

TO THE IOWA COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Iowa County Law Enforcement Committee recommends that the County Board revise the ordinance to prohibit TRESPASS TO LAND in Iowa County by adopting Section 943.13 of the Wisconsin Statutes as written in the Wisconsin Statutes 2005-2006 edition.

TRESPASS TO LAND

- (1) Whoever does any of the following is subject to a forfeiture not to exceed \$500.00.
 - (a) Enters any enclosed, cultivated or undeveloped land of another without the express or implied consent of the owner or occupant.
 - (b) Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.
 - (c) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises.

- (2) A person has implied consent to enter onto the land of another if the conduct, words or both of the owner or occupant imply that consent has been granted. Evidence of implied consent includes, but is not limited to:
 - (a) Whether the owner or occupant acquiesced to previous entries by the person or by other persons under similar circumstances.
 - (b) The customary use, if any, of the land by other persons.
 - (c) Whether the owner or occupant represented to the public that the land may be entered for particular purposes.
 - (d) The general arrangement or design of any improvements or structures on the land.

- (3) A person has received notice from the owner or occupant within the meaning of this section if he or she has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted under this subsection under either of the following procedures:

- (a) If a sign at least 11 inches square is placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land. Proof that appropriate signs as provided in this paragraph were erected or in existence upon the premises to be protected prior to the event complained of shall be prima facie proof that the premises to be protected were posted as provided in this paragraph.
- (b) If markings at least one foot long, including in a contrasting color the phrase "private land" and the name of the owner, are made in at least 2 conspicuous places for every 40 acres to be protected.
- (3) Whoever erects on the land of another signs which are the same as or similar to those described in sub. (2) without obtaining the express consent of the lawful occupant of or holder of legal title to such land is subject the penalty provided for in this ordinance.
- (4) An owner or occupant may give express consent to enter or remain on the land for a specified purpose or subject to specified conditions and it is a violation of this ordinance for a person who received that consent to enter or remain on the land for another purpose or contrary to the specified conditions.
- (5) This section does not apply to any of the following:
- (a) A person entering the land, other than the residence or other buildings or the curtilage of the residence or other buildings, of another for the purpose of removing a wild animal as authorized under s. 29.885 (2), (3) or (4), Wis. Stats.
- (b) A hunter entering land that is required to be open for hunting under s. 29.885 (4m) or 29.889 (7m), Wis. Stats.

(c) A person entering or remaining on any exposed shore area of a stream as authorized under s. 30.134, Wis. Stats.

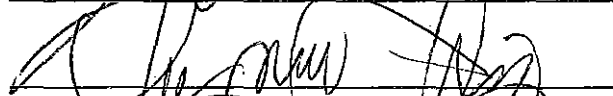
(6) Any authorized occupant of employer-provided housing shall have the right to decide who may enter, confer and visit with the occupant in the housing area the occupant occupies.

LEC Members Signatures

Bill Ehr



Dwayne Hiltbrand



Dana Perry



Phil Roberts



Larry Steffes

