

Chapter 42

OFFENSES AND MISCELLANEOUS PROVISIONS*

*Cross references--Court, ch. 26; law enforcement, ch. 38.

Article I. In General

Sec. 42-1. State offenses adopted, generally.

Sec. 42-2. State statutes adopted; purchase or possession of tobacco products.

Sec. 42-3. Loitering of minors.

Sec. 42-4. Limited use of firearms.

Sec. 42-5. Hunting prohibited on property owned by the town.

Sec. 42-6. Trespassing.

Sec. 42-7. Use of amplification devices for commercial purposes; licensing and regulation for noncommercial purposes.

Secs. 42-8--42-30. Reserved.

Article II. Drug Paraphernalia

Sec. 42-31. Definitions.

Sec. 42-32. Penalties.

Sec. 42-33. Determination of drug paraphernalia.

Sec. 42-34. Prohibited activities.

ARTICLE I.

IN GENERAL

Sec. 42-1. State offenses adopted, generally.

(a) *Generally.* Except as otherwise specifically provided in this Code, the current and future statutory provisions in Wis. Stats. chs. 939--948, ch. 951, §§ 938.983, 86.06, 86.192, 134.66, 961.41 and 961.571--961.577, describing and defining regulations against the peace and good order of the state, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a term of imprisonment, are adopted and by reference made a part of this section as if fully set forth in this section. Any act required to be performed or prohibited by any current or future statute incorporated in this section by reference is required to be prohibited by this section. Any future amendments, revisions or modifications of the current or future statutes incorporated in this section are intended to be made part of this section in order to secure uniform statewide regulation of peace and good order of the state.

(b) *Penalties.*

- (1) For any adult adjudged to have violated the provisions of any municipal ordinance, the municipal court is authorized to impose a forfeiture of not less than \$10.00 nor more than \$500.00 plus allowable statutory costs per each offense. Failure to pay any forfeiture under this section shall subject such violator to be sentenced to the county jail and/or revocation or suspension of driving privileges.
- (2) For any person adjudged to have violated an ordinance relating to truancy or school drop out, the municipal court is authorized to impose any of the dispositions listed in Wis. Stats. § 938.342, in accordance with the provisions of those statutes, and such statutes are hereby adopted and incorporated in this section. Any future amendments, revisions or modifications of the current or future statutes incorporated in this section, are intended to be made part of this section in order to secure uniform statewide regulation of peace and good order of the state.
- (3) For any juvenile adjudged to have violated any ordinance other than truancy or school drop out, the municipal court is authorized to impose any of the dispositions listed in Wis. Stats. §§ 938.343 and 938.344, in accordance with the provisions of those statutes, and such statutes are hereby adopted and incorporated in this section. Any future amendments, revisions or modifications of the current or future statutes incorporated in this section, are intended to be made part of this section in order to secure uniform statewide regulation of peace and good order of the state.

- (4) For any juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court imposed under Wis. Stats. §§ 938.343 or 938.344, the municipal court is authorized to impose any of the sanctions listed in Wis. Stats. § 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes, and such statutes are hereby adopted and incorporated in this section. Any future amendments, revisions or modifications of the current or future statutes incorporated in this section, are intended to be made part of this section in order to secure uniform statewide regulation of peace and good order of the state.
- (5) Any other juvenile shall be referred to the proper authorities as provided in the applicable statute.

(c) *Enforcement.* This section shall be enforced in accordance with the provisions of Wis. Stats. § 66.12 and ch. 799.
(Ord. No. 85-6, § 1, 8-12-1985; Ord. No. 96-7, §§ 1--3, 12-11-1996)

Sec. 42-2. State statutes adopted; purchase or possession of tobacco products.

(a) *Generally.* The current and future provision of Wis. Stats. § 938.983, entitled purchase or possession of tobacco products prohibited, defining and regulating the purchase or possession of tobacco products by children, excluding provision relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any such provision shall constitute a violation of this section. Any future amendments, revisions, modifications or additions of statutes incorporated in this section are intended to be made a part of this section in order to secure uniform statewide regulation of tobacco products in this state.

(b) *Citation.* The town board, by this section, adopts and authorizes the use of the citation to be issued for violations of this section.

(c) *Penalties.*

- (1) Any person over the age of 17 years violating the provisions of this section shall be subject to a forfeiture of not less than \$10.00 nor more than \$500.00 plus allowable statutory costs per each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of 17 years to be sentenced to the county jail and/or revocation or suspension of driving privileges.
- (2) Any person between the ages of 12 and 17 years shall be subject to a forfeiture of not less than \$10.00 nor more than \$500.00 plus allowable statutory costs per each offense, or referred to the proper authorities as provided in Wis. Stats. ch. 48. Failure to pay any forfeiture hereunder shall subject any violator to the provisions of law.

- (3) Any person under the age of 12 years shall be referred to the proper authorities, as provided in Wis. Stats. ch. 48.

(Ord. No. 94-14, § 1, 9-12-1994)

Sec. 42-3. Loitering of minors.

(a) *Generally.* No person under the age of 18 years shall congregate, loiter, wander, stroll, stand or play in or upon the public streets, sidewalks, highways, roads, alleys, parks or vacant lots within the town, either on foot or in or upon any conveyance being driven or parked thereon, between 11:00 p.m. and 5:00 a.m. of the following day, unless accompanied by his parent, spouse, guardian or other adult person having his care, custody or control. The prohibition of this section shall not apply to any person under 18 years of age who is going to or returning from any legitimate business or activity of any kind which has been specifically approved in advance by his parent, guardian or other adult person having legal care or custody.

(b) *Responsibility of parents.* No parent, spouse, guardian or other adult person having the care and custody of a person under the age of 18 years shall suffer or permit or by inefficient control allow such person to congregate, loiter, wander, stroll, stand or play in or upon the public streets, sidewalks, highways, roads, alleys, parks or vacant lots within the town between 11:00 p.m. and 5:00 a.m. of the following day, unless such person under the age of 18 years is accompanied by his parent, spouse, guardian or other adult person having his care, custody or control; provided that any parent, spouse, guardian or other adult person under this section who shall have made a missing person notification to the law enforcement authorities shall not be considered to have suffered or permitted any person to be in violation of this section.

(c) *Penalties.*

- (1) For any adult adjudged to have violated the provisions of any municipal ordinance, the municipal court is authorized to impose a forfeiture of not less than \$10.00 nor more than \$500.00 plus allowable statutory costs per each offense. Failure to pay any forfeiture hereunder shall subject such violator to be sentenced to the county jail and/or revocation or suspension of driving privileges.
- (2) For any person adjudged to have violated an ordinance relating to truancy or school drop out, the municipal court is authorized to impose any of the dispositions listed in Wis. Stats. § 938.342, in accordance with the provisions of those statutes, and such statutes are hereby adopted and incorporated in this section. Any future amendments, revisions or modifications of the current or future statutes incorporated in this section, are intended to be made part of this section in order to secure uniform statewide regulation of peace and good order of the state.

- (3) For any juvenile adjudged to have violated any ordinance other than truancy or school drop out, the municipal court is authorized to impose any of the dispositions listed in Wis. Stats. §§ 938.343 and 938.344, in accordance with the provisions of those statutes, and such statutes are hereby adopted and incorporated in this section. Any future amendments, revisions or modifications of the current or future statutes incorporated in this section, are intended to be made part of this section in order to secure uniform statewide regulation of peace and good order of the state.
 - (4) For any juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court imposed under Wis. Stats. §§ 938.343 or 938.344, the municipal court is authorized to impose any of the sanctions listed in Wis. Stats. § 938.355(6)(d), in accordance with the provisions of those statutes, and such statutes are hereby adopted and incorporated in this section. Any future amendments, revisions or modifications of the current or future statutes incorporated in this section, are intended to be made part of this section in order to secure uniform statewide regulation of peace and good order of the state.
 - (5) Any other juvenile shall be referred to the proper authorities as provided in the applicable statute.
- (Ord. No. 96-8, § 1, 12-11-1996)

Sec. 42-4. Limited use of firearms.

(a) *Definition.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Firearm means a rifle or any caliber, air rifle, shotgun of any gauge, pistol, or revolver of any caliber.

(b) *Discharge near subdivision.* No person shall discharge any firearm in any recorded subdivision in the town or within 100 yards thereof.

(c) *Discharge near residence.* No person shall discharge any firearm within 100 yards of any residence, building or public highway in the town.

(d) *Rifle prohibition.* No person shall discharge or cause the discharge of any rifle firearm larger than 22 caliber, whether pistol or shoulder stock, within the territorial limits of the town. A rifle firearm shall be construed as any firearm having a grooved barrel and upon discharge projecting a solid missile. A shotgun of ten-gauge, 12-gauge or 20-gauge, or 410-gauge having a rifled barrel for the discharge of shotgun slugs is not considered a rifle under this section.

- (e) *Exceptions.* Unless otherwise indicated, the prohibitions of this section shall not pertain to:
- (1) Law officers duly designated and authorized by the town, county, state or federal authority.
 - (2) Activities upon any bona fide target range, provided that the town board must first issue upon written application and within its discretionary power a permit labeling such areas as approved target range.
 - (3) Any property owner or occupant of any real estate within the Town may use and discharge any rifle, air rifle, shotgun, pistol or revolver upon the premises owned or occupied as aforesaid, even though such use and discharge is prohibited in subsection (b) of this section, provided such use and discharge is for the sole purpose of protection of life, subject to Wis. Stats. § 939.48, or for the protection of property, subject to Wis. Stats. § 939.49. (Ord. 2008-2, § 1, 2-2-2009)
 - (4) Notwithstanding the provisions of subsection (b) of this Section, an adult owner or adult occupant of any land within the Town may, while on their own property and subject to all applicable State restrictions and regulations, discharge an air rifle or shotgun:
 - A. for the sole purpose of controlling rodents that are not protected species; or
 - B. for the purpose of controlling skunks, opossum and/or raccoons that:
 1. are causing damage; or
 2. are about to cause damage; or
 3. may constitute a health hazard or other nuisance.No shotgun may be discharged by any person under this Section while loaded with any slug or with any shot with a larger diameter than #6. The adult owner or adult occupant shall be responsible to ensure that the discharge from any air rifle or shotgun cannot end up onto any adjacent property. (Ord. 2008-2, § 2, 2-2-2009)

(f) *No hunting without permission.* Hunting on lands within the town not listed in subsection (b) of this section is permitted by the owner or occupant of the land upon which he is hunting, provided such hunting is by use of shotgun or devices not prohibited in subsection (c) of this section, and further that the projection of shot shall not be above or into another's land or a traveled roadway.

(g) *Parental responsibility.* If a minor shall violate this section, his parent or guardian may be held responsible for such violation in the same manner as if such parent or guardian had violated this section, and ignorance of such violation shall not be a defense; prosecution of such parent or guardian shall not be a bar to prosecution of such minor.

(h) *Penalty.* Any person who shall violate, neglect or refuse to comply with any of the provisions of this section shall, upon conviction thereof, forfeit or pay a fine of not less than \$10.00, nor more than \$200.00, together with costs of prosecution, and in default of payment thereof, shall be imprisoned in the county jail for a period not to exceed 30 days or until such forfeiture and subsequent costs have been paid. (Ord. No. 93-2, §§ 2--7, 9-13-1993; Ord. No. 99-6, § 1, 11-17-1999)

Sec. 42-5. Hunting prohibited on property owned by the Town.

(a) *Generally.* Hunting of any form or nature is hereby prohibited on any property owned by the town.

(b) *Penalties.* Any person violating the terms of subsection (a) of this section shall be subject to a fine of not less than \$50.00 nor more than \$100.00 for the first offense. For the second and subsequent offense the minimum fine shall be not less than \$100.00 and not more than \$500.00. (Ord. of 11-1991, §§ 1, 2)

Sec. 42-6. Trespassing.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

An invitation means to be on the premises of another may be by express or implied consent. There is an implied consent when the possessor, by his conduct or his words, or both, by implication consents to such other persons being on the premises.

Trespasser means one who goes upon premises owned occupied or possessed by another without an invitation, express or implied, extended by such owner, occupant or possessor, and solely for his own pleasure, advantage or purpose.

(b) *Civil trespassing prohibited.* No person shall go upon the premises owned, occupied or possessed by another, without an invitation, express or implied, extended by such owner, occupant or possessor, and solely for his own pleasure, advantage or purpose.

(c) *Penalties.*

(1) Any person over the age of 17 years violating the provisions of this section shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 plus costs per each offense. Failure to pay any forfeiture under this section shall subject any violator over the age of 17 years to be sentenced to the county jail until such forfeiture is paid, but not to exceed 90 days.

(2) Any person between the ages of 14 and 17 shall be subject to a forfeiture of not less than \$10.00 nor more than \$25.00 plus costs per each offense or referred to the proper authorities as provided in Wis. Stats. ch. 48. Failure to pay any forfeiture hereunder shall subject the violator to the provisions of law.

(3) Any person under the age of 14 shall be referred to the proper authorities as provided in Wis. Stats. ch. 48.

(Ord. No. 83-7, §§ 1--3, 9-12-1983)

Sec. 42-7. Use of amplification devices for commercial purposes; licensing and regulation for noncommercial purposes.

(a) *Declaration of policy.* It is hereby declared that the use or operation of any device or apparatus for the amplification of sound from any sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sounds is prohibited where:

- Such use or operation is detrimental to the health, welfare and safety of the inhabitants of the Town;
- Such use or operation diverts the attention of pedestrians and vehicle operators in the public streets, parks and places;
- Such use or operation creates a traffic hazard(s) and/or unreasonable increases the risk of traffic accidents causing injury to life and/or limb;
- Such use or operation unreasonably disturbs the public peace and comfort and the public's rights to peaceful enjoyment and/or use of the public streets, parks, and/or other public places; and/or
- Such use or operation unreasonably disturbs the peace, quiet and comfort of the neighboring inhabitants.

Therefore, it is hereby declared as a matter of legislative determination that the prohibition of such use or operation for commercial or business advertising purpose and the proper regulation of such use and operation for all other purposes is essential to protect the health, welfare, and safety of the inhabitants of the Town and to secure the peaceful enjoyment by the people of their rights to use the public streets, parks and/or other public places and to secure the peace, quiet and comfort of the Town inhabitants.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sound making or sound producing device or apparatus means any electric sound amplification device or apparatus that is designed and utilized for the amplification of any sound that is audible from a distance of 50 or more feet under normal conditions.

To use or operate any sound making or sound producing device or apparatus in, on, or adjacent to any public street, park or place means to use or operate or cause to be used or operated any sound making or sound producing device or apparatus on the street or public place in front of or outside of any building, place or premises, or in or upon any vehicles operated, standing or being in or on any public street, park or place, where the sound thereof may be heard in any public street, park, place, or from any stand, platform or other structure, or anywhere in the public streets, parks or places. Except for community events or celebrations, processions or assemblages on any highway within the Town; however, operation of any radio or electric sound amplification equipment within a motor vehicle shall be subject to the provisions of Section 346.94(16) of the Wisconsin Statutes and any ordinance adopted by the Town pursuant to Section 249.135 of the Wisconsin Statutes.

(c) *Commercial uses.* No person, firm or corporation shall use or operate any sound device or apparatus in, on, near or adjacent to any public street, park or place for commercial or business advertising purposes.

(d) *Noncommercial uses.*

(1) *Generally.* No person, firm or corporation shall use or operate any sound making or sound producing device or apparatus in, or near or adjacent to any public street, park or place, unless he shall first obtain a permit to be issued by the Town Board in the manner prescribed in this section and he or she complies with the provisions of this section and the terms and conditions prescribed in such permit.

(2) *Application for permit.* Each applicant for a permit shall file a written application with the Town Clerk at least ten days prior to the Town Board meeting and at least 30 days prior to the date upon which said sound making or sound producing device or apparatus is to be used or operated. Such application shall describe the specific location where, the day or days when, and the hour or hours during which the applicant proposes to use or operate such sound making or sound producing device or apparatus, specify the volume, the technology utilized, describe what reasonable steps are being taken to limit the noise to no more than 65 decibels at the property lines, and provide any other pertinent information as the Board may deem necessary to enable it to carry out the provisions of this ordinance.

(3) *Issuance of permit; terms.* The Town Board shall not deny a permit for any specific time, location or use, to any applicant who complies with the provisions of this Ordinance, except for one or more of the reasons specified in subsection (d) of this section or for non-payment of the fee prescribed in subsection (5) of this section, or to prevent overlapping in the granting of permits. Each permit issued pursuant to this section shall describe the specific location in which such sound device or apparatus

may be used or operated there under, the exact period(s) during which such apparatus or device may be operated, the maximum volume or sound which may be produced during such use or operation, and such other terms and conditions as the Board may deem necessary for the proper enforcement of this section.

- (4) *Special restrictions.* The Town Board shall not issue any permit for the use of a sound making or sound producing device or apparatus:
- a. In any location within 500 feet of a school, courthouse or church, during the hours of school, court, or worship, respectively, or within 500 feet of any hospital or similar institution.
 - b. In any location where the Town Board upon such investigation, if any, as the Board in its discretion may deem necessary, shall determine the conditions of vehicular or pedestrian traffic or both are such that the use of such a device or apparatus will constitute an unreasonable threat to the safety of pedestrians and/or vehicular traffic.
 - c. In any location where the Board upon investigation, if any, as the Board may in its discretion deem necessary, shall determine that conditions are such that the use of a sound making or sound producing device or apparatus will unreasonably deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of any public street, park and/or other public places, or will constitute a threat to the safety of pedestrians or vehicle operators.
 - d. In or on any vehicle except for purposes of operation of any radio or electric amplification device for purposes of any community event or celebration, procession or assemblage on any highway within the Town.
 - e. Between the hours of 10:00 p.m. and 10:00 a.m., unless a special exception is granted by the Town Board due to unique circumstances or location.
- (5) *Fees.* Each applicant for a permit under this section shall, at the time of application, pay the fee established by the Town Board from time-to-time.
- (6) *Exemptions.* The provisions of this ordinance shall not apply to the use or operation of any sound making or sound producing device or apparatus at any athletic or civically sponsored event or at any political rally by individuals or small groups or speech concerning religion.

(e) *Violations.* Any person who shall violate any provision of this section, upon conviction thereof, shall subject to a forfeiture of not than \$100.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 90 days in accordance with Wis. Stat. § 800.095, as amended from time-to-time. (Ord. 2008-1 § 1 1-30-2009)

Secs. 42-8--42-30. Reserved.

ARTICLE II.

DRUG PARAPHERNALIA

Sec. 42-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use or designed for use in 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, as defined in Wis. Stats. ch. 961, in violation of this section. Drug paraphernalia includes, but is not limited to:

- (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) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.
- (7) 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.

- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances.
- (9) Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- (11) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.
- (12) 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, including but not limited to:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - b. Water pipes.
 - c. Carburetion tubes and devices.
 - d. Smoking and carburetion masks.
 - e. 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.
 - f. Miniature cocaine spoons and cocaine vials.
 - g. Chamber pipes.
 - h. Carburetor pipes.
 - i. Electric pipes.
 - j. Air-driven pipes.
 - k. Chillums.
 - l. Bongs.
 - m. Ice pipes or chillers.

(Ord. No. 90-1, § 1(1), 2-12-1990)

Cross reference--Definitions generally, § 1-2.

Sec. 42-32. Penalties.

(a) Any drug paraphernalia used in violation of this article shall be seized and forfeited to the town.

(b) Any person who violates section 42-34(a), (b) or (d) shall, upon conviction, be subject to a forfeiture of not more than \$500.00, together with the costs of prosecution, and upon default of payment be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed 20 days.

(c) Any person who violates section 42-34(c) shall upon conviction, be subject to a forfeiture of \$1,000.00, together with the costs of prosecution, and upon default of payment be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed 40 days.

(Ord. No. 90-1, § 1(4), 2-12-1990)

Sec. 42-33. Determination of drug paraphernalia.

In determining whether an object is drug paraphernalia, the following shall be considered:

- (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 city, state or federal law relating to any controlled substance.
- (3) The proximity of the object in time and space to a direct violation of this article.
- (4) The proximity of the object to controlled substances.
- (5) The existence of any residue of 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 the person knows, or should reasonably know, intend to use the object to facilitate a violation of this article. The innocence of an owner or of anyone in control of the object as to a direct violation of this article shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
- (7) Oral or written instructions 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 its use.
 - (10) The manner in which the object is displayed for sale.
 - (11) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
 - (12) The existence and scope of legitimate uses for the object in the community.
 - (13) Expert testimony concerning its use.
- (Ord. No. 90-1, § 1(2), 2-12-1990)

Sec. 42-34. Prohibited activities.

(a) *Possession of drug paraphernalia.* No person may use, or possess with 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 article.

(b) *Manufacture, sale or delivery of drug paraphernalia.* No person may sell, deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing that it will be used 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 article.

(c) *Delivery of drug paraphernalia to a minor.* Any person 18 years of age or over who violates subsection (b) of this section by delivering drug paraphernalia to a person under 18 years of age is guilty of a special offense.

(d) *Advertisement of drug paraphernalia.* No person may place in any newspaper, magazine, handbill or other publication, or upon any outdoor billboard or sign, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(e) *Exemption.* This subsection does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Wis. Stats. ch. 961. This article does not prohibit the possession, manufacture or use of hypodermics, in accordance with Wis. Stats. ch. 961.
(Ord. No. 90-1, § 1(3), 2-12-1990)