

Chapter 292

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Village Board of the Village of Spring Green at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Intoxicating liquor and fermented malt beverages — See Ch. 235.
Curfew — See Ch. 262, Art. I.
Nuisances — See Ch. 278.
Parades and assemblies — See Ch. 284.

ARTICLE I State Statutes Adopted

§ 292-1. 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, provided that the penalty for commission of such offenses hereunder shall be limited to a forfeiture of not less than \$20 nor more than \$500. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.

- 167.10 Regulation of fireworks
- 175.25 Storage of junked automobiles
- 254.76 Causing fires by tobacco smoking
- 939.05 Parties to crime
- 939.22 Words and phrases defined
- 940.19(1) Battery
- 941.01 Negligent operation of vehicle
- 941.10 Negligent handling of burning material
- 941.12 Interfering with fire fighting
- 941.13 False alarms
- 941.20(1) Endangering safety by use of dangerous weapon
- 941.23 Carrying concealed weapon
- 941.235 Carrying firearm in public building
- 941.24 Possession of switchblade knife
- 941.30 Recklessly endangering safety
- 941.35 Emergency telephone calls

- 941.36 Fraudulent tapping of electric wires or gas or water meters or pipes
- 943.01(1) Damage to property
- 943.06 Molotov cocktails
- 943.11 Entry into locked vehicle
- 943.13 Trespass to land
- 943.14 Criminal trespass to dwellings
- 934.20 Theft
- 943.21 Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station
- 943.23 Operating vehicle without owner's consent
- 943.24 Worthless checks
- 943.34 Receiving stolen property
- 943.37 Alteration of property identification marks
- 943.38(3) Forgery
- 943.41 Financial transaction card crimes
- 943.50 Retail theft
- 944.20 Lewd and lascivious behavior
- 944.21 Obscene material or performance
- 944.23 Making lewd, obscene or indecent drawings
- 944.30 Prostitution
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- 945.01 Definitions
- 945.02 Gambling
- 945.03 Commercial gambling
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- 946.40 Refusing aid to officer
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- 946.42 Escape
- 946.65 Obstructing justice
- 946.69 Falsely assuming to act as public officer or employee or a utility employee
- 946.70 Impersonating peace officers
- 946.72 Tampering with public records and notices

- 947.01 Disorderly conduct
- 947.012 Unlawful use of telephone
- 947.015 Bomb scares
- 947.06 Unlawful assemblies and their suppression
- 948.11 Exposing a child to harmful material or harmful descriptions or narrations
- 948.60 Possession of a dangerous weapon by a person under 18
- 951.01 Definitions
- 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 Abandoning animals

§ 292-2. Conflicting provisions.

In the event of any conflict between the provisions of this chapter and the Wisconsin Statutes, the Wisconsin Statutes shall control.

ARTICLE II
Offenses Against Public Safety and Peace

§ 292-3. Discharging and carrying firearms and weapons.

- A. No person, except a peace officer, shall discharge or cause the discharge of any missile from any firearm, air rifle, slingshot or other weapon within the Village limits of the Village of Spring Green except as follows:
 - (1) Bow and arrow target practice using practice arrows in a nonreckless manner by a private citizen and his guest, on his or her own premises, for personal use only.

- (2) Bow and arrow target practice conducted by the River Valley School District using practice arrows in a nonreckless manner for the purposes of instruction and learning.
- B. No person except a peace officer shall carry any uncased or loaded firearm, air rifle, slingshot or other weapon within the Village limits of the Village of Spring Green except as stated in this section.
- C. Any person violating this provision shall, upon conviction thereof, be subject to a forfeiture of not less than \$20 nor more than \$300, together with costs, fees and surcharges imposed under Ch. 814, Wis. Stats., and the penalty surcharge set forth in § 757.05, Wis. Stats.¹

§ 292-4. Throwing or shooting arrows, stones and other missiles.

No person shall throw or shoot an object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village of Spring Green.

§ 292-5. Sale and discharge of fireworks restricted.

- A. Regulation. Section 167.10, Wis. Stats, regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this section as though set forth in full.
- B. Private use and sale. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks, except toy pistol paper caps, sparklers and toy snakes, within the limits of the Village.
- C. Fireworks permits. Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations and other groups of individuals when a permit for such display has been granted by the Village President. All applications shall be referred to the Chief of Police for investigation, and no permit shall be granted unless the Village Board from report of the Chief determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit the Village Board shall require the applicant to post with the Village Clerk-Treasurer an approved certificate in a sum established by the Board for the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks under such permit.

§ 292-6. Obstructing streets and sidewalks.

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress and egress to or from any place or business or amusement, church, public hall or meeting place.

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

§ 292-7. Loitering.

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 section, 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 any offense under this section if the police or peace 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.

§ 292-8. Unauthorized presence on school property.

- A. It shall be unlawful for any person, except as provided in Subsection B hereof, to be present in, loiter or enter into any public school building or school parking lot or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days.
- B. This section shall not apply to:
 - (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof to leave the school building or school grounds.
 - (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which such facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof.
 - (3) Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- C. The exceptions set forth in Subsection B shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
- D. All entrances to the school buildings shall be posted with a notice stating "Entry into School Building by Unauthorized Persons Prohibited." All school grounds shall be posted with a notice stating "Entry upon School Grounds by Unauthorized Persons Prohibited."

§ 292-9. Loud and unnecessary noise.

- A. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.

- B. 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, 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 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 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
 - (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 a mechanical device.
 - (4) Animals and birds. The keeping of any animal or bird which causes frequent or long-continued unnecessary noise.
 - (5) 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.
 - (6) 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 other similar equipment, attended by loud or unusual noise other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, that the Village Board 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 10:00 p.m. to 7:00 a.m.
 - (7) Schools, courts, churches and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church 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.

- C. No person shall make unnecessary noises with a motor vehicle, nor operate a motor vehicle in a disorderly, dangerous or provocative manner.
- D. The provisions of this section shall not apply to:
 - (1) Any vehicle in 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 at night when public welfare and convenience render it impossible to perform such work during the day.

§ 292-10. False fire alarms.

No person shall give or send or cause to be given or sent in any manner any alarm of fire which he knows to be false.

§ 292-11. Marijuana and drug paraphernalia.

A. Marijuana.

- (1) Definitions. For the purpose of this Subsection A, the terms "marijuana" and "practitioner" shall be defined as provided in § 961.01, Wis. Stats.
- (2) Unlawful to possess. No person shall possess 25 grams or less of marijuana within the Village, unless the marijuana 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 Ch. 961, Wis. Stats.

B. Drug paraphernalia.

- (1) "Drug paraphernalia" means all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, aging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance, or as found in § 961.571, Wis. Stats.
- (2) It is unlawful for any person to be in possession of, manufacture, or make delivery of drug paraphernalia in this Village, or as found in § 961.573, 961.574, or 961.577, Wis. Stats.

C. Penalties.

- (1) Any person who violates Subsection A or B who is under 18 years of age is subject to a disposition under § 938.344(2e), Wis. Stats.
- (2) Any person who violates Subsection A or B who is 18 years of age or older may be subject to a forfeiture of not less than \$20 nor more than \$300 together with the costs and assessments.
- (3) Any second or subsequent offense will be referred to the District Attorney's office for

criminal prosecution.

§ 292-12. Possession or consumption of alcoholic beverages in public areas.

- A. No person shall consume intoxicating liquor, wine, or fermented malt beverages or be in possession of an open container containing intoxicating liquor, wine, or fermented malt beverages while on any street, sidewalk, alley or parking area of the Village of Spring Green.
- B. No person shall be in possession of intoxicating liquor, wine or fermented malt beverages in the original glass container for any such beverage in any park, golf course or swimming pool within the Village of Spring Green.
- C. Any person violating the provisions of this section shall be subject to a forfeiture of not less than \$20 nor more than \$300.²

§ 292-13. Gambling, lotteries and fraudulent devices and practices.

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

§ 292-14. Disorderly conduct.

No person shall within the Village of Spring Green:

- A. In any public or private place engage in violent, 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 disturb or annoy any person or persons.
- B. Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- C. Be within the fenced-in area of the Village Swimming Pool after designated hours.

§ 292-15. Obedience to officers.

No person shall, without reasonable excuse or justification, resist or in any way interfere with any officer of the Village while such officer is doing any act in his official capacity and with lawful authority.

§ 292-16. 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, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings.

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

§ 292-17. Harassing or obscene telephone calls.

Whoever does any of the following shall be subject to penalty of not less than \$20 nor more than \$300:

- A. Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent.
- B. 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.
- C. Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers.
- D. Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers.
- E. Knowingly permits any telephone under his control to be used for any purpose prohibited by this section.
- F. 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.

§ 292-18. Unlawful removal of parking citations.

No person other than the owner or operator thereof shall remove a Village parking ticket from a motor vehicle.

§ 292-19. Violations and penalties.

The penalty for violation of §§ 381-4 through 381-10, 381-13 through 381-16, and 381-18 shall be not less than \$20 nor more than \$300.

ARTICLE III
Offenses Against Property

§ 292-20. Destruction of property.

No person shall injure or intentionally deface or destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Village and belonging to the Village or its departments, the River Valley School District or any private person, without the consent of the owner or proper authority.

§ 292-21. Littering.

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.

§ 292-22. Open cisterns, wells or other dangerous openings.

No person shall have or permit on any premises owned or occupied by him open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places

shall be filled, securely covered or fenced in such manner 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.

§ 292-23. 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, 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 securely locked or fastened.

§ 292-24. 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.
- B. The intentional concealment of unpurchased merchandise which continues from one floor to another and 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 police officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee affecting 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. Penalty. Any person violating the provisions of this section shall be subject to a forfeiture of not less than \$20 nor more than \$300.³

§ 292-25. Issuance of worthless checks.

- A. Whoever issues any check or other order for the payment of money which, at the time of issuance, the person intends shall not be paid shall be subject to a forfeiture and the obligation to make restitution as provided in Subsection B below.
- B. Any of the following is prima facie evidence that the person, at the time he or she issued the

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

check or other order for the 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 to pay the check or other order within five days after receiving written notice of nonpayment or dishonor, delivered by regular mail to either the person's last known address or the address provided on 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 to pay the check or other order, within five days after receiving written notice of nonpayment or dishonor, delivered by regular mail to either the person's last known address or the address provided on the check or other order;
- C. This section does not apply to a postdated check or to a check given for past consideration, except a payroll check.
- D. Whoever violates this section may be required to make restitution as provided in § 800.093, Wis. Stats., and, in addition, shall be subject to a forfeiture of not less than \$20 nor more than \$400 together with the costs of prosecution.
- E. This section is intended to be in conformity with § 943.24, Wis. Stats., and shall be interpreted consistent with that intent.

§ 292-26. Storage of junked or discarded property.

- A. No person shall store junked or discarded property, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood except in an enclosure which houses such property from public view, or upon permit issued by the Village Board.
- B. Abandoned, Wrecked or Inoperative Motor Vehicles. No person shall park, store, leave, or permit the parking of any motor vehicle of any kind that is in an abandoned, wrecked, inoperative, dismantled or unlicensed or expired registration in excess of 60 days upon any private property within the Village. This section shall not apply to any vehicle enclosed within a building on private property, to any vehicle held in connection with a lawful business within the Village, such as a junkyard, salvage yard, or auto repair business, or to temporary repair work that is performed within 30 days of a vehicle becoming unexpectedly unroadworthy.
- C. The Chief of Police may require, by written order any premises violating this section to be put in compliance within the time specified in such order and, if such order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property owner. The written order shall be sent to the property owner or vehicle owner with an order that the owner shall, within 15 days, make the vehicle operable and roadworthy and license any vehicle that may not be licensed, or in the alternative, place such vehicle in an enclosed structure or remove the vehicle from the property. The Notice

shall further advise the owner that if the nuisance is not corrected, the vehicle/property is subject to be towed, stored, and if not redeemed, disposed of at owner's expense. The vehicle/property owner may also be cited for not complying with this written order for every day that the vehicle(s)/property are not in compliance.

§ 292-27. Damaging or tampering with coin machines.

No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the Village of Spring Green.

§ 292-28. Damage to public property.

- A. Damaging of drinking fountains. All persons are hereby prohibited from breaking or otherwise injuring any bubbler, drinking fountain or any drinking bubbler, or in any way injuring, soiling, tampering with or defacing any such bubbler or drinking fountain, or placing dirt, leaves, refuse or any matter of any sort in or upon any such bubbler, drinking fountain or drinking bubbler, in any public park, street or ground, or any public building, schoolhouse, hall, museum, or library, in the Village of Spring Green.
- B. Damaging of public property. All persons are hereby prohibited from breaking or otherwise injuring any tree, shrub or plant, breaking, soiling or defacing any fountain, statue or other ornamental structure, or in any way injuring, soiling, damaging or defacing any public building or public property in any public park, square, sidewalk or ground in the Village of Spring Green, whether the same shall be owned or held in trust for the use of any district of said Village.
- C. Breaking of streetlamps or windows. No person shall break glass in any streetlamps or windows of any building owned or occupied by the Village of Spring Green.

§ 292-29. Vandalism.

No person within the limits of the Village of Spring Green shall intentionally cause damage to any physical property of another without his or her consent.

§ 292-30. Library material.⁴

- 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 — The Spring Green Community Library.

LIBRARY MATERIAL — Includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public

4. Editor's Note: See also Ch. 84, Library.

record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records or other tapes, artifacts or other documentary, 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 § 292-31.
- 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 the person or concealed by a person 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 peace 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 peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the official, agent or employee affecting 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 library material.
- F. Return of material. No person shall fail on demand to return any library material when such demand has been made in accordance with the rules and regulations made and adopted by the library.

§ 292-31. Violations and penalties.

The penalty for violation of this article, except §§ 292-24 and 292-25, shall be not less than \$20 or more than \$300.