

CHAPTER 12

ORDERLY CONDUCT

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12.01 OFFENSES ENDANGERING PUBLIC SAFETY

(1) Discharging and Carrying Firearms and Guns Prohibited No person, except a sheriff, constable, police officer or their deputies shall fire or discharge any firearm, rifle, spring or air gun of any description within the City of Augusta or have any firearm, rifle, spring or air gun in his possession or under his control unless it is unloaded and knocked down or enclosed within a carry case or other suitable container, provided that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the City Council. This subsection shall be deemed to prohibit hunting within the City, provided that the Chief of Police may issue written permits to owners or occupants of private premises to hunt or shoot on such premises if he finds such privileges necessary for the protection of life or property and subject to such safeguards as he may impose for the safety of the lives and property of other persons within the city.

(a.) Possession of Firearms and Guns in Public and Business Establishments, Prohibited. No person, except a sheriff, police officer, or their deputies, or any law enforcement personnel of the State, shall have in their possession or carry or bear any firearm, rifle, handgun, spring or air gun, or bow and arrow device, within in any public or business establishment within the City of Augusta. This section is not meant to prohibit or hinder the sale, business establishment doing so in the course of its regular business, nor hinder the prospective customer in his or her attempt to buy, sell or trade such firearms or devices to or from said retailer.

(2) 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 other person, or into any building, street, sidewalk, alley, highway, park, playground or other public place within the City of Augusta.

(3) Fires Prohibited No person may set any fire upon any land in the City of Augusta, until written permission in the form of a burning permit has been received from the Augusta Bridge Creek Fire Department. Outdoor cooking over a fire contained in a device or structure designed for such use is permissible.

(a.) Fire Permits All permits shall be issued by the City of Augusta Fire Chief or his delegated officers.

1. No fee shall be charged for a permit.

2. Permits shall specify the time burning is permitted as well as the limits of the burning area.

3. Sunday and Holiday burning is prohibited.

4. The permittee shall provide adequate fire protection to prevent the spread of the fire and shall at all times keep the fire under control.

(b.) Noxious Odors Prohibited Any burning of property, substance or things within the City of Augusta causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City of Augusta is prohibited.

(c.) Penalty The penalty for violation of any provision of this section shall be a penalty as provided in Section 15.04 of this code.

(4) Sale and Discharge of Fireworks Restricted

(a.) Private Use and Sale No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the City unless he shall be authorized by a fireworks permit as hereinafter provided. The term "fireworks" as used in this section shall be defined as provided in [§167.10\(1\)](#), and shall be deemed to include all rockets or similar missiles containing explosive fuel.

(b.) Fireworks Permits Fireworks, other than those prohibited by the laws of the public authorities, fair associations, amusement parks, park boards, civic State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and ponds by organizations and other groups of individuals when a permit for such display has been granted by the City Mayor. All applications shall be referred to the Fire Chief for investigation and no permit shall be granted unless the City Mayor from the report of the Chief determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the City Mayor shall require the applicant to post with the City Clerk an approved indemnity bond in the sum of two thousand dollars (\$2,000.00) for the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit.

(5) Obstructing Streets and Sidewalks 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 City in such manner as to prevent or obstruct the free passage of pedestrians 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.

12.02 OFFENSES ENDANGERING PUBLIC PEACE AND GOOD ORDER

(1) Disorderly Conduct Prohibited No person shall within the City of Augusta:

(a.) In any public or private place engage in violent, abusive, indecent profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.

(b.) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

(2) Loud and Unnecessary Noise 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 an public street, alley or park or any private residence.

(3) False Fire Alarms Prohibited No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false.

(4) Obedience to Officers No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the City while such officer is doing any act in his official capacity and with lawful authority.

(5) Assisting Escape of Prisoner No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the city.

(6) Personating Police Officers No person shall personate a policeman or peace officer within the City of Augusta.

(7) Harassment

(a.) In this section:

1. "Course of Conduct" means a patter of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

2. "Credible threat" means a threat made with the intent and apparent ability to carry out the threat.

3. "Personally identifiable information" has the meaning given in [◆19.62\(5\)](#).

4. "Record" has the meaning given in [◆19.32\(2\)](#).

(b.) No person who, with the intent to harass or intimidate another person, does any of the following

is subject to a Class B forfeiture:

1. Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.
2. Engages in a course of conduct or repeatedly commits acts which harass or intimidates the person and which serve no legitimate purpose.

Whoever violates any provision of this ordinance shall be subject to a forfeiture as provided in Section 15.04 of this Code.

12.03 OFFENSES ENDANGERING PUBLIC MORALS AND DECENCY

(1) Gambling, Lotteries, Fraudulent Devices and Practices Prohibited All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the limits of the city. Any peace officer or policeman of the city is hereby authorized to seize anything devised solely for gambling or found in actual use for gambling within the city and to dispose thereof after a judicial determination that said device was used solely for gambling or found in actual use for gambling.

(2) Indecent Conduct and Language 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 city.

(3) (a.) Curfew

1. It is a curfew violation for a child less than eighteen (18) years of age to be in a public place after 10:00 p.m. or before 5:00 a.m. on a day.

2. A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

- (a) the child has violated this section; and
- (b) there is no legal defense to the violation.

(b.) Defenses

1. It is a defense to a violation under this ordinance that the child was emancipated:

(a) by virtue of having married; or in accordance with the laws of another state or jurisdiction at the time that the child engaged in the prohibited conduct.

2. In accordance with the laws of another state or jurisdiction at the time the child engaged in the prohibited conduct.

3. It is a defense to a violation under this ordinance that the child engaged in the prohibited conduct while;

- (a) accompanied by the child's parent, guardian, or custodian;
- (b) accompanied by an adult specified by the child's parent, guardian, or custodian
- (c) participating in, going to, or returning from:
 - 1) lawful employment;
 - 2) a school sanctioned activity;
 - 3) a religious event;
 - 4) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - 5) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution;
 - 6) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults;
- 4. participating in an activity undertaken at the prior written direction of the child's parent, guardian, or custodian; or
- 5. engaged in travel from a location outside Augusta to another location outside Augusta

(4) Consumption of Intoxicating Liquor or Fermented Malt Beverages, Prohibited Where

(a.) No person shall consume any intoxicating liquor or fermented malt beverage, nor be in possession of any glass or open container containing alcoholic or fermented malt beverages on any public street, alley, sidewalk or other public way.

(b.) All purchases of alcoholic or fermented malt beverages by the glass or in open containers shall be consumed on the licensed premises where served and shall not be removed to thoroughfares, streets, or sidewalks in the city.

(c.) This section may be temporarily suspended by action of the Common Council in specified areas of the city during specified times.

(d.) The penalty for violation of this section shall be a fifty dollar (\$50.00) forfeiture plus cost and disbursements incurred by the city in prosecution.

12.04 OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY

(1) 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 city or its departments or to any private person without the consent of the owner or proper authority.

(2) Littering Prohibited No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the city or upon any private property not owned by him or upon the surface of any body of water within the City of Augusta.

(3) Ordinance Relating to Augusta City Parks

(a.) No person, except authorized personnel, shall occupy any part of the city parks between the hours of 11:00 p.m. and 6:00 a.m.

(b.) No vehicle shall exceed the speed of ten (10) miles per hour within the limits of the Augusta City Parks.

(c.) No person shall establish or maintain any temporary or permanent camping or lodging place in the Augusta City Parks.

(4) An Ordinance Relating to the Theft, Return and Damaging of Library Books and Materials of the City of Augusta Public Library

(a). Definitions, in this ordinance:

1. "Library" means the City of Augusta Public Library.

2. "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, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of the library.

3. "Demand" means any oral or written communication including correspondence sent by regular mail requesting the return of library materials to the library by any employee, agent, or officially of the library.

(b). Violation. It shall be unlawful for any person to do any of the following:

1. Theft: To take and carry away, transfer, conceal or retain possession of any library material without the consent of a library official, agent or employee and with the intent to deprive the library of the possession of the material.

2. Failure to return: To fail, on demand, to return any library material to the library within five (5) days of the date of the demand.

3. Damaging of library materials: To mar, deface, or in any other manner damage or mutilate any book, periodical, pamphlet, pictures, or other article or property belonging to or in charge of the library.

(c). Concealment as Evidence: 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 by the person upon the person or among the belongings of another is evidence on intentional concealment on the part of the person so concealing the material.

(d.) Penalties: Any person convicted of a violation of the provision of this ordinance shall forfeit not less than ten dollars (\$10.00) and no more than one hundred dollars (\$100.00) plus court costs and penalty assessment and in default of payment thereof. If the violation for which a person is convicted involves the theft, failure to return or damaging of any library material, the sentencing court shall add to any fine imposed the fair market or replacement value of the library material. In cases involving theft and failure to return any library material, this additional fine may be waived if the violator returns the library material within five (5) days of conviction.

(e). Prosecution: Each separate act of theft, failure to return or damaging of library materials shall be considered as a separate offense. The City of Augusta may in its discretion join several offenses as a single prosecution against any one violator. The City of Augusta in prosecuting any offenses under this ordinance may use and adopt a Municipal Citation in which event the fine shall be ten dollars (\$10.00) plus court costs and penalty assessment and damages assessed under the preceding section. The appearance in court by the violator under such a citation shall be mandatory where the violation involves library materials which have not been returned to the library by the date of the issuance of said citation.

(f). Severability: If any provisions of this ordinance is declared invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is declared invalid or unconstitutional such invalidity or unconstitutionality shall not affect without the invalid or unconstitutional provision or application.

(g). Effective date: This ordinance shall take effect and be in force upon its passage and publication as provided by law.

12.05 PENALTIES

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be subject to a penalty as provided in Section 15.04 of this code.

12.06 TRUANCY AND HABITUAL TRUANCY

Sections:

12.06 (1) Truancy and habitual truancy

12.06 (2) Contributing to truancy

12.06 (3) Definitions

12.06 (4) Disposition and sanctions for truants

12.06 (5) Disposition and sanctions for habitual

12.06 (6) Exception for habitual truants

12.06 (7) References to statutes

12.06 (8) Severability

(1) TRUANCY AND HABITUAL TRUANCY No person under the age of 18 years who is subject to school attendance laws shall be truant or a habitual truant as defined in this section.

(2) CONTRIBUTING TO TRUANCY

(a) Except as provided in B. no person 17 years of age or older shall, by act or omission, knowingly encourage or contribute to the truancy of a person subject to school attendance laws.

(b) A. does not apply to a person who has under his or her control a child who has been sanctioned under Wis. Stat. [§ 49.26 \(1\) \(h\)](#).

(c) An act or omission contributes to a truancy of a pupil whether or not the pupil is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the pupil to be truant,

(3) DEFINITIONS FOR PURPOSE OF THIS SECTION:

(a) [§ Acceptable excuse](#) means permission of the parent/guardian/legal custodian of a pupil. within limits of policies on truancy established by the school in which the pupil is enrolled. Except in emergencies or unforeseeable circumstances, such permission is expected to be communicated in writing from the parent/guardian/legal custodian to the school, prior to the absence, in emergencies or unforeseeable circumstances, such communication is expected to be as soon as practicable following the absence.

(b) [§ Truant](#) means a pupil who is absent from school without an acceptable excuse under Wis. Stat. 118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.

(c) [§ Habitual truant](#) means a pupil who is absent from school without an acceptable excuse or part or all of 5 or more days on which school is held during a school semester.

(d) [§ Operating privilege](#) has the meaning given in Wis. Stat. [§ 340.01](#).

(4) DISPOSITION AND SANCTIONS FOR TRUANTS

(a) If a person under the age of 18 is adjudged to be a truant, the court may enter one or more of the following dispositions:

1. An order for the person to attend school.

2. A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stat. [§ 93837](#) and subject to a maximum cumulative forfeiture amount of

not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(b) Sanctions for violation of dispositional order. If the court finds that a person violates a condition of his or her dispositional order under 12.5.040, the court may impose as a sanction on the person, any combination of the following, if at the time of disposition the court explained the conditions to the person and informed the person of those possible sanctions:

1. Suspend the persons operating privilege, as defined in Wis. Stat.

§ 340.01(40). for not more than one year. If the person does not hold a valid operator's license under Wis. Stat. ch. 343, other than an instruction permit under Wis. Stat. § 343.07 or a restricted license under Wis. Stat. § 343.08, on the date of the order issued under this subsection, the court may order the suspension or limitation to begin on the date that the operator's license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years after the date of the order issued under this subsection, whichever occurs first. If the court suspends the person's operating privilege or an approval issued under Wis. Stat. ch. 29, the court shall immediately take possession of the suspended license or approval and forward it to the department that issued the license or approval with a notice stating the reason for and the duration of the suspension.

2. An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. § 938.34(5g). The cost of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from civil liability in excess of \$25,000 for any act or omission by or impacting on that person.

3. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.

4. An order for the person to attend an education program as described in Wis. Stat. § 938.34 (7d).

5. An order for the department of workforce development to revoke, under Wis. Stat. § 103.72. a permit under Wis. Stat. § 103.70. authorizing employment of the person.

6. An order for the person to be placed in a teen court program as described in Wis. Stat. § 938.342(1g)(l).

7. An order for the person to attend school,

8. A forfeiture of not more than \$500 plus costs, subject to Wis. Stat. §938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

9. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

10. An order placing the person under formal or informal supervision, as described in Wis. Stat. §938.34(2) for up to one year.

11. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodians own expense or to attend school with the person, or both.

(5) DISPOSITION AND SANCTIONS FOR HABITUAL TRUANTS

(a) Dispositions. If a person under the age of 18 is adjudged to be an habitual truant, the court may enter one or more of the following dispositions;

1. Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.

2. An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. §938.34(5g). The cost of any such counseling, supervised work program or other community service work may be assessed against the person. The parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting on that person.

3. An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.

4. An order for the person to attend an educational program as described in Wis. Stat. §938.34 (7d), Wis. Stats.

5. An order for the department of workforce development to revoke, under Wis. Stat. §103.72, a permit under Wis. Stat. §103.70, authorizing the employment of the person.

6. An order for the person to be placed in a teen court program as described in Wis. Stat. §938.342(1g)(t).

7. An order for the person to attend school.

8. A forfeiture of not more than \$500 plus costs, subject to Wis. Stat. 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person or both.

9. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

10. An order placing the person under format or informal supervision, as described in Wis. Stat. §938.34(2) for up to one year.

11. An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

(b) Sanctions for violation of dispositional order. If the court finds that a person violates a condition of his or her dispositional order under 12.5.050, the court may impose as a sanction on the person, any combination of the following, if at the time of disposition, the court explained the conditions to the person and informed the person of those possible sanctions:

1. Placement of the juvenile in a secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of non-secure custody, for not more than 10 days and the provision of educational services consistent with his or her current course of study during the period of placement. The juvenile shall be given credit against the period of detention or non-secure custody imposed under this subdivision for all time spent in secure detention in connection with the course of conduct for which the detention or non-secure custody was imposed.

2. Suspension or limitation on the use of the person's operating privilege as defined under Wis. Stat. §340.01(40), or of any approval issued under Wis. Stat. ch. 29 for not more than one year. If the person does not hold a valid operator's license under Wis. Stat. ch. 343, other than an instruction permit under Wis. Stat. §343.07 or a restricted license under Wis. Stat. §343.08, on the date of the order issued under this subsection, the court may order the suspension or limitation to begin on the date that the operator's license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years after the date of the order issued under this subsection, whichever occurs first. If the court suspends the person's operating privilege or an approval issued under Wis. Stat, ch. 29, the court shall immediately take possession of the suspended license or approval and forward it to the department that issued the License or approval with a notice stating the reason for and the duration of the suspension.

3. Counseling or participation for not more than 25 hours in a supervised work program or other community service work under Wis. Stat. § 938.34 (5g).
4. Detention in the person's home or current residence for a period of not more than 30 days except during hours which the person is attending religious worship or a school program, including travel time required to get to and from the place of worship or school program. The order may permit a person to leave his or her home or current residence if he or she is accompanied by a parent guardian.
5. An order for the person to attend an educational program as described in Wis. Stat. § 938.34 (7d).
6. An order for the department of workforce development to revoke, under Wis. Stat. § 103.72, a permit under Wis. Stat. § 103.70, authorizing the employment of the person.
7. An order for the person to be placed in a teen court program pursuant to Wis. Stat. § 938.34(1g)(1).
8. An order for the person to attend school.
9. A forfeiture of not more than \$500 plus costs, subject to Wis. Stat. 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
10. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
11. An order placing the person under formal or informal supervision, as described in Wis. Stat. § 938.34(2). for up to one year.
12. An order for the person's parent, guardian or legal custodian to participate in counseling at the parents, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person or both.

(6) EXCEPTION FOR HABITUAL TRUANTS

(a) A person incurs no liability as a habitual truant under this ordinance if appropriate personnel of the school or school district in which the child is enrolled have not, within one year prior to the commencement of prosecution under this ordinance, done all of the following:

1. Met with the child's parent or guardian to discuss the child's truancy, or attempted to meet with the child's parent or guardian and received no response or were refused;
2. Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and considered curriculum modifications

under Wis. Stat. § 118.15(l)(d);

3. Evaluated the child to determine whether learning problems may be a cause of the child's truancy and, if so, have taken steps to overcome the learning problems except that the child need not be evaluated if tests administered to the child within the previous year indicate that the child is performing at his or her grade level; and

4. Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so have taken appropriate action or made appropriate referrals.

(a) 12.6.05 A. 1. does not apply if a meeting under Wis. Stat. 18.16(2)(cg)(3), is not held within 10 school days after the date that the notice under subsection (2) (cg) is sent.

(b) 12.6.06 A.2, 3, and 4. are not required if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the child's absences from school.

(7) REFERENCES TO STATUTES References to Wisconsin Statutes are to 2005-2006 Statutes as from time to time amended, modified, repealed or otherwise altered by State Legislature.

(8) SEVERABILITY If any section or part of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

12.07 POSSESSION OF MARIJUANA OR CANNABIS.

(1) Purpose The people of Augusta specifically determine that the regulations herein contained concerning marijuana and cannabis are necessary to serve the ethical purpose of providing just and equitable legal treatment of the citizens of this community and to preserve the respect of such citizens for law, its process, and its administration.

(2) Definitions. In this section

(a) Cannabis-The resin extracted from any part of the plant Cannabis Sativa L. or any other nonfibrous extract from any part of the plant containing delta 9-tetrahydrocannabinol.

(b) Casually possess - The possession of not more than twenty-eight (28) grams of cannabis, or one hundred and twelve (112) grams of marijuana.

(c) Marijuana- All parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. It does not include cannabis or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(d) Practitioner - A physician, dentist, veterinarian, podiatrist, scientific investigator, or other person

licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

(e) Pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state.

(f) Public Place - A place which is in public ownership or a place to which the public has access; distinguished from a private place.

(3) Public Possession No person shall casually possess marijuana or cannabis in a public place unless such marijuana or cannabis was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of her, his, or its professional practice.

(4) Fine A violation of Subsection (3) of this ordinance shall be subject to a forfeiture of up to one hundred dollars (\$100). For a second or subsequent violation within 365 days of a previous violation hereunder, the forfeiture shall be up to two hundred dollars (\$200).

(5) Violations are not a crime A violation of this ordinance is not a crime and shall not subject a person found in violation thereof the loss of civil rights or to other disabilities imposed upon a person convicted of a crime. No entry or other record may be made which indicates that a person alleged or found to have violated this ordinance has been arrested for, charged with, prosecuted for, or convicted of a crime.

(6) Separability Clause If any subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

12.08 POSSESSION OF DRUG PARAPHERNALIA

(1) UNLAWFUL TO USE OR POSSES DRUG PARAPHERNALIA No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process. Prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of Chapter 961, Wis, Stats. Any person who violates this section is subject to a forfeiture of not more than \$500. For a second or subsequent violation within 365 days of a previous violation hereunder, the forfeiture shall be up to eight hundred dollars (\$800).

(2) WI. STATE STATS. ADOPTED Section 961.571, Wis. Stats., and Section 961.572, Wis Stats., are hereby adopted by reference including amendments thereto as may be adopted from time to time.

12.09 POSSESSION OF TOBACCO PRODUCTS

(1) In this section, the following terms shall have the meanings indicated:

(a) CIGARETTE- Means any roll of tobacco wrapped in paper or any substance other than tobacco.

(b) LAW ENFORCEMENT OFFICER ♦ Means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce and includes a person appointed as a conservation warden by the department under Wis. Stats. ♦23.10(1).

(c) TOBACCO PRODUCTS ♦ Means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, including moist snuff; snuff flour; Cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings; cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but ♦tobacco products♦ does not include cigarettes, as defined herein.

(2) It shall be unlawful for any person to do any of the following on premises owned or rented by, or under the control of, a school board.

(a) Place any tobacco product in one♦s mouth; or

(b) Smoke or possess a lighted tobacco product, cigarette, pipe or any other instrument with which to smoke tobacco.

(3) Except as provided in Subsection D, no person under the age of 18 may do any of the following:

(a) Buy or attempt to buy any cigarette or tobacco product.

(b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.

(c) Possess any cigarette or tobacco product.

(4) A person under the age of 18 may purchase or possess cigarette or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Wis. Stats. ♦134.65(1).

(5) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Subsection C committed in his or her presence.

(6) The penalty for a violation of this section shall be a forfeiture of \$25.00 for the first offense, \$50.00 for the second offense and \$100.00 for the third and subsequent offenses.