

CHAPTER 31, DOOR COUNTY CODE

PUBLIC PROTECTION AND SAFETY; PEACE AND ORDER; AND OTHER INTERESTS

§ 31.01 – Provisions of State Law Adopted by Reference (Offenses).

- A. The following Wisconsin Statutes are hereby adopted and incorporated herein by reference as if fully set forth:

Smoking

1. § 101.123, Wis. Stats. – Smoking Prohibited

Alcohol Beverages

2. § 125.07(1), Wis. Stats. – Restrictions Related to Underage Persons.
3. § 125.07(4)(a), (4)(b), & (4)(bm) Wis. Stats. – Underage Persons Prohibitions
4. § 125.085(3)(b), Wis. Stats. – Falsification of Proof of Age
5. § 125.09(2), Wis. Stats. – Possession of Alcohol Beverages on School Grounds
6. § 125.10, Wis. Stats. – Municipal Regulation
7. § 125.32(3), Wis. Stats. – Closing Hours (Fermented Malt Beverages)
8. § 125.68(4), Wis. Stats. – Closing Hours (Intoxicating Liquor)

Miscellaneous Trade Regulations

9. § 134.405(4)(c), Wis. Stats. – Scrap Dealers; Electronic Report to Law Enforcement
10. § 134.66, Wis. Stats. – Provide Cigarettes, Nicotine Products, or Tobacco Products to Minor
11. § 134.71(8), Wis. Stats. – Pawn Broker and Dealer Requirements

Safeguards (Persons and Property)

12. § 167.10, Wis. Stats. – Regulation of Fireworks
13. § 167.31, Wis. Stats. – Safe Use and Transportation Of Firearms and Bows

Animals Distained or Doing Damage

14. § 172.01, Wis. Stats. – Certain Animals Not to Run at Large
15. § 172.015, Wis. Stats. – Livestock on Highways

Cigarettes or Tobacco to Minors

16. § 254.92, Wis. Stats. – Purchase or Possession of Cigarettes or Tobacco Products by Minor

Emergency Services

17. § 256.35(10), Wis. Stats. – Misuse of Emergency Services Number

Littering

18. § 287.81, Wis. Stats. – Littering.

Vehicle Abandonment, Removal & Disposal

19. § 342.40, Wis. Stats. – Vehicle Abandonment Prohibited; Removal; Disposal

Prescription (Drugs and Devices)

- 20. § 450.11(7), Wis. Stats. – Prohibited Acts (Prescription Drugs & Prescription Devices).

Parties to Crime

- 21. § 939.05, Wis. Stats. – Parties to Crime.
- 22. § 939.22, Wis. Stats. – Words & Phrases Defined.

Bodily Security

- 23. § 940.19(1), Wis. Stats. – Battery.
- 24. § 940.315 Wis. Stats. – Global Positioning Devices.
- 25. § 940.34, Wis. Stats. – Duty to Aid Victim or Report Crime.
- 26. § 940.42, Wis. Stats. – Intimidation of Witnesses
- 27. § 940.44, Wis. Stats. – Intimidation of Victims.

Public Health & Safety

- 28. § 941.01, Wis. Stats. – Negligent Operation of Vehicle.
- 29. § 941.10, Wis. Stats. – Negligent Handling of Burning Materials.
- 30. § 941.13, Wis. Stats. – False Alarms.
- 31. § 941.20, Wis. Stats. – Endangering Safety by Use of a Dangerous Weapon.
- 32. § 941.23, Wis. Stats. – Carrying Concealed Weapon.
- 33. § 941.231, Wis. Stats. – Carrying Concealed Knife.
- 34. § 941.235, Wis. Stats. – Carrying Firearm in Public Building.
- 35. § 941.237, Wis. Stats. – Carrying Handgun Where Alcohol Beverages May be Sold & Consumed.
- 36. § 941.295, Wis. Stats. – Possession of Electric Weapon.
- 37. § 941.299, Wis. Stats. – Restrictions on the Use of Laser Pointers.
- 38. § 941.315(1),(2) & (5), Wis. Stats. – Possession, Distribution, or Delivery of Nitrous Oxide.
- 39. § 941.316(1),(2) & (4), Wis. Stats. – Abuse of Hazardous Substance.
- 40. § 941.35, Wis. Stats. – Emergency Telephone Calls.
- 41. § 941.37, Wis. Stats. – Obstructing Emergency or Rescue Personnel.

Privacy

- 42. § 942.08, Wis. Stats. – Invasion of Privacy.
- 43. § 942.10, Wis. Stats. – Use of a Drone.

Property

- 44. § 943.01, Wis. Stats. – Damage to Property.
- 45. § 943.017, Wis. Stats. – Graffiti.
- 46. § 943.11, Wis. Stats. – Entry into Locked Vehicle.
- 47. § 943.12, Wis. Stats. – Possession of Burglariious Tools.
- 48. § 943.125, Wis. Stats. – Entry Into Locked Coin Box
- 49. § 943.13, Wis. Stats. – Trespass to Land.
- 50. § 943.14, Wis. Stats. – Trespass to Dwellings.
- 51. § 943.15, Wis. Stats. – Entry Onto a Construction Site or Into a Locked Building, Dwelling or Room.
- 52. § 943.20, Wis. Stats. – Theft

- 53. § 943.21, Wis. Stats. – Fraud on Hotel or Restaurant Keeper, Recreation Attraction, Taxicab Operator or Gas Station.
- 54. § 943.24, Wis. Stats. – Issue of Worthless Check.
- 55. § 943.34, Wis. Stats. – Receiving Stolen Property.
- 56. § 943.50, Wis. Stats. – Retail Theft; Theft of Services.
- 57. § 943.70, Wis. Stats. – Computer Crimes

Sexual Morality

- 58. § 944.20, Wis. Stats. – Lewd and Lascivious Behavior.
- 59. § 944.21, Wis. Stats. – Obscene Material or Performance.
- 60. § 944.23, Wis. Stats. – Making Lewd, Obscene or Indecent Drawings.
- 61. § 944.25, Wis. Stats. – Sending Obscene or Sexually Explicit Electronic Messages.
- 62. § 944.30, Wis. Stats. – Prostitution.
- 63. § 944.31, Wis. Stats. – Patronizing Prostitutes.
- 64. § 944.32, Wis. Stats. – Soliciting Prostitutes
- 65. § 944.33, Wis. Stats. – Pandering.
- 66. § 944.36, Wis. Stats. – Solicitation of Drinks Prohibited.

Gambling

- 67. § 945.01, Wis. Stats. – Definitions (Gambling).
- 68. § 945.02, Wis. Stats. – Gambling.

Government and its Administration

- 69. § 946.32(2), Wis. Stats. – False Swearing.
- 70. § 946.40, Wis. Stats. – Refusing to Aid Officer.
- 71. § 946.41, Wis. Stats. – Resisting or Obstructing Officer.
- 72. § 946.415, Wis. Stats. – Failure to Comply with Officer's Attempt to Take Person Into Custody.
- 73. § 946.46, Wis. Stats. – Encouraging Violation of Probation, Extended Supervision or Parole.
- 74. § 946.49, Wis. Stats. – Bail Jumping
- 75. § 946.495, Wis. Stats. – Violation of Nonsecure Custody Order.
- 76. § 946.52, Wis. Stats. – Failure to Submit Biological Specimen.
- 77. § 946.66(2), Wis. Stats. – False Complaint Regarding the Conduct of a Law Enforcement Officer
- 78. § 946.70(1), Wis. Stats. – Impersonating Peace Officers, Fire Fighters, or Other Emergency Personnel.
- 79. § 946.71, Wis. Stats. – Unlawful Use of License for Carrying Concealed Weapons.
- 80. § 946.72(2), Wis. Stats. – Tampering with Public Notices.
- 81. § 946.73, Wis. Stats. – Violating Laws Governing State or County Institutions.
- 82. § 946.90(1) & (2), Wis. Stats. – Wisconsin Works Fraud.
- 83. § 946.91, Wis. Stats. – Medical Assistance Fraud
- 84. § 946.92(1), (2) & (3)(a)1, Wis. Stats. – Food Stamp Offenses.
- 85. § 946.93 (1), (2), (3)(a)-(d) & 3(e)1-3, Wis. Stats. – Public Assistance Fraud.

Public Peace, Order and Other Interests

- 86. § 947.01, Wis. Stats. – Disorderly Conduct.
- 87. § 947.011(1), (2), & (3)(a), Wis. Stats. – Disrupting a Funeral or Memorial Service.
- 88. § 947.012, Wis. Stats. – Unlawful Use of Telephone.
- 89. § 947.0125, Wis. Stats. – Unlawful Use of Computerized Communication Systems.
- 90. § 947.013(1), (1m), (1r) & (2), Wis. Stats. – Harassment.

- 91. § 947.02, Wis. Stats. – Vagrancy.
- 92. § 947.04, Wis. Stats. – Drinking on Common Carriers.
- 93. § 947.06, Wis. Stats. – Failure to Disperse/Withdraw from an Unlawful Assembly.
- 94. § 947.07, Wis. Stats. – Causing Violence or Breach of Peace by Damaging or Destroying a U.S. Flag.

Children

- 95. § 948.40, Wis. Stats. – Contributing to the Delinquency of a Child.
- 96. § 948.45, Wis. Stats. – Contributing to the Truancy of a Child.
- 97. § 948.61, Wis. Stats. – Dangerous Weapons Other Than Firearms on School Premises.

Animals

- 98. § 951.01, Wis. Stats. – Definitions.
- 99. § 951.02, Wis. Stats. – Mistreating Animals.
- 100. § 951.025, Wis. Stats. – Decompression Prohibited.
- 101. § 951.03, Wis. Stats. – Dognapping and Catnapping.
- 102. § 951.04, Wis. Stats. – Leading Animal from Motor Vehicle.
- 103. § 951.05, Wis. Stats. – Transportation of Animals.
- 104. § 951.06, Wis. Stats. – Use of Poisonous and Controlled Substances.
- 105. § 951.07, Wis. Stats. – Use of Certain Devices Prohibited.
- 106. § 951.08, Wis. Stats. – Instigating Fights Between Animals.
- 107. § 951.09, Wis. Stats. – Shooting at Caged or Staked Animals.
- 108. § 951.095, Wis. Stats. – Harassment of Police and Fire Animals.
- 109. § 951.097, Wis. Stats. – Harassment of Service Dogs.
- 110. § 951.10, Wis. Stats. – Sale of Baby Rabbits, Chicks and Other Fowl.
- 111. § 951.11, – Artificially Colored Animals; Sale.
- 112. § 951.13, Wis. Stats. – Providing Proper Food and Drink to Animals.
- 113. § 951.14, Wis. Stats. – Providing Proper Shelter to Animals.
- 114. § 951.15, Wis. Stats. – Abandoning Animals.

Controlled Substances

- 115. § 961.41(3g)(b), Wis. Stats. – Possess / Attempt to Possess Other Drugs.
- 116. § 961.41(3g)(e), Wis. Stats. – Possession / Attempt to Possess Tetrahydrocannabinols.
- 117. § 961.41(3g)(em), Wis. Stats. – Possess / Attempt to Possess Synthetic Cannabinoids.
- 118. § 961.41(4)(bm), Wis. Stats. – Imitation Controlled Substances.
- 119. § 961.573(1) & (2), Wis. Stats. – Possession of Drug Paraphernalia.
- 120. § 961.574(1) & (2), Wis. Stats. – Manufacture/ Delivery of Drug Paraphernalia.
- 121. § 961.575(1) & (2), Wis. Stats. – Delivery of Drug Paraphernalia.

- B. The Wisconsin Statutes adopted and incorporated herein by reference are the 2019-20 Wisconsin Statutes or as the same are from time to time amended, modified, replaced, restated, revised or supplemented.
- C. Offenses / Violations
 - 1. Any act required to be performed or prohibited by any Wisconsin Statute adopted and incorporated herein by reference is required or prohibited by this chapter and sections.

2. Any person who shall, within Door County, violate any provisions of the Wisconsin Statutes adopted and incorporated herein by reference shall be deemed guilty of an offense under this chapter and sections.
3. Each violation, and each day a violation continues or occurs, constitutes a separate offense.

D. Penalties

1. Violators shall, for each offense:
 - a. Pay a forfeiture of not less than than \$50.00 nor more than \$1,000.
 - b. Pay costs, fees and surcharges imposed under Ch. 814 Wis. Stats.
 - c. Make restitution under § 800.093, Wis. Stats.
 - d. Make any other payment authorized by law.
2. A separate offense is deemed committed each day a violation occurs or continues.

E. Enforcement

1. The use of a citation is hereby authorized for violations hereunder consistent with § 66.0113, Wis. Stats. and Ch. 35, § 35.01, Door County Code.
2. Citations authorized hereunder may be issued by Door County law enforcement officers.
3. The form of the citation shall be as prescribed in § 66.0113(1)(b), Wis. Stats. and Ch. 35, § 35.01 5. b., Door County Code.
4. The alleged violator's options and procedures on default are as set forth in § 66.0113(3), Wis. Stats. and Ch. 35, § 35.01 5. c., Door County Code.

F. Non-Exclusivity

1. As set forth in Ch. 35, § 35.01 3. a-c, Door County Code.
2. The penalties in this ordinance are in addition to any other liability imposed.

§ 31.02 – Truancy and Dropout

- A. This ordinance is enacted under §§ 59.02, 59.03, 59.04, 59.54, 66.0113, 118.163, & 938.17(2), Wis. Stats.
- B. A person under 18 years of age is prohibited from being a truant. Dispositions available to the court include those set forth in §§ 118.163(1m) (a)-(c), Wis. Stats.
- C. A person under 18 years of age is prohibited from being a habitual truant. Dispositions available to the court include those set forth in §§ 118.163(2) (a)-(L), Wis. Stats.
- D. A court may:
 1. suspend the operating privilege of person who is at least 16 years of age but less than 18 years of age and is a dropout as set forth in § 118.163(2m)(a), Wis. Stats.; *and*
 2. order a school district to provide to the court a list of all persons who are known to the school district to be dropouts and who reside within the county in which the circuit court is located or the municipality in which the municipal court is located as set forth in § 118.163(2m)(b), Wis. Stats.
- E. Penalties for violation of B. & C. above are as follows:
 1. Violators shall, for each offense:
 - a. Pay a forfeiture as set forth in: § 118.163(1m)(b), Wis. Stats. for violation(s) of § 31.02 B.; *and* § 118.163(2)(h), Wis. Stats. for violation(s) of § 31.02 C.
 - b. Pay costs, fees and surcharges imposed under Ch. 814 Wis. Stats.
 - c. Make any other payment authorized by law.

2. A separate offense is deemed committed each day a violation occurs or continues.
- F. Enforcement**
1. The use of a citation is hereby authorized for violations hereunder consistent with § 66.0113, Wis. Stats. and Ch. 35, § 35.01, Door County Code.
 2. Citations authorized hereunder may be issued by Door County law enforcement officers.
 3. The form of the citation shall be as prescribed in § 66.0113(1)(b), Wis. Stats. and Ch. 35, § 35.01 5. b., Door County Code.
 4. The alleged violator's options and procedures on default are as set forth in § 66.0113(3), Wis. Stats. and Ch. 35, § 35.01 5. c., Door County Code.
- G.** This ordinance is applicable and may be enforced in that part of any city or village located in Door County and in any town located in Door County regardless of whether the city, village or town has enacted an ordinance under §§ 118.163, Wis. Stats.
- H. Non-Exclusivity**
1. As set forth in Ch. 35, § 35.01 3. a-c, Door County Code.
 2. The penalties in this ordinance are in addition to any other liability imposed.
 3. Concurrent municipal and juvenile court jurisdiction as set forth in § 938.17(2), Wis. Stats.
- I.** The Wisconsin Statutes referenced herein are the 2019-20 Wisconsin Statutes or as the same are from time to time amended, modified, replaced, restated, revised or supplemented.

§ 31.03 – Public Nuisance

- A.** This section is enacted pursuant to and consistent with §§ 59.01, 59.02, 59.03, 59.04, 59.54, 66.0113 and Ch. 823, Wis. Stats., which are each incorporated herein by reference.
- B.** The predominant aim of this section is to address public nuisances that concern health and safety.
- C. Public Nuisance / Private Nuisance**
1. A “private nuisance” is a claim where a particular property owner is adversely affected by the nuisance.
 2. A “public nuisance” is where the general community is adversely affected by the nuisance and is not tied to the adverse impact upon a specific private property.
 3. Sometimes a nuisance gives rise to both public and private nuisance claims caused by the same activity.

This section is not intended to address a nuisance that is primarily private in nature.

- D. Offenses / Violations**
1. Any act required to be performed or prohibited by Ch. 823, Wis. Stats., is required or prohibited by this section.
 2. Any person who shall, within Door County, violate any provisions of Ch. 823, Wis. Stats., shall be deemed guilty of an offense under this section.
 3. Each violation, and each day a violation continues or occurs, constitutes a separate offense.
- E. Penalties**
1. Violators shall, for each offense:
 - a. Pay a forfeiture of not less than \$50.00 nor more than \$1,000.
 - b. Pay costs, fees and surcharges imposed under Ch. 814 Wis. Stats.
 - c. Make any other payment authorized by law.
 2. A separate offense is deemed committed each day a violation occurs or continues.

- F. Enforcement**
 - 1. The use of a citation is hereby authorized for violations hereunder consistent with § 66.0113, Wis. Stats. and Ch. 35, § 35.01, Door County Code.
 - a. Citations authorized hereunder may be issued by Door County law enforcement officers or sanitarians.
 - b. The form of the citation shall be as prescribed in § 66.0113(1)(b), Wis. Stats. and Ch. 35, § 35.01 5. b., Door County Code.
 - c. The alleged violator's options and procedures on default are as set forth in § 66.0113(3), Wis. Stats. and Ch. 35, § 35.01 5. c., Door County Code.
 - 2. Maintain an action to abate a public nuisance, to enjoin a public nuisance, or to recover costs, damages and expenses .
- G. Non-Exclusivity**
 - 1. As set forth in Ch. 35, § 35.01 3. a-c, Door County Code.
 - 2. The penalties in this ordinance are in addition to any other liability imposed.
 - 3. County may institute other proceedings in any court of competent jurisdiction and pursue any remedy or relief afforded by law.
- H. Jurisdiction**
 - 1. This section is applicable to the unincorporated areas of Door County, Wisconsin.
- I.** The Wisconsin Statutes incorporated herein by reference are the 2019-20 Wisconsin Statutes or as the same are from time to time amended, modified, replaced, restated, revised or supplemented.

§ 31.04 – Animal Regulations

- A. Authority / Interpretation**
 - 1. This ordinance is enacted under the authority granted by §§ 59.02, 59.54, 95.21, and 66.0113, Wis. Stats.
 - 2. For the purposes of interpretation, all references to the Wisconsin Statutes shall be as those statutes presently exist or are hereafter amended or revised.
- B. Dog Causing Damage to Persons or Property [§ 174.02, Wis. Stats.]**
 - 1. The owner of a dog is liable for damages caused by the dog injuring or causing injury to a person, domestic animal or property as provided in § 174.02, Wis. Stats.
 - 2. Penalties.
 - a. The owner of a dog shall forfeit not less than \$50 nor more than \$2,500 if the dog injures or causes injury to a person, domestic animal or property as provided in 1. above.
- C. Dogs Running at Large [§§ 59.54(20) & 174.042, Wis. Stats.]**
 - 1. A dog running at large is subject to impoundment. An officer may attempt to capture and restrain any dog running at large.
 - a. "Officer" has the meaning designated under Sec. 95.21(1)(b), Wis. Stats.
 - 2. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.
 - 3. A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.

4. Penalties.
 - a. If the owner of a dog negligently or otherwise permits the dog to run at large, the owner shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.
- D. Untagged Dog [§ 174.042, Wis. Stats.]
1. An untagged dog is subject to impoundment. An officer may attempt to capture and restrain an untagged dog.
 2. A dog is considered to be untagged if a valid license tag [See: §§ 174.05, 174.053, & 174.07, Wis. Stats.] is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.
 3. Penalties.
 - a. If the owner of a dog negligently or otherwise permits the dog be untagged, the owner shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.
- E. Dog Not Licensed [§§ 174.05, 174.053, 174.054, 1743.055, & 174.07, Wis. Stats.]
1. Except as provided in § 174.054, Wis. Stats. a dog license is necessary for the keeping of any dog over 5 months of age.
 2. Except as provided in § 174.054, Wis. Stats. the owner of a dog 5 months of age or older shall, annually, timely pay the dog license fee, present evidence that the dog is currently immunized against rabies, and obtain a dog license and tag.
 3. The owner shall securely attach the tag to a collar and a collar with the tag attached shall be kept on the dog for which the tag was issued as provided in § 174.07(1)(e), Wis. Stats.
 4. Penalties.
 - a. If the owner of a dog fails to obtain a dog license and tag for the dog, the owner shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.
 - b. If the owner of a dog fails to keep a collar with the tag attached on the dog as required by 3. above, the owner shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.
- F. Keeping, Apprehension, Impounding, and Destruction of Dogs [§§ 59.54(20), Wis. Stats.]
1. The keeping, apprehension, impounding and destruction of dogs shall be as provided in §§ 59.54(20), 95.21 and Ch.'s 173 & 174, Wis. Stats.
- G. Rabies Control Program [§ 95.21, Wis. Stats.]
1. Door County's rabies control program is consistent with § 95.21, Wis. Stats.
 2. Rabies vaccination is required for dogs. The owner of a dog shall have the dog vaccinated against rabies as required in § 95.21(2), Wis. Stats.
 3. The owner of a dog shall obtain a rabies vaccination tag, attach the tag to a collar, and a collar with the tag attached shall be kept on the dog at all times as provided in § 95.21(2), Wis. Stats.
 4. An owner of an animal (e.g., a dog or cat) shall comply with any quarantine order issued under § 95.21, Wis. Stats.
 5. Any act required to be performed or prohibited by § 95.21, Wis. Stats., is required or prohibited by this ordinance.
 6. Penalties.
 - a. *Failure to obtain rabies vaccination.* An owner who fails to have a dog vaccinated against rabies as required above may be required to forfeit not less than \$50 nor more than \$100.
 - b. *Refusal to comply with order or quarantine.* An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility or veterinarian or

who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than \$100 nor more than \$1,000.

- c. *Other violation.* A person who violates any provision of this section not specified above, may be required to forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.

H. Vicious, Dangerous or Nuisance Animals

1. A dog, cat or other domestic animal that: has bitten a person without provocation; has caused injury to a person, domestic animal or property damage that resulted in action against its owner(s) under Ch. 174, Wis. Stats.; poses a threat to public health or safety; or poses a threat to the health and safety of itself or custodian may be deemed vicious or dangerous. No person may own, harbor, keep or control a dog, cat, or other domestic animal that is vicious or dangerous.
2. The habitual, loud and prolonged barking, crying, howling, yelping or the making of other sounds by a dog, cat or other domestic animal is deemed to constitute a nuisance. No person may own, harbor, keep or control a dog, cat, or other domestic animal that creates such a nuisance.
3. Penalties.
 - a. Any person who owns, harbors, keeps or controls a dog, cat, or other domestic animal that: is vicious or dangerous, or is deemed to constitute a nuisance, hereunder shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.
4. This section is inapplicable to: a law enforcement dog, while the dog is performing law enforcement functions; a licensed animal control facility; a licensed animal shelter; a county humane society; an isolation facility; any organization designated by the county board to provide a pound (for collecting, caring for, and disposing of animals); or a Wisconsin certified veterinarian's practice facility.

I. Enforcement

1. Issuance of a citation under § 66.0113, Wis. Stats. and Ch. 35, § 35.01, Door County Code.
2. Each day of continued violation constitutes a separate offense.

J. Non-Exclusivity

1. As set forth in Ch. 35, § 35.01 3. a-c, Door County Code.
2. The penalties in this ordinance are in addition to any other liability imposed on the owner of an animal.

(Ord. #50-90; 2/26/91) (Ord. #11-92; 3/24/92) (Ord. #21-96; 8/27/96) (Ord. 2016-09; 5/24/16)

§ 31.05 – Outdoor and Refuse Burning

A. Purpose

1. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the County of Door due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

B. Applicability

1. This ordinance applies to all outdoor burning and refuse burning within the County of Door. This county ordinance does not apply to incorporated municipalities. If a provision in a town ordinance in this county covers a provision contained in this county ordinance, the town ordinance controls.
2. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances, or campfires.

3. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section D of this ordinance.
 4. This ordinance does not apply to the use of propane, acetylene, natural gas, kerosene, gasoline or other petroleum derivative in a device intended for heating, construction or maintenance activities.
- C. Severability
1. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance should not be affected.
- D. Definitions
1. "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
 2. "Clean Wood" means natural wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
 3. "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.
 4. "Fire Chief" means the Chief of the applicable municipality, or other person authorized or designated by the Fire Chief.
 5. "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.
 6. "Open Burning" means kindling or maintaining a fire where the produces of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
 7. "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
 8. "Refuse" means any waste material except clean wood.
- E. General prohibitions on outdoor burning and refuse burning
1. Open burning, outdoor burning and refuse burning are prohibited in the County of Door unless the burning is specifically permitted by this ordinance.
- F. Materials that may not be burned
1. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device.
 2. Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 3. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Ch NR 590, Wis Admin Code.
 4. Asphalt and products containing asphalt.
 5. Treated or painted wood, including but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 6. Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 7. Rubber including tires and synthetic rubber-like products.
 8. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section K of this ordinance.
- G. Burning leaves, brush, clean wood and other vegetable debris.

1. Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris, is allowed only in accordance with the following provisions:
 - a. All allowed open burning shall be conducted in a safe nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
 - b. Except for the barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Director of Door County Emergency Services, Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
 - c. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.
 - d. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.
 - e. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.
 - f. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided that the fire is confined by and limited to a control device or structure (e.g., barrel, fire ring, or fire pit). Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
 - g. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with the other provisions of this ordinance.
 - h. Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under Section L of this ordinance.
 - i. Open burning under this section shall only be conducted at a location at least 100 feet from the nearest building, which is not on the same property.
 - j. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person should have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 - k. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
 - l. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
 - m. No open burning may be conducted on days when the Department of Natural Resources has declared an ozone action day applicable to the County of Door.

H. Burn Barrels

1. A burn barrel may be used in the County of Door only in accordance with the following provisions:
 - a. The burn barrel shall not be used to burn any of the prohibited materials listed in Section F of this ordinance and may only be used in accordance with the provisions of Section G of this ordinance.
 - b. The burn barrel shall be located at least 100 feet from the nearest building that is not on the same property as the burn barrel. The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.
 - c. Small businesses, commercial enterprises, and industries may not use burn barrels or engage in other kinds of open burning and may not be granted burning permits by municipalities. However, the prohibition on burn barrels does not apply to small businesses in which the

owners reside at the same location and cannot separate their business waste from their household waste.

I. Outdoor wood fired furnaces

1. The outdoor wood-fired furnace must be approved and employed for use as a furnace in accordance with the applicable and accepted codes, laws, regulations and rules.
2. The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section F of this ordinance.
3. The outdoor wood-fired furnace shall be located at least 100 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.
4. The outdoor wood-fired furnace shall have a chimney that extends at least as high above the ground surface as the height of the roof of the building which it serves. A lesser height may be approved on a case-by-case basis, if necessary, to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
5. The owner or occupant of the property shall obtain a one-time permit from the Fire Chief, Town Chairperson or designee before using the outdoor wood-fired furnace.

J. Fire department practice burns

1. Notwithstanding Sections E and F of this ordinance, the Fire Department may burn a standing building or other such substances as deemed appropriate by said department if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

K. Exemption for burning certain papers

1. Notwithstanding Subsection F of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.
2. Small quantities of confidential papers from a residence may be burned, if necessary, to prevent the theft of financial records, identification or other confidential information.
3. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Sections G of this ordinance.

L. Burning Permits

1. No person shall start or maintain any open burning without a burning permit issued by the Fire Chief, Town Chairperson, or a designee of said official. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
2. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section G of this ordinance shall obtain a one-time burning permit before starting the fire.
3. When weather conditions warrant, the Director of Door County Emergency Services, Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
4. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
5. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

M. Liability

1. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire, irrespective of whether a burning permit is issued.

N. Right of entry and inspection

1. The Fire Chief or any authorized officer, agent, employee or representative of the County of Door who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.
2. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with §§ 66.122 and 66.123, Wis. Stats.

O. Enforcement and penalties

1. Penalties. Any person violating this ordinance shall:
 - a. Forfeit not less than \$25.00 nor more than \$250.00 for each offense; and;
 - b. Institute those remedial measures, summarily and/or within a defined time period, necessary to correct any violation.
 - c. Be enjoined or restrained from further violation.
 - d. Pay the fees, costs and disbursements incurred by County associated with prosecution of the action.
 - e. Each day a violation exists or continues constitutes a separate offense.
2. Enforcement.
 - a. Issuance of a citation pursuant to and in accordance with Sec. 66.0113 Wis. Stats. and Chapter 35 Door County Code.
 - b. Adoption of this Ordinance does not preclude the Door County Board of Supervisors from adopting any other ordinance relating to the same or other matter. An issuance of a forfeiture hereunder, shall not preclude the County 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.
3. Reference to Statutes.
 - a. Reference to specific statutory sections, whenever used in this Ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the Wisconsin State Legislature.
4. Effective Date.
 - a. This Ordinance shall be effective upon adoption and enactment by the Door County Board of Supervisors, and publication if and as provided by law.

(Ord. 19-88; 6/28/88) (Ord. 20-88; 7/26/88) (Ord. 9-89; 3/28/89) (Ord. 2005-09; 5/24/05)

§ 31.06 – In-Line Skating

- A. The use of in-line skates has created a potentially hazardous situation to vehicles on the roadways, as well as to the skaters themselves, and thereby their use on County highways is restricted.
1. Authority:
This ordinance is adopted as authorized under §349.235, Wis. Stats. This ordinance incorporates all related definitions and portions of Wisconsin Statutes Chapters 340 through and including Chapter 349 as are applicable under this ordinance to in-line skating.
 2. General Provisions:
 - a. "In-line skates" means skates with wheels arranged singly in a tandem line rather than in pairs. (See: §340.01(24m), Wis. Stats.).
 - b. No person using in-line skates may go upon any county highway, except to cross the road way at a crosswalk or intersection.
 - c. Persons using in-line skates may not impede the normal and reasonable movement of motor vehicle traffic when crossing the road ways.
 - d. It shall be unlawful for any person using in-line skates to cling to or attach to any bicycle, motor vehicle, or any other vehicle upon any public road way.

- e. Every person using in-line skates must observe all traffic signals.
- f. Every person using in-line skates upon a county sidewalk or walkway shall yield the right-of-way to any pedestrian and shall exercise due care when passing any person.
- g. Every person using in-line skates shall be subject to the same regulations as pedestrians under §346.23, 346.24, 346.37 and 346.38 Wis. Stats.

3. Penalty:

- a. Any person or persons violating any provision of this ordinance shall be fined \$10.00 for the first offense and \$25.00 for the second and/or subsequent offenses within one (1) year.
- b. In addition to the forfeiture, any person violating any provision of this ordinance shall be required to pay all costs and applicable penalties as provided under Wisconsin Statutes.

4. Procedure for enforcement of this ordinance:

- a. This ordinance shall be enforced by all County Law Enforcement Officers through the issuance of citations to persons violating any of the provisions of this ordinance.
- b. Adoption of this ordinance does not preclude the County Board from adopting any other ordinances or providing for the enforcement of any other law or ordinance relating to the same or other matters. And issuance of a citation hereunder shall not preclude the county 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.
- c. In the event any portion of this ordinance is or becomes invalid or illegal, the remaining portions shall remain in full force and effect.

5. Effective Date

This Ordinance shall be effective upon enactment by the Door County Board of Supervisors and publication if and as provided by law.

(Ord. #17-94; 7/26/94)

§ 31.07 – Disposal of Abandoned or Unclaimed Property

A. This section is enacted pursuant to and consistent with § 66.0139, Wis. Stats., which is incorporated herein by reference.

B. The purpose of this section is to provide for a means of disposal of personal property in Door County's possession that has been abandoned or remains unclaimed. The means described herein are deemed to be in the County's best interest.

C. Disposal

1. Unless otherwise specified herein, personal property which has been abandoned or remains unclaimed for a period of 30-days after the taking of possession of the property by Door County will be disposed of pursuant to and consistent with § 66.0139 (2), Wis. Stats.

a. Money that has been abandoned, or remains unclaimed for a period of 30-days after the taking of possession of the money by Door County, shall be deposited in the County's general fund.

b. Negotiable securities that have been abandoned, or remain unclaimed for a period of 30-days after the taking of possession of the negotiable securities by Door County, shall be converted to cash and deposited in the County's general fund.

2. Abandoned or unclaimed flammable, explosive or incendiary substances, materials, or devices may be disposed of pursuant to and consistent with § 66.0139 (3), Wis. Stats.
 3. Abandoned or unclaimed dangerous weapons (e.g., firearms) or ammunition may be retained by or disposed of pursuant to and consistent with §§ 66.0139(5) & 968.20, Wis. Stats., which is incorporated herein by reference. The preferred options, for firearms and ammunition, are:
 - a. Retain the firearm or ammunition and authorize its use by a law enforcement agency;
 - b. If a firearm or ammunition are not so retained, ship it to the state crime laboratories and it is then the property of the laboratories; or
 - c. Otherwise safely dispose of (i.e., destroy) the firearm and ammunition.
 4. Disposition of unclaimed moneys, securities or funds by the circuit court clerk is as set forth in § 59.66(1), Wis. Stats., which is incorporated herein by reference.
 5. Unclaimed funds (money or security) in public treasury will be handled as set forth in § 59.66(2), Wis. Stats., which is incorporated herein by reference.
 6. Disposition of unclaimed personal property other than money or securities held by county institutions, coroners, medical examiners, or sheriffs is as set forth in § 59.66(3), Wis. Stats., which is incorporated herein by reference.
- D. The Wisconsin Statutes incorporated herein by reference are the 2019-20 Wisconsin Statutes or as the same are from time to time amended, modified, replaced, restated, revised or supplemented

Authority and Construction:

Ch. 31, Door County Code (“this ordinance”) is enacted under the authority granted by Wisconsin Statutes, including §§ 59.01, 59.02, 59.03, 59.04, 59.54 and 66.0113 Wis. Stats.

The dominant aim of this ordinance is to promote the public health, safety, convenience, and general welfare.

For the purposes of construction and enforcement of this ordinance, all references to the Wisconsin Statutes shall be as those statutes presently exist or as they may be hereafter revised.

Severability:

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Effective Date:

This ordinance shall be in full force and effect from and after January 1, 2023.

(Ord. 2022-12; 10/25/22)