed, without limitation including electricity, gas, documents which represent or embody intangible rights and things growing on, affixed to or found in land.

SEC. 10-3-11 DISTURBING CEMETERY PROPERTY

No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants or vines from any cemetery lot or property; nor shall any person deface, injure or mark upon any cemetery markers, headstones, monuments, fences or structures; nor shall any person other than the owner injure, carry away or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot.

SEC. 10-3-12 FRAUDULENT TAPPING OF ELECTRIC WIRES OR GAS OR WATER METERS OR PIPES

It shall be unlawful for any person without permission and for the purpose of obtaining electrical current, gas or water with intent to defraud any vendor of electricity, gas or water or to do any of the following:

- (a) Connect or cause to be connect by wire or other device with a wire, cable or conductor of any such vendor.
- (b) Connect or disconnect the meters, pipes or conduits of the vendor or in any other manner tamper or interfere with the meters, pipes or conduits or connect with the meters, pipes or conduits by pipes, conduits or other instruments.

State Law Reference. Section 941.36, Wis. Stats.

SEC. 10-3-13 TRESPASS TO DWELLING

It shall be unlawful for any person to intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provide a breach of the peace.

State Law Reference. Section 943.14, Wis. Stats.

SEC. 10-3-14 PENALTIES

(a) **Enforcement.**

- (1) Penalties. In addition to the general penalty of this Code of Section 1-1-7 or any other penalty imposed for violation of any Section of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 10-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office.
- (2) Stipulation of Guilt or No Contest. Stipulations of guilt or no contest may be made by persons arrested for violations of the ordinances contained in this

Chapter in accordance with Section 66.12(1)(b), Wis. Stats. Stipulations shall conform to the form contained on the Uniform Ordinance Citation. Stipulations may be accepted by the Police Department.

- (3) Deposits. Any person stipulating guilt or no contest under Subsection (2) shall deposit a forfeited penalty as provided in a schedule established by the Chief of Police and approved by the Common Council. Deposits may be brought or mailed to the office of the Police Department as directed by the arresting officer.

(b) **Attempt.**

- (1) Whoever attempts to commit an act prohibited by Title 10 of the Code of Ordinances of the City of Thorp may be required to forfeit amounts not to exceed one-half (■) the maximum penalty for the completed act.
- (2) An attempt to commit an act prohibited by the ordinances in Title 10 requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he does acts towards the commission of the violation which demonstrate unequivocally, under all circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

(c) **Parties to Acts Prohibited in Title 10.**

- (1) Whoever is concerned in the commission of an act prohibited by Title 10 of this Code of Ordinances is a principle and may be charged with and convicted of the commission of said act although he did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other act prohibited by these ordinances.
 - (2) A person is concerned in the commission of an act prohibited by these ordinances if he:
 - a. Directly commits the act; or
 - b. Intentionally aids and abets the commission of it; or
- c. Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his mind and no longer

desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.