

Chapter 1

State Statutes Adopted

11-1-1 Offenses Against State Laws Subject to Forfeiture

11-1-2 Penalties; Attempt; Parties to Acts

Sec. 11-1-1 Offenses Against State Laws Subject to Forfeiture.

The following statutes 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 Village of Muscoda provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

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| (a) | (1) | 48.17 | Jurisdiction—Civil Law and Ordinance Violations |
| | (2) | 125.07(1) | Alcohol beverages; restrictions relating to underage persons |
| | (3) | 125.07(2) | Sales of alcohol beverages to intoxicated persons |
| | (4) | 125.07(3) | Presence in places of alcohol sale |
| | (5) | 125.07(4)(a) | Underage drinking procure or attempt to procure |
| | (6) | 125.07(4)(b) | Underage drinking possess or consume |
| | (7) | 125.085 | ID Card Violations |
| | (8) | 134.65 | Cigarette and Tobacco Products Retailer License |
| | (9) | 134.66 | Restrictions on Sale or Gift of Cigarettes or Tobacco Products |
| | (10) | 167.31 | Safe Use and Transportation of Firearms and Bows |
| | (11) | 252.25 | Violations of Law Relating to Health |
| (b) | (1) | 939.22 | Words and Phrases Defined |

- (2) 940.19(1) Battery
- (3) 941.12(2),(3) Interfering With or Failing to Assist in Firefighting
- (4) 941.13 False Alarms
- (5) 941.20(1) Reckless Use of Weapon
- (6) 941.37(1),(2) Obstructing Emergency or Rescue Personnel
- (7) 942.05 Opening Letters
- (c) (1) 943.11 Entry Into Locked Vehicle
- (2) 943.13 Trespass to Land
- (3) 943.14 Trespass to Dwellings
- (4) 943.20 Theft of Property
- (5) 943.21 Fraud on Innkeeper
- (6) 943.23 Operating Vehicle Without Owner's Consent
- (7) 943.24 Issuance of Worthless Checks
- (8) 943.34 Receiving Stolen Property
- (9) 943.38(3) Forgery
- (10) 943.50 Retail Theft
- (11) 943.61 Theft of Library Materials
- (d) (1) 944.15 Public Fornication
- (2) 944.17 Sexual Gratification
- (3) 944.20 Lewd and Lascivious Behavior
- (4) 944.21 Obscene Material or Performance
- (5) 944.23 Making Lewd, Obscene or Indecent Drawings
- (6) 944.33 Pandering
- (7) 944.36 Solicitation of Drinks Prohibited
- (e) (1) 946.40 Refusing to Aid Officer

- (2) 946.41 Resisting or Obstructing Officer
- (3) 946.72(2) Tampering with Public Records and Notices
- (f) (1) 947.01 Disorderly Conduct
- (2) 947.012 Unlawful Use of Telephone
- (3) 947.013 Harassment
- (4) 947.06 Unlawful Assemblies
- (g) (1) 948.40 Contributing to the Delinquency of a Child
- (2) 948.60 Possession of a Dangerous Weapon by a Child
- (3) 948.61 Dangerous Weapons on School Premises
- (h) (1) 961.573 Possession of Drug Paraphernalia
- (2) 961.574 Manufacture or Delivery of Drug Paraphernalia
- (3) 961.575 Delivery of Drug Paraphernalia to a Minor

Sec. 11-1-2 Penalties; Attempt; Parties to Acts.

- (a) **Penalty.** In addition to the general penalty provisions of this Code in Section 1-1-6 or any other penalty imposed for violation of any Section of this Title, 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 11-3-1 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 in the interest of justice.
- (b) **Attempt.**
 - (1) Whoever attempts to commit an act prohibited by Title 11 of the Code of Ordinances of the Village of Muscoda may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.
 - (2) An attempt to commit an act prohibited by the ordinances in Title 11 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 the

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 11**

- (1) Whoever is concerned in the commission of an act prohibited by Title 11 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 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 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.