

**SHEBOYGAN COUNTY    ORDINANCE NO. 04 (2008/09)**

Re:    **Adding New Provisions to Peace and Good Order Ordinance**

**WHEREAS**, Chapter 38 of the Sheboygan County Code of Ordinances regulates the public peace and good order, and

**WHEREAS**, it would be appropriate to add provisions to the County Peace and Good Order Ordinance regulating restrictions on the sale or gift of tobacco to minors [as allowed by Wis. Stat. § 134.66]; regulating loud and unnecessary noise [as allowed by Wis. Stat. § 59.54(6)]; regulating lewd and lascivious behavior [as allowed by Wis. Stat. § 59.54(22)]; and to renumber and reorder some of the current provisions to improve the ease and use of the County Code;

**NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1.    **Adding Provisions to Chapter 38.** Chapter 38 of the Sheboygan County Code of Ordinances is hereby amended as follows (only those Sections or portions of Sections affected appear; redlining indicates additions, strikeouts indicate deletions):

38.01(a)       Sections 38.01 through ~~38.25~~ **38.27** are intended to provide prosecutorial alternatives to acts which may otherwise be violations of state law.

38.03 (x)	944.20	Lewd and lascivious behavior
<del>(x)</del> (y)	946.41(1)	Resisting or obstructing an officer
<del>(y)</del> (z)	946.73	Violating County institutional rules
<del>(z)</del> (aa)	947.01	Disorderly conduct
<del>(aa)</del> (bb)	947.012(2)	Unlawful use of telephone
<del>(bb)</del> (cc)	947.0123(3)	Unlawful use of computerized communications system

~~38.26~~       **UNLAWFUL SALE OR GIFT OF TOBACCO TO MINORS.** Pursuant to the statutory authority granted to the County Board by Wis. Stat. § 134.66(5), the statutory provisions of Wis. Stat. §§ 134.66(1) through (4) prohibiting the sale or gift of cigarettes to minors are hereby adopted by reference and made a part of this Ordinance.

~~38.27~~       **PENALTY FOR UNLAWFUL SALE OR GIFT OF TOBACCO TO MINORS.** The penalty for violating any of the conduct prohibited under Section 38.26 shall be a forfeiture of not more than Five Hundred Dollars (\$500.00). The Court shall suspend any license or permit of any person who violates Section 38.26 as provided in Wis. Stat. § 134.66(4)(a)3.

38.26       Renumber to **38.28**.  
38.27       Renumber to **38.29**.

38.28 Renumber to 38.30.

38.29 Renumber to 38.31.

**38.32 LOUD AND UNNECESSARY NOISE.**

- (1) **Prohibitions.** No person shall make or cause to be made any loud disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley, park, or private residence.
- (2) **Penalty.** Any person violating this Section shall be subject to a forfeiture of not more than Two Hundred Fifty Dollars (\$250.00).

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 19th day of August, 2008.

**LAW COMMITTEE**

*Brian C. Hoffmann*

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Brian C. Hoffmann, Chairperson

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Thomas V. Epping, Vice-Chairperson

*Leo A. Dunton*

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Leo A. Dunton, Secretary

*George Marthenze*

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George Marthenze

*Thomas Wegner*

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Thomas Wegner

ENACTED 09.16.2008

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