

Ordinance No. _____

**ORDINANCE AMENDING 9.01 –
OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE**

WHEREAS, Chapter Nine of the Municipal Code contains, by incorporation, portions of the State's Criminal Code; and,

WHEREAS, State Statutes are regularly amended, repealed and recreated; and,

WHEREAS, it is deemed proper and necessary to update the Municipal Code to parallel current State Statutes;

WHEREAS, Ordinance 1684 was adopted by the Common Council of the City of Kaukauna, repealing 9.944.30, 9.944.31, and 9.944.33(1);

WHEREAS, inadvertently the Municipal Code Section was not updated to reflect the repeal of 9.944.30, 944.31, and 9.944.33(1).

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna that Section 9.01, Offenses Against State Laws Subject to Forfeiture, be repealed and recreated to read as follows:

BEFORE AMENDMENT

9.01 Offenses Against State Laws Subject To Forfeiture

The following statutes, following the prefix "9" defining offenses against the peace and good order of the state, are adopted by reference to define offenses against the peace and good order of the city, provided that the penalty for commission of such offenses in this section shall be limited to a forfeiture imposed under section 25.04 of this Code:

Statute	Offense
9.134.71	Violations by secondhand dealers
9.175.25	Illegal storage of junked vehicles
9.218.0145	Used cars/prohibited acts
9.218.0147	Motor vehicles/sale to minor
9.254.76	Careless smoking

9.939.05	Parties to crime
9.939.22	Words and phrases defined
9.939.32(1)(b)	Attempt
9.940.19(1)	Battery
9.941.01	Negligent operation of vehicle off roadway
9.941.10	Negligent handling of burning material
9.941.12(2) and (3)	Interfering with firefighting
9.941.13	False alarms
9.941.20(1)	Reckless use of weapons
9.941.23	Carrying concealed weapon
9.941.235	Carrying firearm in public building
9.941.237	Carrying handgun where alcoholic beverages may be sold and consumed
9.941.24	Possession of switchblade knife
9.941.2965	Restrictions on use of facsimile firearms
9.941.297	Sale or distribution of imitation firearms
9.941.299	Restrictions on the use of laser pointers
9.941.315(1), (2) and (5) (a)	Possession, distribution or delivery of nitrous oxide
9.941.316(1), (2) and (4)	Abuse of hazardous substance
9.941.35	Emergency telephone calls
9.941.36	Fraudulent tapping of electric wires or gas or water meters or pipes
9.941.37(1) and (2)	Obstructing emergency or rescue personnel
9.942.01	Defamation
9.942.03	Giving false information for publication
9.942.05	Opening letters
9.942.06	Use of polygraphs and similar tests
9.942.07	Use of genetic tests
9.942.08	Invasion of privacy
9.943.01(1)	Criminal damage to property (less than \$2,500.00)

9.943.014	Demolition of historic building without authorization
9.943.017(1)	Graffiti
9.943.07(3) and (4)	Criminal damage to railroads
9.943.11	Entry into locked vehicle
9.943.125	Entry into locked coin box
9.943.13	Trespass to land
9.943.14	Criminal trespass to dwellings
9.943.145	Criminal trespass to a medical facility
9.943.15	Entry onto a construction site or into a locked building, dwelling, or room
9.943.20	Theft (less than \$2,500.00)
9.943.21	Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator or gas station (less than \$2,500.00)
9.943.215	Absconding without paying rent
9.943.22	Use of cheating tokens
9.943.23(4m)	Knowingly a passenger in vehicle operated without owner's consent
9.943.24	Issue of worthless checks (less than \$2,500.00)
9.943.26(1)	Removing or damaging encumbered real property
9.943.34	Receiving stolen property (less than \$2,500.00)
9.943.37	Alteration of property identification marks
9.943.38(3)	Forgery
9.943.392	Fraudulent data alteration
9.943.41(1), (2), (3)(a) to (d), (4)(b), (5), (6)(a), (b) and (d)	Financial transaction card crimes (less than \$2,500.00)
9.943.46(1), (2), (4)(a) to (c) and (5)	Theft of cable television service
9.943.47(1), (2), (3)(a) to (c) and (5)	Theft of satellite cable programming
9.943.50	Retail theft, shoplifting—Less than \$2,500.00
9.943.55	Removal of shopping cart

9.943.61	Theft of library material (less than \$2,500.00)
9.943.62	Unlawful receipt of payments to obtain loan for another (less than \$2,500.00)
9.943.70	Computer crimes (except acts punishable as felonies)
9.943.84	Theft of telecommunications service
9.944.15	Public fornication
9.944.17	Sexual gratification
9.944.20	Lewd and lascivious behavior
9.944.30	Prostitution
9.944.31	Patronizing prostitutes
9.944.33(1)	Pandering
9.944.36	Solicitation of drinks prohibited
9.945.02	Gambling
9.946.40	Refusing to aid officer
9.946.41	Resisting or obstructing officer
9.946.42(1) and (2) 9.946.46	Escape; encouraging violation of probation, extended supervision or parole
9.946.49(1)(a)	Bail jumping
9.946.495	Violation of nonsecure custody order
9.946.66	False complaints of police misconduct
9.946.67	Compounding crime
9.946.70	Impersonating peace officers
9.946.72(2)	Tampering with public records and notices
9.946.75	Denial of right of counsel
9.947.01	Disorderly conduct
9.947.011(1), (2) and (3) (a)	Disrupting a funeral or memorial service
9.947.012	Unlawful use of telephone
9.947.0125	Unlawful use of computerized communication systems
9.947.013	Harassment

9.947.04	Drinking in common carriers
9.947.06	Unlawful assemblies
9.947.07	Causing violence or breach of the peace by damaging or destroying a U.S. flag
9.948.10	Exposing genitals or pubic area
9.948.11(1), (2)(b), (c), (4) and (5)	Exposing a child to harmful material or harmful descriptions or narrations
9.948.21	Neglecting a child (except acts punishable as felonies)
9.948.60(1), (2)(a), (d) and (3)	Possession of a dangerous weapon by a person under 18 years of age
9.948.61(1), (2)(a), (3) and (4)	Dangerous weapons other than firearms on school premises
9.951.01-9.951.18	Crimes against animals (except acts punishable as felonies)
9.961.41(3g)	Possession of marijuana. No person shall possess 25 grams or less of marijuana, as defined in Wis. Stats. § 961.01(14), subject to the exceptions in Wis. Stats. § 961.41(3g).
9.961.573(1) and (2)	Possession of drug paraphernalia
9.961.574(1) and (2)	Manufacture or delivery of drug paraphernalia
9.961.575(1) and (2)	Delivery of drug paraphernalia to a minor
9.961.576	Advertisement of drug paraphernalia

AFTER AMENDMENT

9.01 Offenses Against State Laws Subject To Forfeiture

This section is enacted pursuant to Wis. Stat. § 66.0107 and is intended to conform to and remain consistent with Wisconsin State law. All statutes adopted by reference in this section are adopted as amended from time to time.

The following Wisconsin Statutes, ~~as identified by the prefix "9,"~~ are adopted by reference to define offenses against the peace and good order of the City, provided that such statutes shall be enforced only to the extent authorized by law and only as noncriminal violations subject to a forfeiture as provided in Section 25.04 of this Code.

Statute	Offense
9 -134.71	Violations by secondhand dealers
9 -175.25	Illegal storage of junked vehicles
9 -218.0145	Used cars/prohibited acts
9 -218.0147	Motor vehicles/sale to minor
9 -254.76 97.627	Careless smoking Causing fire by tobacco smoking
9 -939.05	Parties to crime
9 -939.22	Words and phrases defined
9 -939.32(1)(b)	Attempt
9 -940.1960(1)	Battery
9 -941.01	Negligent operation of vehicle off roadway
9 -941.10	Negligent handling of burning material
9 -941.12(2) and (3)	Interfering with firefighting
9 -941.13	False alarms
9 -941.20(1)	Reckless use of weapons
9 -941.23	Carrying concealed weapon
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9.941.36	Fraudulent tapping of electric wires or gas or water meters or pipes
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9.943.62	Unlawful receipt of payments to obtain loan for another (less than \$2,500.00)
9.943.70	Computer crimes (except acts punishable as felonies)
9.943.84-45	Theft of telecommunications service
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9.944.30	Prostitution
9.944.31	Patronizing prostitutes
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9.961.576	Advertisement of drug paraphernalia

This ordinance shall be in full force and effect from and after its adoption and publication.

Passed and adopted by the City of Kaukauna Common Council this _____ day of _____, 2026.

APPROVED:

Anthony J. Penterman, Mayor

ATTEST: _____
Kayla Nessmann, Clerk