

Chapter 25

OFFENSES AGAINST PUBLIC PEACE, SAFETY & MORALS

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25.01 DISORDERLY CONDUCT.

(a) No person shall engage in disorderly conduct in the Village. Any of the following acts constitute disorderly conduct;

(1) Making, aiding or assisting in making any improper noise, riot, disturbance, breach of the peace or diversion tending to breach the peace.

(2) Assaulting, striking or deliberately injuring another person.

(3) Engaging in or aiding or abetting any fight, quarrel or other disturbance.

(4) Disturbing any religious service, funeral, public or private meeting, place of amusement, or assembly of persons.

(5) Collecting in crowds for unlawful purposes, or for any purpose to the annoyance or disturbance of other persons.

(6) Loitering continuously in public places or being idle or dissolute and going about begging,

(7) Being intoxicated in public places, or in any place to the annoyance and disturbance of other persons.

(8) Resisting or obstructing the performance of one known to be a law officer or any authorized act within the law officer's official capacity; or impersonating a law officer.

(9) Assisting any person in official custody of a peace officer to escape or furnishing any weapon, drugs, liquor to any such person.

(10) Assembling with two or more other persons for the purpose of using force or violence to disturb the public peace.

(11) Failing to obey a lawful order of dispersal by a person known to be a peace officer, where three or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm.

(12) Lodging in out-houses, sheds, barns, stables or unoccupied buildings, or being a vagrant.

(13) Engaging in any fraudulent scheme, device or trick to obtain money or other valuable thing, or the practice of fortune telling, palmistry, card reading, astrology, clairvoyancy or other scheme to obtain money or other value.

(14) Giving any false alarm of fire, danger or disturbance to any person, or false information to any peace officer or fireman or any Village officer.

(15) Making a telephone call with intent to annoy another, whether or not conversation ensues.

(16) Engaging in obscene or indecent activities or entertainment, or any lewd or lascivious behavior, or appearing in public in a state of nudity.

(17) Maintaining or being in houses of ill repute or gaming houses, or engaging in or soliciting unlawful sexual actions.

(18) Using any obscene, profane, threatening or inciting language in any public or private place.

(19) Throwing stones or missiles in public places or at any person or property.

(20) Damaging or defacing trees, bushes, gardens, fences, windows, signs, buildings, monuments, or vehicles or engaging in any acts of vandalism.

(21) Abusing, beating or cruelly injuring any animal, or attempting to kill or wound any bird other than a sparrow, crow, or blackbird.

(22) Schools. It shall be unlawful for any person to enter into and remain in any public school building or on school property within the Village, except for students attending public schools within the Village, teachers and other employees of the Central High School District of Westosha, without obtaining a written permit from the school administrator or designee, which permit shall authorize the holder for a given period of time on the day designated within the permit. The permit may be denied where the need for the permit does not outweigh the disruption of school related business which may be caused if the permit were to be granted. This Paragraph 22 shall be applicable only where the School Board or other governing body has approved the application of this Paragraph, and where notice of this Paragraph and the school system's acceptance of the same has

been posted in a prominent place at all school entrances intended for the use of the public. Law enforcement officers shall be authorized to remove from the school buildings any persons who fail to comply with the terms of this Paragraph and who fail to voluntarily leave the premises upon request. Adult violators shall be subjected to forfeiture, and imprisonment for non-payment thereof, pursuant to Section 1.07 of this Code, and minors shall be prosecuted through the Juvenile Court system on such charges as may be applicable.

25.015 DISORDERLY CONDUCT WITH A MOTOR VEHICLE.

(a) Prohibition. No person shall operate a motor vehicle in the Village of Paddock Lake that constitutes disorderly conduct with a motor vehicle.

(b) Definitions.

(1) Motor vehicle, vehicle and highway shall be defined as the same terms are defined in §340.01, Wis. Stats.

(2) Disorderly conduct with a motor vehicle means the deliberate operation of a motor vehicle in a manner that is unnecessary and unreasonably violent, abusive, loud, maneuvered, or accelerated in such a manner so as to disturb, annoy or endanger any person or property in any public or private area in the Village of Paddock Lake. It includes, but is not limited to the unnecessary and unreasonable spinning of wheels, squealing of tires, accelerating the engine or vehicle or both, raising one or more wheels off the surface, use of the horn, loud playing of radios or audio entertainment, emission of smoke, gases, or other foul odors that are disagreeable, leaving the highway to travel across property to avoid an intersection, official control sign, signal or other device, and deliberately causing the engine to backfire. For the purpose of this definition, the motor vehicle is not required to be moving at the time of commission of the disorderly conduct.

25.02 WEAPONS.

(a) A person who is not a peace officer acting in his official capacity shall not carry about his person any concealed pistol, switchblade, knife, razor, slingshot, metal knuckles or any other weapon or thing of deadly character.

(b) No person shall sell, give or transfer any such weapon to any minor person.

25.03 FIREARMS.

(a) No person, except a sheriff, police officer or their deputies, shall fire or discharge any firearm, rifle, spring or air gun of any description within the Village 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 carrying case or other suitable container. This section shall not, however, prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board, or the firing or discharging of BB guns upon private premises by persons over the age of 16 or under the direct personal supervision of a parent or guardian. This section shall be deemed to prohibit hunting within the Village, provided that the Village President 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 Village.

(b) No person shall discharge a crossbow or a bow-and-arrow within the Village, provided that this section shall not prevent the maintenance and use of bows-and-arrows with a draw strength of thirty pounds or less if used only for target shooting at targets with suitable backing and in such a manner so as to not endanger the lives of property of other persons within the Village.

25.04 FIREWORKS

(a) Private Use and Sale. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks within the limits of the Village 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 Section 167.10(1), Wisconsin Statutes, shall be deemed fireworks within the term of this ordinance.

(b) Fireworks Permit. Fireworks, other than those prohibited by the laws of the state, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the Village President. No permit shall be granted unless the Village President 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 permits, the Village President shall require the applicant to post with the Village Clerk/Treasurer an approved indemnity bond in the sum of \$2,000 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.

(c) Penalties. The penalty for violation of this ordinance shall be not less than One Hundred (\$100.00) Dollars and not more than Five Hundred (\$500.00) Dollars for the first violation and not less than Four Hundred (\$400.00) Dollars and not more than One Thousand (\$1,000.00) Dollars for second and subsequent violations. Each day of violation shall constitute a separate offense.

(d) Effective Date. This ordinance shall become effective on the 20th day of August, 2009, and upon posting.

25.045 REPEALED.

25.05 LITTERING.

No person shall dump, destroy, or throw any glass, rubbish, waste, building and construction materials or dirt upon any of the streets, alleys, public parks, highways, drainage ditches, or the shore or surface of any body of water within the Village, nor upon private property without permission from the owner.

25.06 BARBED WIRE FENCES.

No person shall maintain any fence containing barbed wire along or near any public sidewalk.

25.07 NOISE.

(a) No person shall disturb the peace and quiet of any other person by creating excessive noise on is or any property. Excessive noise shall include, but not be limited to, the following:

(1) Loud playing of phonographs, radios, television sets, or music machines, or musical instruments.

(2) Barking or howling dogs or cats.

(3) Vehicles without mufflers, or the unnecessary use of horns on vehicles.

- (4) Squealing of tires on motor vehicles.
- (5) Gasoline or diesel powered pumps.
- (6) Excessive noise created from gasoline or diesel powered chainsaws.

25.08 DAMAGING PROPERTY.

No person shall damage, destroy or deface any public or private property without permission of the owner.

25.09 REGULATION OF FIRES.

(a) Open Burning Defined. "Open burning" shall mean the oxidation from which the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

(b) Open Burning Prohibited. Open burning is prohibited upon any street, alley, public way, park, Village right-of-way or any public or private ground south of 60th Street (CTH "K") in the Village except as follows:

(1) Small open flames for welding, acetylene torches, safety flares, heating tile or similar safety or public works applications.

(2) Outdoor fires for cooking, but only if such fire is contained in a device made of metal, concrete or brick, and specifically designed for the cooking of food by heat, steam or smoke.

(3) Controlled burns by authorized Fire Department personnel shall be by permit issued by the Village Clerk/Treasurer upon conditions imposed for the protection of life or property by the Village President and Building Inspector.

(4) The burning of construction materials after the issuance by the Village Building Inspector of a permit issued in compliance with this ordinance for the burning of non-prohibited construction materials on the original site of construction or razing for which the permit was issued.

(5) Campfires on privately owned property under the supervision of an owner or lessee of such property which are contained in an open earth pit or similar method of containment until 1:00 a.m.

No person shall use or maintain a burn barrel in the Village of

Paddock Lake.

(c) Items Prohibited from Burning. No person, firm, organization or corporation shall start, maintain, allow to be burned, whether in a container or otherwise, any tires, roofing materials, synthetic siding, plastics, urethane, petroleum products or items in which petroleum products are contained, insulation, treated lumber or any material which, when burned, either singularly or in combination with other items, could provide toxic fumes as that term is defined under applicable sections of the Wisconsin Administrative Code, as may be amended from time to time. No person, firm, organization or corporation shall burn any newspaper, grass, leaves, cardboard or any other recyclable material.

(d) Hours for Burning. There shall be no burning of any kind before sunrise or after sunset, except as provided in §25.09(b) (2) and §25.09(b) (5).

(e) Prohibition on the Importation of Construction Materials. No person, firm, organization or corporation shall bring into the Village refuse, debris or unused construction site materials for the purpose of burning the same, irrespective of whether such materials are non-prohibited items under the terms of this ordinance.

(f) Burning Ban. Whenever the Fire Chief shall deem it imprudent for burning, whether it be because of extreme dryness, shortage of water, high wind, particular hazardous location or any other reason, the Fire Chief may forbid by order, the setting of any such fires at any time, refuse to issue a permit where one is requested, or temporarily suspend previously issued burning permits for open burning. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when the Fire Chief has issued a burning ban applicable to the area.

(g) Penalties. Any person, firm, partnership or corporation who violates any provision of this ordinance shall, for each such offense, be fined in an amount for the first offense not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars; for a second offense within one (1) year, a sum of not less than Seventy-five (\$75.00) Dollars nor more than Three Hundred (\$300.00) Dollars; for a third or subsequent offenses within one (1) year, a sum of not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, and in any event, for all costs of prosecution.

25.10 POLLUTION.

No person shall pollute the air or any water course by excessive discharge of waste products or foreign matter.

25.11 LOITERING AND OBSTRUCTING STREETS.

No person shall loiter, lounge or loaf, (which includes remaining in a parked motor vehicle), in or about any public street, highway or in any public building or place that is accessible to the public, or engage in any sport or exercise in such places, in an improper or indecent manner for any improper purpose or after being requested to move by any law officer or by any person in authority or custodian of any such building, road or public area surrounding the building.

25.12 GAMBLING, LOTTERIES, FRAUDULENT DEVICES.

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the limits of the Village. Any peace officer of the Village is hereby authorized to seize anything devised solely for gambling or found in actual use for gambling within the Village and to dispose of the device after a judicial determination that said device was being used for gambling.

25.13 CURFEW.

No child 17 years of age or under shall loiter, idle or remain, and no parent or guardian shall knowingly permit his child or ward of such age to loiter, idle or remain in or upon the streets, alleys or public places in the Village between the hours of 10:30 p.m. and 6:00 a.m. Sunday through Thursday, and 12:00 midnight to 6:00 a.m. Friday and Saturday, unless such child is accompanied by a parent or guardian or some person of lawful age having legal custody of such child. This section shall not be construed to prohibit such child from performing an errand or duty if directed by his parent or guardian or of urgent necessity or from pursuing the duties of his employment in an expeditious and orderly manner or from going to or from places of business or amusement or private homes.

25.14 INTOXICATING BEVERAGES IN PUBLIC PLACES.

(a) Except as otherwise provided herein, no person shall bring, sell or consume any beer, fermented malt beverage, liquor or any other intoxicating beverages in any public place, park or beach. Upon permit duly issued by the Village Board, a bona fide club, civic organization, lodge or society that has been in existence for at least 6 months prior to the date of application may sell and consume fermented malt beverages at a particular designated area during a particular picnic or similar public gathering or at any meeting of such organization. The Village Board may grant the permitted sale and consumption of fermented malt beverages with such conditions as the Board may

deem fit and proper as to the handling, selling and consumption, and the cleanup of area after the event.

(b) It shall be unlawful for any person to sell or serve or give to another person, or offer to sell, serve or give to another person any fermented malt beverage or intoxicating liquor while upon any public street, sidewalk, parking lot or with any parked motor vehicle located on any street within the Village.

(c) It shall be unlawful for any person to consume any fermented malt beverage or intoxicating liquor or to possess the same in anything other than a sealed container while upon any public street, sidewalk or parking lot or with any parked vehicle located on any street within the Village.

25.145 ALCOHOL BEVERAGES.

Except as otherwise specifically provided in this Code of Ordinances, all provisions of Chapter 125, Wis. Stats., including any future revisions or amendments thereto, describing and defining regulations with respect to alcoholic beverages, including penalties to be imposed and the procedures for prosecution, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by a statute incorporated herein by reference is required or prohibited by this chapter.

25.15 POSSESSION OF LIQUOR ON SCHOOL GROUNDS PROHIBITED.

(a) Definitions.

(1) "Motor vehicle" means a motor vehicle owned, rented or co-signed to a school.

(2) "School" means a public, parochial or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

(3) "School administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

(4) "School premises" means premises owned, rented or under the control of a school.

(b) Liquor Prohibited. Except as provided by sub.
(c), no person may possess or consume intoxicating liquor:

- (1) on school premises;
- (2) in a motor vehicle, if a pupil attending the school is in the motor vehicle; or
- (3) while participating in a school sponsored activity.

(c) Exceptions. Intoxicating liquor may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

(d) Penalties. A person who violates this section is subject to a forfeiture of not more than Two Hundred (\$200.00) Dollars except that the disposition and proceeding against a person under eighteen (18) years of age shall be as provided by §48.344, Wis. Stats.

25.16 POSSESSION OF MARIJUANA.

(a) No person shall have in his possession, use or keep any tetrahydrocannabinol, Cannabis Sativa L or marijuana, unless such person possesses a prescription from a licensed physician for the same.

(b) Any person who violates this section shall, upon conviction, be subject to a forfeiture of not less than \$200 nor more than \$250 and, in default of payment, shall be imprisoned in the County Jail for not less than 30 days nor more than 90 days.

25.17 CONCESSION PERMITS, PUBLIC PLACES.

No person shall sell or offer for sale an article, food or beverage or perform or offer to perform any services in any park, beach or public place without first obtaining a written permit by the Village Board to carry on such activity.

25.18 ASSEMBLY IN PUBLIC PLACES - PERMIT.

It shall be unlawful for any person to persons to assemble upon any park, beach or public place for any political or religious address, oration or demonstration of any kind, nor shall any loud speaker or amplifier equipment be used without the prior approval of the Village Board. The Village Board in considering the application for such use of the public parks and beaches may grant approvals subject to any terms and conditions the Board may wish to impose upon such use giving consideration to other members of the public using the park and the surrounding neighborhood.

25.19 PARK AND BEACH REGULATIONS.

(a) Definitions. As used in this Chapter, the terms "park", "beach", "public park" or "public beach" shall be defined to mean those public parks and public beaches under the jurisdiction and control of the Village Board.

(b) Closing Time. All public parks and beaches shall be closed between sunset and sunrise the following day, and no person shall remain in said parks or on the beaches after sunset or before sunrise the following day.

(c) Protection of Small Children. No parent, guardian or other person having under or within his custody or control a child of less than 4 years of age shall permit said child to be present in any public park or beach under the jurisdiction of the Village Board without a responsible older person who shall have care and custody of the infant child while present in any park or beach. A responsible older person shall mean a person of sufficient maturity and understanding to take charge of and control the child and be responsible for the child's care in the event of an injury or other emergency.

(d) Dogs and Pets. No person shall permit any dog, cat or any other animal or pet to be in any park or beach, whether or not such pet shall be under the direct control or on a leash, always provided that this provision shall not apply to a seeing eye dog under the control of its master and on the premises for the purpose of leading or assisting a blind person.

(e) Vehicles. No person shall drive, ride or push any motor vehicle, truck, motorcycle, bicycle or horse in any part of the parks or beaches except on regular streets or drives designated for such traffic. This section shall not apply to baby strollers, baby carriages or wheel chairs or vehicles used to serve the park by Village authority.

(f) Glass Containers. No person shall bring any food or beverage or other consumable material or product onto any beach or in any park in a glass container.

(g) Parking Prohibited. Parking in public parks, shall be prohibited except in designated parking areas. There shall be no parking in any area of the public parks, including the designated parking areas, between the hours of 10:00 p.m. and sunrise the following day.

(h) Intoxicating Beverages. No intoxicating beverages shall be permitted in any Village park.

(i) Fires. No person shall build a fire on any beach or park except in grills or fireplaces provided for such purposes.

25.20 SHOPLIFTING.

Section 943.50(1)(2)(3), Wis. Stats., relating to shoplifting is hereby adopted limited to the value of merchandise not to exceed \$100.

25.21 THEFT.

(a) Theft. Whoever intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.

(b) Penalties. Whoever violates subsection (A) above shall be as set forth in §25.26 of these ordinances.

(c) Use of Photographs as Evidence. In any action or proceeding for a violation of subparagraph (A) above, a party may use duly identified and authenticated photographs of property which was the subject of the violation in lieu of producing the property.

25.22 TRESPASS TO LAND.

Section 943.13, Wis. Stats., regarding trespass to land, is adopted by reference and made a part of this Chapter as though set forth in full.

25.23 TRESPASS TO DWELLINGS.

Section 943.14, Wis. Stats., regarding trespass to dwellings, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this Chapter as though set forth in full.

25.24 ENTRY INTO LOCKED VEHICLE.

Section 943.11, Wis. Stats., regarding entry into locked vehicle, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this Chapter as though set forth in full. Any person who violates this section, upon conviction thereof, shall be subject to a forfeiture of not more than \$1,000 and, in default of payment, shall be imprisoned in the County Jail for not more than 90 days.

25.25 TOXIC INHALANTS.

(a) Definitions. "Toxic inhalants" shall mean any glue, gasoline, aerosol, adhesive cement or any similar substance

containing one or more of the following volatile substances: Acetone, benzene, butyl alcohol, cyclohexane, ethyl acetate, ethyl alcohol, ethylene dichloride, hexane, isopropyl alcohol, methyl alcohol, methyl celosove, acetate, methyl ethyl ketone, methyl isobutyl ketone, pentachlorophenol, petroleum ether, trichlorethylene, tricresylphosphate, toluene, toluol, or any other chemical capable of producing intoxication when inhaled.

(b) Inhalation of Vapors or Fumes From Toxic Inhalants Prohibited. No person shall inhale or otherwise introduce into his respiratory tract any toxic vapors or fumes which may be released from any toxic inhalants with the intent of becoming intoxicated, elated, excited, stupefied, irrational, paralyzed, or of changing, distorting, or disturbing his eyesight, thinking process, judgment, balance or muscular coordination.

(c) Limitations on Sales, Transfers and Possession of Toxic Inhalants. No person shall, for the purpose of violating or aiding another to violate any provision of this section, possess, buy, sell, transfer possession or receive possession of any toxic inhalants.

25.26 PENALTIES.

Any person who violates any provision of this Chapter shall, upon conviction, be punished as follows:

(a) For a violation of Section 25.12 of this Code, he shall forfeit not more than \$25 and the costs of prosecution. In the event of a default of payment of such forfeitures and costs of prosecution, he shall be imprisoned in the County Jail until the forfeiture and cost of prosecution are paid, but not exceeding 5 days. However, for a first offense, minors shall be warned of the penalty for such violation by any law officer of the Village and shall be taken and delivered to the custody of the person having legal custody over him. For a second or subsequent offense, he shall be dealt with according to the provisions of Chapter 48 of the Wisconsin Statutes.

(b) Unless a specific penalty is provided, a violator of any section of this Chapter shall be subject to the penalties provided for in Section 1.07 of this Code.

(c) In addition to any penalty imposed for violation of Section 25.07 of this Code, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 25.07 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Section 895.035 of the Wisconsin Statutes.

(d) Any person who shall violate Section 25.15 of this

Code shall, upon conviction thereof, forfeit not less than \$50 or more than \$100 together with the costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until full payment is made, but not to exceed 30 days.

(e) Any person who shall violate Section 25.31 of this Code shall, upon conviction thereof, forfeit the sum of \$250, together with the costs of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until full payment is made, but not to exceed thirty (30) days.

25.27 OBSCENE MATERIAL.

(a) Distribution of Obscene Material Prohibited. It shall be unlawful for any person to cause to be sent or brought into the Village for sale or distribution any material deemed to be obscene as hereinafter defined. It shall also be unlawful for any person to prepare, publish, print, exhibit, distribute, or offer for sale any obscene material.

(b) Definitions.

(1) "Obscene" shall apply to any work or material commonly referred to as hard core, which depicts or describes acts of sexual intercourse, normal or perverted, actual or simulated; acts of masturbation; fellatio; cunnilingus; acts of excretory function; lewd exhibition of the genitals, especially in a stimulated condition; and sexual relations between humans and animals, any of which taken as a whole by the average person applying contemporary community standards would be found to:

(a) Appeal to the prurient interest in sex; and

(b) Portray sexual conduct in a patently offensive way; and

(c) In addition to findings of fact applying contemporary community standards require by sub (a) and sub (b), there shall also be a finding applying contemporary national standards, that said work or material shall not have serious literary, artistic, political or scientific value.

(2) "Materials" or "work" shall mean any book, magazine, newspaper, or other printed or written

material, or any picture, drawing, photograph, motion picture, video tape, or other pictorial representation.

(3) "Person" shall mean any individual, partnership, firm, association, corporation or other legal entity.

(4) "Distribute" shall mean any transfer or possession with intent to transfer, whether with or without consideration.

(c) Penalties. Any person convicted of violating this Section shall, upon conviction, forfeit the sum of not less than \$100.00 nor more than \$500.00. Upon a conviction of a second offense within a twelve month period, any person shall forfeit not less than \$200.00 nor more than \$500.00 and in lieu of payment shall be confined to the County Jail for a period of not less than five nor more than thirty days. Each work or piece of material defined herein shall constitute a separate offense under this Chapter.

25.28 DRUG PARAPHERNALIA

(a) Definition. Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this chapter. Drug paraphernalia includes, but is not limited to the following:

(1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use or designed for use in identifying, or in analyzing

the strength, effectiveness or purity of controlled substances;

(5) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

(6) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(7) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

(8) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

(9) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

(10) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body; and

(11) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(aa) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(bb) Water pipes;

(cc) Carburetion tubes and devices;

(dd) Smoking and carburetion masks;

(ee) Roach clips: meaning objects used to hold, burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(ff) Miniature cocaine spoons and cocaine vials;

- (gg) Chamber pipes;
- (hh) Carburetor pipes;
- (ii) Electric pipes;
- (jj) Air-driven pipes;
- (kk) Chilams;
- (ll) Bongs; or
- (mm) Ice pipes or chillers.

(b) Determination. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substances;
- (3) The proximity of the object, in time and space to a direct violation of this chapter;
- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue or controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning the object's use;

(10) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor of tobacco products;

(11) Expert testimony concerning its use.

(c) Possession of Drug Paraphernalia.

(1) No person may use, or possess with the 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 this chapter. Any person, 18 years of age or older, who violates this ordinance shall be subject to a penalty as is provided in Section 1.07 of this Code.

(2) Any person who violates this ordinance who is under 18 years of age is subject to a forfeiture of not more than Twenty-five (\$25.00) Dollars and to a disposition under Section 48.344 of the Wisconsin Statutes, as may be amended from time to time.

(d) Delivery of Drug Paraphernalia to a Minor.

(1) Any person 18 years of age or over who violates Section 25.28(c) of this Code by delivering drug paraphernalia to a person under 18 years of age shall be subject to a fine of not less than One Hundred (\$100.00) Dollars and not more than Five Hundred (\$500.00) Dollars.

(2) Any person who violates this section who is under 18 years of age is subject to a forfeiture of not more than Twenty-five (\$25.00) Dollars and to a disposition under Section 48.344 of the Wisconsin Statutes, as may be amended from time to time.

25.29 "LOOK-ALIKE" CONTROLLED SUBSTANCES.

(a) No person may knowingly deliver, attempt to deliver or cause to be delivered a non-controlled substance and expressly or impliedly represent to the recipient:

(1) The substance is a controlled substance; or,

(2) The substance is of a nature, appearance or

effect that will allow the recipient to display, sell, distribute or use the non-controlled substance as a controlled substance.

(b) Proof of any of the following is prima facie evidence of a representation specified in paragraph (a) 1 or 2:

(1) The physical appearance of the finished product containing the substance is substantially the same as that of a specific controlled substance.

(2) The substance is unpackaged or is packaged in a manner normally used for the illegal delivery of a controlled substance.

(3) The substance is not labeled in accordance with 21 U.S.C. 352 or 353.

(4) The person delivering, attempting to deliver or causing delivery of the substance to be made states to the recipient that the substance may be resold at a price that substantially exceeds the value of the substance.

(c) "Controlled substance", for purposes of this Section, shall have the same meaning as found in Section 161.01(4), Wis. Stats., as may be amended from time to time.

(d) A person convicted of violating this Subsection may be fined not more than \$200.00.

25.30 SKATEBOARDS.

No person shall ride or operate any device commonly known as a skateboard or a device of a similar design on any public street, sidewalk or commercial parking lot. Nor shall any person ride such a device on any privately-owned parking lot open to the general public without the written consent of the owner of such parking lot. Sections 340.01(43m), 346.77 and 346.78 of the Wisconsin Statutes, as amended, are hereby incorporated herein by reference.

25.31 SCRAP SALVAGE, GARBAGE AND REFUSE COLLECTORS.

(a) Purpose. The Village Board of Trustees of the Village of Paddock Lake, makes the following findings:

(1) The Village has implemented a recycling program which, among other things, encourages the separation and collection of various types of household scraps, refuse and garbage; and

(2) The acts of third persons, defined as "scrap salvage collectors" herein, in taking or attempting to take or collect various components of household scrap, garbage and refuse from privately owned property has a detrimental effect on the implementation and efficiency of the Village recycling program; and

(3) In addition to having an adverse impact on the Village recycling program, the acts of "scrap salvage collectors" in going upon privately owned property to collect scrap, garbage or refuse has the potential for spreading disease, creating fire hazards and other safety and health hazards, creates, extends and aggravates urban blight, interferes with the enjoyment of and reduces the value of private property and interferes with the comfort and well-being of the public; and

Based upon the foregoing findings, it is determined that the adequate protection of the public health, safety and welfare requires that "scrap salvage collectors" be regulated and controlled, and such the purpose of this ordinance.

(b) Definitions. Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this ordinance:

(1) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(2) "Scrap Salvage" shall mean any of the following or combination thereof: old iron, steel, brass, copper, tin, lead or other base materials; used lumber, used conveyor belts, used barrels, used appliances not intended for resale as such; old ropes, rags, fibers or fabrics; old tires or rubber; old bottles or other glass; waste paper and other waste or discarded material which might be prepared to be used again in some other form; household furniture, used wearing apparel, used brick, tile, plumbing fixtures, pipes, tools or any other used articles or personal property; aluminum cans, tin cans, glass bottles, plastic bottles, or any other container; and any and all household waste, garbage, refuse, debris or other matter which is customarily placed by the owner of private property upon his or her property for the purpose of collection and disposal of the same by a "contractor", as defined herein, whether or not such material is separated or otherwise segregated for purposes of recycling.

(3) "Contractor" shall mean any person, firm, partnership, corporation, company or organization of any kind whose services are enlisted or contracted for by the Village or by the "Owner of Private Property", as that term is defined herein, for the purpose of removing and disposing of "Scrap Salvage" from private property.

(4) "Owner of Private Property" means the legal titleholder of record, tenant or other person who is lawful possession of private property upon which "Scrap Salvage" is situated.

(c) Prohibitions.

(1) Unauthorized Scrap Salvage Collectors. It shall be unlawful for any person who is not a "Contractor" as defined herein, to collect "Scrap Salvage" which is located on privately owned property without first obtaining the permission of the owner of such private property as that term is defined herein.

(2) Non-Profit and Charitable Entities. Nothing contained herein is intended to prohibit bona fide non-profit and charitable entities and persons acting on their behalf with the permission of such non-profit or charitable entity from collecting recyclable items from private property for the purpose of fund raising so long as such non-profit or charitable entity complies with the following: Not less than fourteen (14) days prior to the date upon which such recycling collection will occur the non-profit or charitable entity shall notify, in writing, the chairman of the Village Recycling Commission of its intent to conduct a fund raising drive by collecting recyclable items; the chairman of the Village Recycling Commission must give his or her written permission to the non-profit or charitable organization to conduct scrap salvage collection for the purpose of fund raising not less than seven (7) days prior to the date of such fund raising activity and he or she shall include in such written permission such requirements as he or she may specify to be in the public interest including, but not limited to the following:

(a) the date and times during which the scrap salvage collection activity shall occur;

(b) the manner in which such scrap salvage activity shall be conducted;

(c) the method of notification or advertising which must be conducted prior to the scrap salvage collection activities which must be utilized to inform the public of such activity; and

(d) such other requirements as are deemed necessary under the circumstances. No such scrap salvage fund raising activity shall occur on any date upon which a regularly scheduled Village garbage pickup is to occur, whether or not such garbage pickup includes recyclable items.

(3) Public Property. Nothing shall prohibit any person from engaging in "Scrap Salvage" activities on any publicly owned property located within the Village.

25.32 MUNICIPAL TRUANCY ORDINANCE.

Pursuant to Wisconsin Statute 18.163, as may be amended from time to time, any child found to be a habitual truant, as that term is defined under §18.15, Wis. Stats., shall be subject to any of the following dispositions which are deemed to be available to the Municipal Court:

(a) Suspension of the child's operating privileges, as defined in §340.01(40), Wis. Stats., for not less than 30 days nor more than 90 days. In the event the Municipal Court shall suspend a child's operating privileges under this subparagraph, 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.

(b) An order for the child to participate in counseling, community service or a supervised work program as provided under §48.34(9), Stats.

(c) An order for the child to remain at home, except during hours in which the child 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 child to leave his or her home if the child is accompanied by a parent or guardian.

(d) An order for the child to attend an education program under §48.34(12), Stats.

25.325 NON-HABITUAL TRUANCY.

Any child found to be truant from school, shall be subject to a fine of not less than Fifty (\$50.00) Dollars for a first offense, One Hundred (\$100.00) Dollars for a second offense and Two Hundred (\$200.00) Dollars for a third or subsequent offense occurring within a 12-month period.

25.33 RESTRICTIONS ON THE SALE OF SPRAY PAINT AND MARKER PENS TO MINORS.

(a) Purpose. The Village Board of Trustees has determined that regulation of the sale of spray containers of paint and other lacquer substances regularly used by vandals to deface property is a necessary use of the police power so as to prevent such vandalism and to protect property located within the Village.

(b) Definitions.

(1) "Spray paint" means any container, regardless of the material from which it is made, which is made or adapted for the purpose of spraying paint.

(2) "Wide-tipped markers" means any indelible marker or similar implement with a tip which, at its broadest width, is three-eighths (3/8") of an inch or greater, which tip may take the form of a point, a brush, an applicator or otherwise.

(3) "Graffiti" means any inscription, word, figure or design marked, scratched, etched, drawn or painted with spray paint, lacquer paint, ink, chalk, dye or other substances on buildings, fences, structures, vehicles and similar places without the express permission of the owner or operator of the property.

(c) Prohibited Conduct.

(1) No person, firm or corporation, except a parent or legal guardian, employer, teacher or other person authorized to supervise minors, may sell or give away or in any way furnish spray paint or wide-tipped markers to any person under the age of eighteen (18).

(2) No person under the age of eighteen (18) may possess spray paint or wide-tipped markers in a public or private place, without the express permission of the owner or operator of the property.

(3) No person shall aid, assist or abet a person under the age of eighteen (18) in obtaining

possession of spray paint or wide-tipped markers except that this prohibition shall not apply to parents or legal guardians, employers, teachers or other persons authorized to supervise minors.

(4) No minor at the time of purchase of a spray paint container or wide-tipped marker shall furnish fraudulent evidence of majority in order to purchase the same.

(d) Sale and Display of Spray Paint and Wide-Tipped Markers. Every person who owns, conducts, operates or manages as a retail commercial establishment selling spray paint or wide-tipped markers shall do all of the following:

(1) Place a sign in clear public view at or near the display of such products stating as follows: "GRAFFITI IS AGAINST THE LAW. THE DEFACING OF PUBLIC OR PRIVATE PROPERTY IS PUNISHABLE BY A FINE OF UP TO \$1,000";

(2) Place a sign in the direct view of persons responsible for accepting customer payment for spray paint and wide-tipped markers stating: "SELLING SPRAY PAINT OR WIDE-TIPPED MARKERS TO PERSONS UNDER 18 YEARS OF AGE IS AGAINST THE LAW. VIOLATORS CAN BE FINED UP TO \$1,000";

(3) Display such paint or markers in such a manner so as to make them inaccessible to a customer present in the area allocated for customer use without assistance of an employee of that establishment; or

(4) Display such items, if the person chooses not to comply with the display requirements set forth in subparagraph (3), above, such that mirrors, cameras or personnel can readily observe customers during all times such establishment is open to the public.

(e) Penalty. Any person convicted of violating any provision of this ordinance shall forfeit not less than Two Hundred Fifty (\$250.00) Dollars nor more than One Thousand (\$1,000.00) Dollars per violation.

25.34 CHILDREN'S CODE ADOPTED.

Except as otherwise specifically provided by this Code of Ordinances, all provisions of Chapter 48, Wis. Stats., including any future revisions or amendments thereto, describing and defining regulations with respect to children, including penalties to be imposed and the procedures for prosecution

thereof, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

25.35 PROHIBITION OF EROTIC DANCING IN LICENSED ESTABLISHMENTS.

(a) Purpose.

(1) The Village Board of the Village of Paddock Lake has explicit authority under §125.10(1), Stats., to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in Chapter 125 of the Wisconsin Statutes.

(2) The Village Board has authority under its general police powers set forth in §61.34(1), Wis. Stats., to act for the good order of the municipality and for the health, safety and welfare of the public and may carry out its powers by regulation and suppression.

(3) The Village Board recognizes it lacks authority to regulate obscenity in light of §66.051(3), Stats., and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns.

(4) Bars and taverns featuring live, totally nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life of the communities, and such secondary effects are detrimental to the public health, safety and general welfare of citizens.

(5) The Village Board recognizes the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognizes that freedom of speech is among

our most precious and highly protected rights, and wishes to act consistently with full protection of those rights.

(6) The governing body is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs may and do general secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the Village of Paddock Lake.

(7) Among these secondary effects are:

(a) The potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses,

(b) The potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist,

(c) Health risks associates with the spread of sexually transmitted diseases, and

(d) The potential for infiltration of organized crime for the purpose of unlawful conduct.

(8) The governing body desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the Village of Paddock Lake; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

(9) The governing body has determined that enactment of an ordinance prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to serve alcohol beverages promotes the goal of minimizing, preventing and controlling the negative effects associated with such activity.

(b) Nude Dancing In Licensed Establishments Prohibited. It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

(1) Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering,

(2) Shows any portion of the female breast below a point immediately above the top of the areola,

(3) Shows the covered male genitals in a discernibly turgid state.

(c) Exemptions. The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(d) Definitions. For purposes of this ordinance, the term "licensed establishment" means any establishment licensed by the Village Board of the Village of Paddock Lake to sell alcohol beverages pursuant to Chapter 125 of the Wisconsin Statutes. The term "licensee" means the holder of a retail "Class A", "Class B", Class "B", Class "A" or "Class C" license granted by the Village Board of the Village of Paddock Lake pursuant to Chapter 125 of the Wisconsin Statutes.

(e) Penalties. Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to a forfeiture of not less than Two Hundred (\$200.00) Dollars and not more than One Thousand (\$1,000.00) Dollars per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under §125.12, Stats.

(f) Severability. If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

(g) Effective Date. This ordinance shall take effect upon the passage and publication as required by law.

25.36 SYNTHETIC MARIJUANA AND RELATED COMPOUNDS

(a) Purpose.

(1) The Village of Paddock Lake has a duty to

preserve the health, safety and welfare of its inhabitants.

(2) The Board of Trustees of the Village of Paddock Lake finds and determines that the chemical compounds described hereunder are intoxicating and/or hallucinogenic to humans upon ingestion and are often used as alternatives to marijuana; that these chemical compounds are potentially dangerous to users; and that their long term health effects are unknown; thus, the use of these intoxicating chemical compounds create a significant health and safety risk to the citizens of the Village of Paddock Lake.

(3) Certain businesses within the Village of Paddock Lake limits are currently selling some of the intoxicating chemical compounds described hereunder as incense or aromatics, but which are typically used for human ingestion; such substances sold at local convenience stores as Spice, Black Mamba, K-2, Puff, Sugar Sticks and other brand names, are gaining in popularity at an alarming rate among high school and college aged individuals, as well as among parolees and probationers.

(4) While having similar or stronger physiological effects as high potency marijuana, these intoxicating chemical compounds do not show a positive reading in traditional law enforcement drug testing, which adds to the desirability and increased use among drug abusers and increases the threat to public health and safety by the avoidance of detection.

(5) The intoxicating chemical compounds described hereunder are not yet categorized as controlled substances under state and federal law.

(6) In the interest of the health, safety and welfare of its citizens, the Village of Paddock Lake deems it appropriate and necessary to prohibit the possession, use, sale, manufacture or distribution of the intoxicating chemical compounds described hereunder.

(b) Unlawful Intoxicating Chemical Compounds.

(1) It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, dispense, ingest, use, possess, purchase, attempt to purchase, sell, publicly display for sale, attempt to sell, give,

trade or barter any one or more of the following chemical compounds and/or substances, including their salts, isomers, homologues and salts of their isomers and homologues:

(a) Salvia Divinorum or Salvinorum A-all parts of the plant presently classified botanically as Salvia Divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.

(b) Pentyl-3-(1-naphthoyl) indole (also known as JWH-018).

(c) (6ar, 10ar)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo(c) chromen-1-ol (also known as HU-210 or 1, 1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol).

(d) 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl) phenol (also known as CP-47, 497), and the dimethylhexyl, dimethyloctyl and dimethylnonyl homologues of CP-47, 497.

(e) 1-Butyl-3-(1-naphthoyl) indole (also known as JWH-073).

(f) 1-(2-(4-(morpholinyl) ethyl))-3-(1-naphthoyl) indole (also known as JWH-200).

(g) 1-Pentyl-3-(2-methoxyphenylacetyl) indole (also known as JWH-250).

(h) 1-Hexyl-3-(1-naphthoyl) indole (also known as JWH-019).

(i) 1-Pentyl-3-(4-chloro-1-naphthoyl) indole (also known as JWH-398).

(j) N-benzylpiperazine (also known as BZP).

(k) 1-(3-trifluoromethylphenyl) piperazine (also known as TFMPP).

(l) Any similar structural analogs of the above chemical compounds.

(m) Any other synthetic cannabinoids.

(2) It is not an offense under subsection (1) of this section if the person was acting at the direction of an authorized agent of a law enforcement agency to enforce or ensure compliance with this law prohibiting the sale of the aforementioned intoxicating chemical compound.

(3) If any of the aforementioned intoxicating chemical compounds are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.

(4) This section shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal Food and Drug Administration or which are specifically permitted by Wisconsin law.

(c) Penalty. Any person found to be in violation of this section will be subject to a fine of not less than Five Hundred (\$500.00) Dollars or more than One Thousand (\$1,000.00) Dollars. Each day during which a violation of this ordinance occurs shall constitute a separate offense.

(d) Injunctive Relief. The Village of Paddock Lake shall, in addition to any other remedies provided by law, have the authority to seek an injunction to compel compliance of any business which fails to or refuses to comply with this section.

(e) Severability. If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions of this ordinance which shall remain effective absent the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.

25.37 SYNTHETIC BATH SALTS AND RELATED COMPOUNDS

(a) Purpose.

(1) The Village of Paddock Lake has a duty to preserve the health, safety and welfare of its inhabitants.

(2) The Board of Trustees of the Village of Paddock Lake finds and determines that the chemical compounds described hereunder are intoxicating and/or hallucinogenic to humans upon ingestion and are often used as alternatives to cocaine and methamphetamines; that these chemical compounds are potentially dangerous to users; and that their long term health effects are unknown; thus, the use of these intoxicating chemical compounds create a significant health and safety

risk to the citizens of the Village of Paddock Lake.

(3) Certain businesses within the Village of Paddock Lake limits are currently selling some of the intoxicating chemical compounds described hereunder as "bath salts", but which are typically used for human ingestion; such substances sold at local convenience stores under a variety of trade names listed hereafter, are gaining in popularity at an alarming rate among high school and college aged individuals, as well as among parolees and probationers.

(4) While having similar or stronger physiological effects as controlled substances, these intoxicating chemical compounds do not show a positive reading in traditional law enforcement drug testing, which adds to the desirability and increased use among drug abusers and increases the threat to public health and safety by the avoidance of detection.

(5) The intoxicating chemical compounds described hereunder are not yet categorized as controlled substances under state and federal law.

(6) In the interest of the health, safety and welfare of its citizens, the Village of Paddock Lake deems it appropriate and necessary to prohibit the possession, use, sale, manufacture or distribution of the intoxicating chemical compounds described hereunder.

(b) Unlawful Intoxicating Chemical Compounds.

(1) It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, dispense, ingest, use, possess, purchase, attempt to purchase, sell, publicly display for sale, attempt to sell, give, trade or barter any one or more of the following chemical compounds and/or substances, known as mephedrone or methylenedioxypravalone, utilizing the following trade names:

- (a) Arctic Blast
- (b) Bayou Ivory Flower
- (c) Bloom
- (d) Blue Magic

- (e) Blue Silk
- (f) Bolivian Bath
- (g) Bonsai Winter Boost
- (h) C Original
- (i) Cloud 10
- (j) Cloud 10 Ultra
- (k) Cloud 9
- (m) Cotton Cloud
- (n) Dynamite Dynamite Plus
- (o) Energizing Aromatherapy Powder
- (p) Euphoria
- (q) Gold Rush
- (r) Hurricane Charlie
- (s) Ivory Fresh
- (t) Ivory Wave
- (u) Ivory Wave Ultra
- (v) Lady Bubbles
- (w) Lunar Wave
- (x) Mr. Nice Guy
- (y) Mystic
- (z) Ocean Snow
- (aa) Pure White
- (bb) Red Dove
- (cc) Route 69
- (dd) Scarface
- (ee) Snow Day
- (ff) Snow Leopard

- (gg) Tranquility
- (hh) Vanilla Sky
- (ii) White China
- (jj) White Dove
- (kk) White Girls
- (ll) White Horse
- (mm) White Knight
- (nn) White Lightning
- (oo) White Rush
- (pp) Wicked X
- (qq) Wicked XX
- (rr) Zoom

(2) It is not an offense under subsection (1) of this section if the person was acting at the direction of an authorized agent of a law enforcement agency to enforce or ensure compliance with this law prohibiting the sale of the aforementioned intoxicating chemical compound.

(3) If any of the aforementioned intoxicating chemical compounds are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.

(4) This section shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal Food and Drug Administration or which are specifically permitted by Wisconsin law.

(c) Penalty. Any person found to be in violation of this section will be subject to a fine of not less than Five Hundred (\$500.00) Dollars or more than One Thousand (\$1,000.00) Dollars. Each day during which a violation of this ordinance occurs shall constitute a separate offense.

(d) Injunctive Relief. The Village of Paddock Lake shall, in addition to any other remedies provided by law, have the authority to seek an injunction to compel compliance of any business which fails to or refuses to comply with this section.

(e) Severability. If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions of this ordinance which shall remain effective absent the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.