

## Chapter 240

### PEACE AND GOOD ORDER

**[HISTORY: Adopted by the Village Board of the Village of Hustisford 3-28-1994 as Title 11, Chs. 1, 2 and 3 of the 1994 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Alarm systems — See Ch. 114.  
Animals — See Ch. 120.  
Fireworks — See Ch. 179.  
Alcoholic beverages — See Ch. 198.  
Minors — See Ch. 222.  
Nuisances — See Ch. 229.

#### ARTICLE I State Statutes Adopted

##### **§ 240-1. Offenses against state laws subject to forfeiture.**

The following statutes 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 Village of Hustisford, provided that the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Chapter 1, § 1-3 of this Code. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.

118.07	Safety requirements
118.08	School zones; crossings
118.09	Safety zones
118.10	School safety patrols
118.105	Control of traffic on school premises
118.11	School fences
118.123	Reports and records
118.163	Truancy
134.65	Cigarette and tobacco products retailer license
134.66	Restrictions on sale or gift of cigarettes or tobacco products
167.10	Fireworks regulated
173.10	Investigation of animal cruelty complaints
173.24	Reimbursement for expenses
175.25	Illegal storage of junked vehicles

254.76	Careless smoking
254.92	Use of tobacco products
938.17	Jurisdiction - civil law and ordinance violations
938.343	Dispositions - civil law and ordinance violations
938.344	Dispositions - intoxicating liquor and beer violations
938.345	Disposition of child adjudged in need of protection
939.05(2)(b)	Aiding and abetting
939.22	Words and phrases defined
940.19(1)	Battery
940.291	Failure of a police officer to render aid
941.01	Negligent operation of a vehicle
941.10	Negligent handling of burning materials
941.12(2),(3)	Interfering with or failing to assist in fire fighting
941.13	False alarms and interference with fire fighting
941.20(1)	Reckless use of weapon
941.23	Carrying concealed weapon
941.235	Carrying a firearm in a public building
941.24	Possession of switchblade knife
941.35	Emergency telephone calls
941.36	Fraudulent tapping of electric wires or gas or water meters or pipes
941.37(1) and (2)	Obstructing emergency or rescue personnel
942.05	Opening letters
943.01(1)	Criminal damage to property
943.11	Entry into locked vehicle
943.125	Entry into locked coin box
943.13	Trespass to land
943.14	Trespass to dwellings
943.145	Criminal trespass to a medical facility
943.15	Entry into locked site
943.20(3)(a)	Theft of property
943.21(3)(am)	Fraud on innkeeper
943.22	Cheating tokens
943.23(5)	Operating vehicle without owner's consent
943.34(1)(a)	Receiving stolen property

943.37	Alteration of property identification marks
943.38(3)	Forgery
943.41	Credit card crimes
943.50(4)(a)	Retail theft
943.55	Removal of a shopping cart
944.15	Fornication
944.17	Sexual gratification
944.20	Lewd and lascivious behavior
944.21	Obscene material or performance
944.23	Making lewd, obscene or indecent drawings
944.30	Prostitution
944.31	Patronizing prostitutes
944.33	Pandering
944.36	Solicitation of drinks prohibited
945.01	Definitions relating to gambling
945.02	Gambling
945.04	Permitting premises to be used for commercial gambling
946.40	Refusing to aid officer
946.41	Resisting or obstructing officer
946.42(2)	Escape
946.46	Encouraging violation of probation or parole
946.69	Falsely assuming to act as public officer or employee
946.70	Impersonating peace officer
946.72(2)	Tampering with public records and notices
947.01	Disorderly conduct
947.012	Unlawful use of telephone
947.013	Harassment
947.06	Unlawful assemblies
948.01	Definitions relating to crimes against children
948.09	Sexual intercourse with a child age 16 or older
948.10	Exposing a sex organ
948.11(1)(b)	Exposing a child to harmful material
948.21	Neglecting a child
948.40	Contributing to the delinquency of a child

948.50	Strip search by school employee
948.51(3)(a)	Hazing
948.60	Possession of a dangerous weapon by a child
948.61(2)(a)	Dangerous weapons on school premises
948.63	Receiving property from a child
951.01	Definitions relating to crimes against animals
951.015	Construction and application
951.02	Mistreating animals
951.03	Dognapping or catnapping
951.04	Leading animal from motor vehicle
951.05	Transportation of animals
951.06	Use of poisonous and controlled substances
951.07	Use of certain devices prohibited
951.08	Instigating fights between animals
951.09	Shooting at caged or staked animals
951.10	Sale of baby rabbits, chicks and other fowl
951.11	Artificially colored animals; sale
951.13	Providing proper food and drink to confined animals
951.14	Providing proper shelter
951.15	Animals; neglected or abandoned; police powers

**§ 240-2. Liability for damaged property; determination of attempt to commit and parties to prohibited acts.**

- A. Penalty. In addition to the general penalty provisions of this Code in Chapter 1, § 1-3 or any other penalty imposed for violation of any section of this chapter, Chapter 198, Article II, Offenses Involving Alcoholic Beverages, Chapter 222, Minors, or Chapter 229, Nuisances, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates § 240-17 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code shall prevent the Police Department from referring violations of the provisions of this chapter, Chapter 198, Article II, Offenses Involving Alcoholic Beverages, Chapter 222, Minors, or Chapter 229, Nuisances, to the District Attorney's office in the interest of justice.
- B. Attempt to commit prohibited act.

- (1) Whoever attempts to commit an act prohibited by this chapter, Chapter 198, Article II, Offenses Involving Alcoholic Beverages, Chapter 222, Minors, or Chapter 229, Nuisances, may be required to forfeit amounts not to exceed 1/2 the maximum penalty for the completed act.
- (2) An attempt to commit an act prohibited by this chapter, Chapter 198, Article II, Offenses Involving Alcoholic Beverages, Chapter 222, Minors, or Chapter 229, Nuisances, requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he does act towards the commission of the violation which demonstrates unequivocally, under all the circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

C. Parties to acts.

- (1) Whoever is concerned in the commission of an act prohibited by this chapter, Chapter 198, Article II, Offenses Involving Alcoholic Beverages, Chapter 222, Minors, or Chapter 229, Nuisances, is a principle and may be charged with and convicted of the commission of said act although he did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
- (2) A person is concerned in the commission of an act prohibited by these ordinances if he directly commits the act, intentionally aids and abets the commission of it, or is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This subsection does not apply to a person who voluntarily changes his mind and no longer desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

## ARTICLE II

### **Offenses Against Public Safety and Peace**

#### **§ 240-3. Firearms, explosives and other missiles.**

- A. Discharge of firearms regulated. No person, except a law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description within the Village of Hustisford or have any such firearm, rifle or gun in his possession or under his control within the Village, unless it is unloaded and lawfully enclosed in a proper carrying case, provided that this subsection shall not prevent the firing or discharging of BB guns upon private premises by persons over 16 or under the

direct personal supervision of a parent or guardian.<sup>1</sup>

- B. Hunting. Hunting within the Village of Hustisford is prohibited.
- C. Shooting into Village limits. No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village of Hustisford.
- D. Shooting ranges. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Village Board, upon the recommendation of the Chief of Police, where proper safety precautions are taken.
- E. Explosive devices. No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village without first obtaining a permit to do so from the Village Board.
- F. Throwing or shooting of arrows, stones, or other missiles.
  - (1) It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow or other means within 300 feet of any inhabited dwelling or building or any public park, square or enclosure.
  - (2) This subsection shall not apply:
    - (a) To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
    - (b) To a supervised archery range approved by the Village Board.
    - (c) Within the interior of a single-family dwelling.
- G. Definitions. For the purposes of this section, "firearm" is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device or gunpowder.

#### **§ 240-4. Weapons.**

- A. Concealed weapons.
  - (1) Prohibited acts. No person shall, within the Village of Hustisford, wear or in any manner carry under his clothes or conceal upon or about his person any deadly or dangerous weapon, provided that this subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.
  - (2) Dangerous weapon defined. "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm or any other device or instrumentality

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

- B. Concealed weapons in public establishments. No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public, except a bona fide weapons repair, display, or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) as not to be readily accessible to any person or patron. This subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell, or trade firearms to or from a retailer.
- C. Specific concealed weapons. No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of his duties, shall carry or wear concealed about his person any pistol, revolver, firearm, slingshot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the Village.
- D. Possession, sale, and manufacture of certain weapons.

- (1) No person shall sell, manufacture, purchase, possess or carry metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, a numchuk (also called a "nunchaku") or any similar weapon, a cestus or similar material weighted with metal or other substance and worn on the hand, a churkin (also called a "suriken") or any similar object intended to injure a person when thrown, a sucbai or similar weapon, a manrikigusari or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person within the Village of Hustisford.

- (2) For the purpose of this subsection, the following definitions shall apply:

CHURKIN — A round throwing knife consisting of several sharp points protruding from a rounded disc.

NUMCHUK or NUNCHAKU — An instrument consisting of two or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.

SUCBAI — A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.

- (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratories for destruction.

- E. Reckless use of weapons.

- (1) Prohibited acts. No person shall:

- (a) Endanger another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow.
  - (b) Operate or go armed with a firearm, air gun, knife or bow and arrow while he is under the influence of an intoxicant.
  - (c) Intentionally point a firearm, air gun, knife or bow and arrow at or toward another person.
- (2) Reckless conduct defined. "Reckless conduct" consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm to another and which demonstrates a conscious disregard for the safety of another and a willingness to take chances of perpetrating an injury.

**§ 240-5. Safe use and transportation of firearms and bows.**

A. Definitions. In this section, the following definitions shall apply:

AIRCRAFT — Has the meaning given under § 114.002(3), Wis. Stats.

ENCASED — Enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.

FIREARM — A weapon that acts by force of gunpowder.

HIGHWAY — Has the meaning given under § 340.01(22), Wis. Stats.

MOTORBOAT — Has the meaning given under § 30.50(6), Wis. Stats.

ROADWAY — Has the meaning given under § 340.01(54), Wis. Stats.

UNLOADED — Any of the following:

- (1) Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
- (2) In the case of a caplock muzzle-loading firearm, having the cap removed.
- (3) In the case of a flintlock muzzle-loading firearm, having the flashpan cleaned of powder.

VEHICLE — Has the meaning given under § 340.01(74), Wis. Stats., and includes a snowmobile, as defined under § 340.01(58a), Wis. Stats.

B. Prohibited acts.

- (1) Except as provided in Subsection C, no person may:
  - (a) Place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
  - (b) Place, possess or transport a firearm, bow or crossbow in or on a vehicle,



unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

- (c) Load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
  - (d) Load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet from the center of a road.
- (2) A person who violates Subsections B(1)(a) through (d) above is subject to a forfeiture pursuant to Chapter 1, %%'entity-sect'%% 1-3 of this Code.

C. Exceptions.

- (1) Subsection B does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within 50 feet of the center of a roadway:
  - (a) A peace officer, as defined under § 939.22(22), Wis. Stats.
  - (b) A member of the United States Armed Forces.
  - (c) A member of the National Guard.
- (2) Subsection B(1)(a), (b) and (c) do not apply to the holder of a scientific collector permit under § 29.614, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
- (3) Subsection B(1)(b) and (c) do not apply to the holder of a permit under § 29.024, Wis. Stats., who is hunting from a standing automobile in accordance with that section.<sup>2</sup>

**§ 240-6. Obstructing streets and sidewalks.**

- A. Streets. No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village of Hustisford in such a manner as to:
- (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
  - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
  - (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- B. Sidewalk. No person shall block any sidewalk or bridge by obstructing the same so

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2. Editor's Note: Original § 11-2-4, Sale and discharge of fireworks restricted, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 179, Fireworks.

that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.

- C. Definitions. As used in this section, the following terms shall have the meanings indicated, unless the context clearly indicates that a different meaning is intended:

LOITER — To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.

NUISANCE — Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Hustisford.

OBSTRUCT — To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel or placing any object or vehicle whatsoever on such sidewalk.

SIDEWALK — Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

- D. Free speech. This section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

**§ 240-7. Loitering.**

- A. Public property.

- (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any law enforcement officer.
- (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) No person shall loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious conduct or any unlawful act.
- (4) No person shall loiter in or about any school or public place at or near which children or students attend or normally congregate. As used in this subsection, "loiter" means to delay, to linger or to idle in or about any said school or public place without a lawful purpose for being present.

- B. Private property.

- (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including but not limited to business or industry parking lots or shopping malls, without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps or entrance of any business place or private residence without the expressed consent of the owner thereof or at any time other than usual business hours. Under this subsection, "business place" shall include public buildings at such times that the same shall be closed for the usual and normal business conducted thereat.
- (2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the expressed consent of the owner thereof, whether such is parked upon a public street, alley, parking lot, driveway or private premises.
- (4) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.

C. Loitering or prowling.

- (1) No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a police or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.
- (2) No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.
- (3) No person shall lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.
- (4) No person shall loiter in or about a restaurant, tavern or other public building.

As used in this subsection, "loiter" means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.

- D. Loitering by underage persons where alcohol beverage is dispensed.
- (1) Underage persons and intoxicants. No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
  - (2) Permitting loitering. No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- E. Definitions. As used in this section, the terms "loiter" and "nuisance" shall have the meaning provided in § 240-6C of this chapter.<sup>3</sup>
- F. Soliciting. No person shall loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested are that such person is a known prostitute or panderer, that such person repeatedly beckons to stop or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, the waving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or procure another to commit an act of prostitution. No arrest shall be made for a violation of this subsection unless the sworn police officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this subsection the following terms shall have the meanings indicated:

**KNOWN PROSTITUTE OR PANDERER** — A person who, within five years previous to the date of arrest for violation of this Subsection F, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

**PUBLIC PLACE** — An area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.

**§ 240-8. Loud and unnecessary noise.** <sup>4</sup>

- A. Prohibited acts. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise. It shall be unlawful for any person knowingly or wantonly to use or operate or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood are disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.
- B. Types of noises. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
- (1) Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.
  - (2) Radios, phonographs and similar devices. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 9:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.<sup>5</sup>
  - (3) Loudspeakers and amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

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4. Editor's Note: See also Ch. 325, Zoning, § 325-63, Noise.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (4) Animals and birds. The keeping of any animal or bird which causes frequent or long-continued unnecessary noise.
- (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
- (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motorboat, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays; provided, however, that the Chief of Police shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 9:00 p.m. to 7:00 a.m.<sup>6</sup>
- (8) Schools, courts, churches, and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, elderly housing complex, nursing home or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street. No person, while on public or private grounds adjacent to any building or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.

C. Exceptions. The provisions of this section shall not apply to:

- (1) Any vehicle of the Village while engaged in necessary public business.
- (2) Excavations or repairs of streets or other public construction by or on behalf of the Village, county, or state at night when public welfare and convenience render it impossible to perform such work during the day.
- (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.<sup>7</sup>

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<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>7</sup>. Editor's Note: Original § 11-2-7(c), Permits for amplifying devices, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**§ 240-9. Disorderly conduct.** <sup>8</sup>

- A. Prohibited acts. No person within the Village of Hustisford shall:
- (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.
  - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation.
  - (3) Indecently expose his or her person.
  - (4) Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner.
- B. Defecating or urinating in public places. It shall be unlawful for any person to defecate or urinate, outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village; upon any private property in open view of the public; or in the halls, rooms without rest room facilities, stairways or elevators of public or commercial buildings.

**§ 240-10. Conduct on school property.**

- A. Unauthorized presence.
- (1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him from attending any school located within the Village and no person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student or not an otherwise authorized person shall be present within any school building or upon any school grounds without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.
  - (2) Any unauthorized person who shall come upon school property and refuse to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection A(1), shall be guilty of trespass.
  - (3) "Authorized person" shall include:
    - (a) Any person who is present at any school building or school grounds for a purpose previously authorized by the school or its designee.
    - (b) Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel.

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<sup>8</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (c) Any person utilizing a designated area for attending an athletic or other organized school event.

B. Disorderly conduct on public school property.

- (1) No person shall, on or in any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person, nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (2) Nonstudents, students from schools other than the school on the property or students from a school who are not in compliance with the school system's published rules and regulations shall be considered in violation of this section. The published rules and regulations of the school system are incorporated as if fully set forth herein.
- (3) All entrances to the school buildings referred to in Subsection A shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited."
- (4) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a Village summons that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.

C. Loitering near school prohibited. No person not in official attendance or on official school business shall enter into or congregate, loiter or cause a nuisance in any school building in the Village of Hustisford or upon any school district grounds or within adjacent posted school zones on any day when such schools are in session.

D. Possession of intoxicating liquor and fermented malt beverages. No person shall possess intoxicating liquor or fermented malt beverages while on any school property.

E. Definitions. As used in this section, the terms "loiter" and "nuisance" shall have the meaning provided in § 240-6C of this chapter.<sup>9</sup>

**§ 240-11. Failure to obey lawful order; resisting an officer.**

A. Lawful orders. It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

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9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



- B. Resisting or interfering with officer prohibited. It shall be unlawful for any person to resist or in any way interfere with any police officer or member of the Police Department, or any person called to assist such officer, or to threaten, resist or interfere with such officer or person, or to advise or encourage any other person to resist or interfere with such officer or person in the discharge of his duty, or to in any way interfere with or hinder or prevent him from discharging his duty as such officer or assistant, or to offer or endeavor to do so, or to in any manner assist any person in the custody of any law enforcement officer to escape or to attempt to escape from such custody, or to try to persuade any person to escape from the custody of such officer, or to rescue or attempt to rescue any person so in custody, or to fail to obey the order or direction of such officer while such officer is acting in his official capacity in carrying out his duties.

**§ 240-12. Possession of controlled substances and marijuana.**

- A. Possession of controlled substances. It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in Schedules I and II<sup>10</sup> which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this Code.
- B. Possession of marijuana.
- (1) No person shall possess 25 grams or less of marijuana, as defined in § 961.01(14), Wis. Stats., unless it was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.
  - (2) For purposes of this section, "practitioner" means:
    - (a) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
    - (b) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
  - (3) This section does not apply to any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

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10. Editor's Note: See the Uniform Controlled Substances Act, Ch. 961, Wis. Stats.

**§ 240-13. Crossing a police or fire line.**

No individual shall cross a police or fire line that has been so designated by banner, signs or other similar identification.

**§ 240-14. Harassment.**

A. Prohibited acts. No person, with intent to harass or intimidate another person, shall do any of the following; each instance shall be considered a separate violation:

- (1) Strike, shove, kick or otherwise subject the person to physical contact or attempt or threaten to do the same.
- (2) Engage in a course of conduct or repeatedly commit acts which harass or intimidate the person and which serve no legitimate purpose.

B. Harassing or obscene telephone calls. Whoever commits any of the following acts shall be subject to the general penalty as provided in Chapter 1, § 1-3 of this Code:

- (1) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent.
- (2) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers.
- (3) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers.
- (4) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers.
- (5) Knowingly permits any telephone under his control to be used for any purpose prohibited by this section.
- (6) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

**§ 240-15. Open cisterns, wells or other dangerous openings.**

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person, and any cover shall be of a design, size and weight that the same cannot be removed by small children.

**§ 240-16. Gambling, lotteries and fraudulent devices.**

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the Village, except as provided by state law. Any police officer of the Village may seize anything devised solely for gambling or found in actual use for gambling within the Village and dispose thereof after a judicial determination that such device was used

solely for gambling or found in actual use for gambling.

ARTICLE III  
**Offenses Against Property**

**§ 240-17. Destruction of property.**

- A. Prohibited acts. No person shall willfully injure or intentionally deface, destroy, or unlawfully remove or interfere with any property belonging to the Village of Hustisford, the school district, or any private person without the consent of the owner or proper authority, nor shall any person or organization place or permit to be placed any sign, poster, advertisement, notice, or other writing upon any utility ornamental light pole belonging to the Village without the consent of proper authority. Any signs, posters, advertisements, notices, or other writings so placed shall be removed by law enforcement authorities and the placing person or organization cited for violation of this section.
- B. Parental liability. Pursuant to § 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed \$2,500.
- C. Penalty provisions.
  - (1) Any person 18 years of age or over who violates this section is subject to a penalty as provided in Chapter 1, § 1-3, of this Code, restitution to the injured party, and the costs of prosecution.
  - (2) Any person 14 years of age to 17 years of age shall be subject to a forfeiture not to exceed \$250 and any other applicable penalty provided by § 938.344, Wis. Stats., as that section may exist, be amended or changed.<sup>11</sup>
- D. Victim remedies. Any person or entity injured by a violation of this section by a minor child shall be advised of the rights and remedies available under § 895.035, Wis. Stats.

**§ 240-18. Littering; depositing of materials; handbills.**

- A. Littering prohibited. No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village of Hustisford, or upon property within the Village owned by the school district or any private person, or upon the surface of any body of water within the Village.
- B. Litter from conduct of commercial enterprise.
  - (1) Scope. The provisions of this subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any

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<sup>11</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

street, alley or other public way.

- (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within 12 hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
- (3) Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection B(2) within the time specified, the Village shall arrange to have the same picked up by Village crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of 20% for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this section.

C. Depositing of materials. It shall be unlawful for any person to deposit or cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Village Board or Public Works Superintendent pursuant to the provisions of this Code or upon any private property without the consent of the owner or lessee of the property. Any person who deposits or causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

D. Handbills.

- (1) Scattering prohibited. It shall be unlawful to deliver any handbills or advertising material to any premises in the Village except by being handed to the recipient, placed on the porch, stoop or entranceway of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- (2) Papers in public places prohibited. It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

**§ 240-19. Abandoned refrigerators.**

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, freezer, refrigerator or other container which has an airtight door or lid,

snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

**§ 240-20. Theft of library material.**

A. Definitions. For the purposes of this section, certain words and terms are defined as follows:

ARCHIVES — A place in which public or institutional records are systematically preserved.

LIBRARY — Any public library or library of an educational or historical organization or society or museum, and specifically the public libraries within the Village of Hustisford and school libraries.

LIBRARY MATERIAL — Includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

- B. Possession without consent prohibited. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by Chapter 1, § 1-3 of this Code. The failure to return library material after its proper return date, after written notice from the library and Village Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last known address of the person with the overdue material; the notice date shall be the date of mailing.
- C. Concealment. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- D. Detention based on probable cause. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a law enforcement officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls but shall not be interrogated or searched against his or her will

before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

- E. Damaging material prohibited. No person shall mar, deface or in any other way damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library. Any person convicted of violating this subsection shall be subject to the penalties as set forth in Chapter 1, § 1-3 of this Code.
- F. Return demanded. No person shall fail, on demand, to return any book, periodical, pamphlet, picture or other articles or property belonging to or in charge of the public library according to the rules or regulations duly made and adopted by the Library Board, and no person shall remove from the library any book, periodical, pamphlet, picture or other articles or property without first having it charged as provided by such rules and regulations. Any person convicted of violating any provision of this subsection shall be subject to the penalties as set forth in Chapter 1, § 1-3 of this Code.<sup>12</sup>

**§ 240-21. Damage to public property.**

- A. Damaging public property. No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flowerbed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway or in any way injure, damage or deface any public building, sidewalk or other public property in the Village of Hustisford.
- B. Breaking of streetlamps or windows. No person shall break glass in any streetlamps or windows of any building owned or occupied by the Village.
- C. Damaging fire hydrants and water mains. No person shall, without the authority of Village authorities, operate any valve connected with the street or water supply mains or open any fire hydrant connected with the water distribution system, except for the purpose of extinguishing a fire. No person shall injure or impair the use of any water main or fire hydrant.

**§ 240-22. Retail theft.**

- A. Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection D.

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12. Editor's Note: Original § 11-3-5, Cemetery regulations, which immediately followed this section, has been moved and included in Ch. 149, Cemetery.

- B. The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- C. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- D. If the value of the merchandise does not exceed \$100, any person violating this section shall forfeit not more than \$200. If the value of the merchandise exceeds \$100, this subsection shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

**§ 240-23. Issuance of worthless checks.**

- A. Whoever issues any check or other order for the payment of money less than \$1,000 which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this section.
- B. Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
  - (1) Proof that, at the time of issuance, the person did not have an account with the drawee;
  - (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order; or
  - (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order.
- C. This section does not apply to a postdated check or to a check given in past consideration, except a payroll check.

**§ 240-24. Trespassing.**

- A. Trespass to land. No person shall enter or remain on any land after having been notified by the owner or occupant not to remain on the premises.
- B. Trespass to dwelling. No person shall intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

**§ 240-25. Smoking.**

- A. State statutes adopted. The provisions of § 101.123, Wis. Stats., relating to the regulation of smoking and clean indoor air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this section as is 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 section. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this section.
- B. Smoking prohibited within or upon all Village buildings and equipment. In recognition of a need to protect the health and comfort of the public and Village employees from the detrimental effects of smoking, pursuant to the authority granted to the Village by § 101.123(2)(c), Wis. Stats., "smoking" as defined by § 101.123(1)(h), Wis. Stats., is hereby prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Hustisford, except in designated areas.

**§ 240-26. Theft.**

- A. Prohibited acts. Whoever does any of the following may be penalized as provided in Chapter 1, § 1-3 of this Code:
  - (1) Intentionally takes and carries away, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of such property.
  - (2) By virtue of his office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his authority, and with intent to convert to his own use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his possession or custody by virtue of his office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his own use within the meaning of this subsection.
  - (3) Having a legal interest in movable property, intentionally and without consent takes such property out of the possession of the pledgee or such other person having a superior right of possession with intent thereby to deprive the



pledgee or other person permanently of the possession of such property.

- (4) Obtains title to property of another by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
- (5) Intentionally fails to return any personal property which is in his possession or under his control by virtue of a written lease or written rental agreement within 10 days after the lease or rental agreement has expired.

B. Definitions. The following definitions shall be applicable in this section:

**MOVABLE PROPERTY** — Property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights, and things growing on or affixed to or found in land.

**PROPERTY** — All forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

**PROPERTY OF ANOTHER** — Includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.

**VALUE** — The market value at the time of the theft, or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, if the property stolen is a document evidencing a chose in action or other intangible right; "value" means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had a legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.