

## CHAPTER 3

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## CHAPTER 3

### PUBLIC PEACE AND ORDER

#### Part 1 – Traffic Code

##### 3.101 State Traffic Laws Adopted

Except as hereinafter provided, all provisions of Chapters 340 to 349, Wisconsin Statutes, 1981-1982, including all changes and amendments now or hereafter made thereto are hereby adopted and incorporated herein by reference as if fully set forth herein. It is the intent of this section to adopt and be in strict conformity therewith all of the provisions of the Wisconsin Uniform Motor Vehicle and Traffic Code, Chapters 340 to 349, Wisconsin Statutes, 1981-1982, including all changes and amendments now or hereinafter made thereto. It is the further intention of this section to adopt by reference all provisions of Chapters 340 to 349, Wisconsin Statutes, 1981-1982, including all changes and amendments now or hereafter made thereto for which a mandatory jail sentence is not imposed as a penalty and to exclude herefrom only those provisions or penalties of Chapters 340 to 349, Wisconsin Statutes, including changes or amendments now or hereafter made thereto, which impose a mandatory jail sentence upon conviction. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance.

All sections of Chapters 340 to 349 are adopted herein by reference including without limitation by reason of listing the following:

340.01	(Words and phrases defined)
340.01(15s)	(Definition - energy emergency)
341.11(4)	(Display of registration certificate)
341.15	(Display of registration plates)
341.16(4)	(Issuance of duplicate plates)
341.42(4)	(Reciprocity permits)
341.55	(Penalty for misuse of plates)
341.57(3)	(Registration of finance companies and banks)
341.63	(When registration is to be suspended)
342.05(4)	(Certificate of title required)

342.15(5), (6) and (7)	(Transfer of interest in vehicle)
342.23	(Secured party's and owner's duties)
342.30, 342.31, 342.34	(Anti-Theft and Anti-Fraud Provisions)
342.40	(Vehicle abandonment)
343.01	(Words and phrases defined)
343.05	(Operators to be licensed - first offense)
343.10	(Occupational licenses)
343.125	(Chauffeurs to obtain special licenses)
343.22	(Notice of change of address or name)
343.305	(Implied consent)
343.35	(Surrender of license upon cancellation, revocation or suspension)
343.43 to 343.46	(Unlawful Practices Relative to Licenses)
343.60 to 343.72	(Licensing of Driver Schools and Instructors)
343.73	(Penalty)
344.01	(Words and phrases defined)
344.45 to 344.47	(Penalties for Violation of Chapter)
344.51	(Financial responsibility for domestic rented vehicles)
345.01	(Words and phrases defined)
345.20 to 345.53	(General Provisions in Traffic Forfeiture Actions)
345.55	(Traffic officer not to profit from arrests)
346.01	(Words and phrases defined)
346.02	(Applicability of chapter)

346.03	(Applicability of rules of the road to authorized emergency Vehicles)
346.04(1) and (2), 346.05 to 346.16	(Driving, Meeting, Overtaking and Passing)
346.17	(Penalty for violating ss. 346.04 to 346.16)
346.18 to 346.21	(Right of Way)
346.22	(Penalty for violating ss. 346.18 to 346.21)
346.23 to 346.29	(Drivers and Pedestrians)
346.30	(Penalty for violating ss. 346.23 to 346.29)
346.31 to 346.35	(Turning and Stopping and Required Signals)
346.36	(Penalty for violating ss. 346.31 to 346.35)
346.37 to 346.42	(Traffic Signs, Signals and Markings)
346.43	(Penalty for violating ss. 346.37 to 346.42)
346.44 to 346.485	(Required Stops)
346.49	(Penalty for violating ss. 346.to 346.485)
346.50 to 346.55	(Restrictions on Stopping and Parking)
346.56	(Penalty for violating ss. 346.50 to 346.55)
346.57	(Speed Restrictions)
346.58	(Special speed restrictions)
346.59	(Minimum speed regulation)
346.60	(Penalty for violating ss. 346.57 to 346.595)
346.61	(Applicability of sections relating to reckless and drunken driving)
346.62(1) and (3)	(Reckless driving)

346.63(1), (3) and (4)	(Operating under "influence" of intoxicant)--first offense in 5 years
346.64	(Employment of drunk operators)
346.65	(Penalty for violating ss. 346.62 to 346.64)
346.66	(applicability of sections relating to accident and accident reporting)
346.68 and 346.69	(Duty upon striking unattended vehicle--upon striking property on or adjacent to highway)
346.70 (1), (2) or (3) 346.71, 346.72, 346.73	(Duty to report accident, etc.)
346.70(4)	(Police and traffic agencies to report)
346.70(5)	(Falsifying reports)
346.77 to 346.81	(Bicycles and Play Vehicles)
346.82	(Penalty for violating ss. 346.77 to 346.81)
346.87 to 346.94	(Miscellaneous Rules)
346.95	(Penalty for violating ss. 346.87 to 346.94)
347.01 to 347.05	(General Provisions)
347.06 to 347.29	(Lighting Equipment)
347.30	(Penalty for violating lighting equipment requirements)
347.35 to 347.49	(Other Equipment)
347.50	(Penalty for violating ss. 347.35 to 347.49)
348.01 to 348.02	(Size, Weight, Load--General provisions)
348.05 to 348.10	(Size and Load)
348.11	(Penalty for violating size and load limitations)
348.15 to 348.20	(Weight)

348.21	(Penalty for violating weight limitations)
348.25 to 348.27	(Permits)
348.28	(Permits to be carried--Penalty)
349.11(8)	(Limitation on local powers)
349.11(15)	(Expiration special statute)

### **3.102 Other Laws Adopted**

There are hereby adopted by reference the following chapters and/or sections of the Wisconsin Statutes and Wisconsin Administrative Code, including all changes, amendments and revisions now or hereafter made thereto, but the prosecution of such offenses under this ordinance shall be as provided in Chapters 340 to 350, Wisconsin Statutes, 1981-1982, and the penalty for violation thereof shall be limited to a forfeiture as provided in section 3.108 (3)(a) of this chapter:

- (1) 941.01 (1) (Negligent operation of vehicle off highway)
- (2) Chapter 350, Wisconsin Statutes, Relating to Snowmobiles and Their Operation.

In addition to Chapter 350, Wisconsin Statutes, no person shall operate a snowmobile upon any street, highway or alley within the county in violation of sections: 346.04, 346.05, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.48, 346.50 (1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1), (6), (6m) and (9), Wisconsin Statutes.

- (3) Chapter 194, Wisconsin Statutes, Relating to Motor Vehicle Transportation.
- (4) Chapter MVD5, Standards For Motor Vehicle Equipment, Wisconsin Administrative Code.
- (5) 23.33, Wisconsin Statutes, Relating to All-Terrain Vehicles.

### **3.103 Specific Speed Limits**

In addition to all other limits incorporated by reference, no person shall drive in excess of the following limits unless different limits are indicated by official traffic signs.

- (1) 10 miles per hour at any point on the grounds of the Rock County Health Care Center.



(2) County Trunk Highway “A”

(a) 45 miles per hour, Town of Magnolia, Rock County, from a point 1600 feet west of STH 213 easterly to STH 213, for a distance of 0.30 mile (1600 feet).

(b) 45 miles per hour, Town of Janesville, Rock County, from a point 2520 feet west of Austin Road easterly to a point 1340 feet of Arbor Ridge Way (Janesville city limit), for a distance of 0.86 mile (4730 feet).

(c) 35 miles per hour, Town of Johnstown, Rock County, from a point 2680 feet west of its intersection with County Trunk Highway “M” easterly to a point 2115 feet east of its intersection with County Trunk Highway “M”, for a distance of 0.91 mile (4795 feet).

(3) County Trunk Highway “BT”

(a) 45 miles per hour, Town of Turtle, Rock County, from the intersection of County Trunk Highway “G” easterly to the intersection of County Trunk Highway “S”, for a distance of 1.4 mi (7400 feet).

(4) County Trunk Highway “C”

(a) 45 miles per hour, Town of Union, Rock County, from a point 300 feet west of N Evansville-Brooklyn Road easterly to a point 950 feet west of N 5<sup>th</sup> Street, for a distance of 0.30 mile (1580 feet).

(b) 25 miles per hour, Town of Union, Rock County, from a point 950 feet west of N 5<sup>th</sup> Street southeasterly to a point 110 feet west of N 5<sup>th</sup> Street (Evansville city limits), for a distance of 0.16 mile (840 feet).

(5) County Trunk Highway “D”

(a) 25 miles per hour, Town of Beloit, Rock County, from a point at the intersection of Burton Street northerly to a point at the intersection of Cherry Street, for a distance of 0.12 mile (634 feet).

(b) 45 miles per hour, Town of Beloit, Rock County, from a point at the intersection of Cherry Street northerly to a point at the intersection of County Trunk Highway “Q”, for a distance of 0.97 mile (5139 feet).

(c) 35 miles per hour, Town of Rock, Rock County, from the intersection of Noss Road northerly to a point 1200 feet south of South River Road, for a distance of 1.30 miles (6,890 feet).

(d) 45 miles per hour, Town of Rock, Rock County, from a point 1200 feet south of South River Road northerly to a point 700 feet north of Fawn Lane, for a distance of 2.66 miles (14,042 feet).

(6) County Trunk Highway “E”

(a) 45 miles per hour, Town of Janesville, Rock County, from the intersection of Golf Course Road northerly to a point 1045 feet south of Hackbarth Road (southerly intersection), for a distance of 1.18 mile (6240 feet).

(7) County Trunk Highway “F”

(a) 35 miles per hour, Town of Janesville, Rock County, from the intersection of Black Bridge Road northerly to the intersection of USH 51, for a distance of 1.83 miles (9640 feet).

(b) Indianford

a. 25 miles per hour, Town of Fulton, Rock County, from a point 1690 feet south of County Trunk Highway “M” northerly to the intersection of County Trunk Highway “M” (easterly intersection), for a distance of 0.32 mi (1690 feet) as measured in the northbound lane.

b. 25 miles per hour, Town of Fulton, Rock County, from the intersection of County Trunk Highway “M” (westerly intersection) northerly to a point 1530 feet north of the intersection of County Trunk Highway “M”, for a distance of 0.29 mi (1530 feet) as measured in the northbound lane.

c. 25 miles per hour, Town of Fulton, Rock County, from a point 1890 feet north of County Trunk Highway “M” southerly to the intersection of County Trunk Highway “M” (westerly intersection), for a distance of 0.36 mi (1890 feet) as measured in the southbound lane.

d. 25 miles per hour, Town of Fulton, Rock County, from the intersection of County Trunk Highway “M” (easterly intersection) southerly to a point 1870 feet south of the intersection of County Trunk Highway “M”, for a distance of 0.35 mi (1870 feet) as measured in the southbound lane.

(c) 35 miles per hour, Town of Fulton, Rock County, from a point 1500 feet south of Hain Road northerly to the intersection of Hain Road (Edgerton city limit), for a distance of 0.28 mi (1500 feet).

(8) County Trunk Highway “G”

(a) 30 miles per hour, City of Beloit, Rock County, from the intersection of Shopiere Road northerly to the intersection of Cranston Road, for a distance of 0.52 mi (2746 feet).

(b) 35 miles per hour, City of Beloit, Rock County, from the intersection of Cranston Road northerly to the intersection of Inman Parkway, for a distance of 1.54 mi (8131 feet).

(c) 40 miles per hour, Towns of Beloit and Turtle, Rock County, from the intersection of Inman Parkway northerly to a point 400 feet north of Philhower Road, for a distance of 1.07 mi (5660 feet).

(d) 45 miles per hour, Towns of Beloit and Turtle, Rock County, from the intersection of Philhower Road northerly to the intersection of Sunny Lane, for a distance of 2.09 miles (11035 feet).

(e) 45 miles per hour, Towns of Rock and La Prairie, Rock County, from a point 3220 feet south of the intersection with STH 11 northerly to the intersection of STH 11, for a distance of 1.00 mi (5,280 feet).

(f) 35 miles per hour, Towns of Rock and La Prairie, Rock County, from the intersection of STH 11 northerly to the intersection of Burbank Avenue, for a distance of 0.74 mi (3900 feet).

(9) County Trunk Highway “H”

(a) 45 miles per hour, Town of Newark, Rock County, from the intersection of STH 81 northerly to the intersection of Beloit-Newark Road, for a distance of 1.15 mi (6072 feet).

(b) 45 miles per hour, Town of Plymouth, Rock County, from a point 500 feet S of Orfordville-Hanover Road northerly to the intersection of W High Street, for a distance of 0.20 mi (1000 feet).

(c) 25 miles per hour, Town of Plymouth, Rock County, from W High Street northerly to a point 1,100 feet north of W Race Street, for a distance of 0.46 mi (2,415 feet).

(d) 45 miles per hour, Town of Plymouth, Rock County, from a point 1,100 feet north of W Race Street northerly to a point 535 feet north of Ellis Road, for a distance of 0.37 mi (1,960 feet).

(e) 35 miles per hour, Town of Fulton, Rock County, from a point 2600 feet north of County Trunk Highway “M” (south intersection) northerly to a point 630 feet

north of County Trunk Highway “M” (north intersection), for a distance of 0.60 mi (3151 feet).

(10) County Trunk Highway “J”

(a) 35 miles per hour, Town of Turtle, Rock County, from a point 1275 feet north of Creek Road southerly and easterly to a point 2075 feet east of County Trunk Highway “S”, for a distance of 0.87 mi (4575 feet).

(b) 45 miles per hour, Town of Turtle, Rock County, from a point 2075 feet east of County Trunk Highway “S” easterly to a point 2640 feet east of the RR overpass, for a distance of 1.25 mi (6610 feet).

(11) County Trunk Highway “K”

(a) 40 miles per hour, Town of Newark, Rock County, from St. Lawrence Avenue northerly to a point 1055 feet north of Brandherm Road, for a distance of 0.70 mi (3700 feet).

(12) County Trunk Highway “M”

(a) 35 miles per hour, Town of Union, Rock County, from the intersection of USH-14 northerly to a point 400 feet north of Northridge Drive, for a distance of 0.73 mi (3870 feet).

(b) 45 miles per hour, Town of Fulton, Rock County, from the intersection of County Trunk Highway “H” (north intersection) easterly to a point 150 feet east of Staff Road, for a distance of 0.32 mi (1700 feet).

(c) 25 miles per hour, Town of Fulton, Rock County, from a point 2570 feet west of County Trunk Highway “F” (southbound intersection) easterly to a point 920 feet east of County Trunk Highway “F” (southbound intersection), for a distance of 0.66 mi (3490 feet).

(d) 35 miles per hour, Town of Fulton, Rock County, from a point 920 feet east of County Trunk Highway “F” (Southbound intersection) easterly to a point 2930 feet west of USH 51 (northern intersection), for a distance of 0.30 mi (1560 feet).

(e) 35 miles per hour, Town of Milton, Rock County, from a point 200 feet west of Forest Lake Drive easterly to a point 175 feet east of Ivanhoe (Milton west city limit), for a distance of 0.25 mi (1337 feet).

(f) 35 miles per hour, Town of Milton, Rock County, from STH 59 southeasterly to a point 270 feet north of Putnam Parkway, for a distance of 0.20 mi (1070 feet).

- (g) 45 miles per hour, Town of Milton, Rock County, from a point 270 feet north of Putman Parkway southeasterly to the intersection of Harmony-Milton Townline Road, for a distance of 0.60 mi (3190 feet).
  - (h) 35 miles per hour, Town of Johnstown, Rock County, from the intersection of Hall Road southeasterly to a point 1150 feet southeast of County Trunk Highway “A”, for a distance of 0.38 mi (2000 feet).
- (13) County Trunk Highway “O”
- (a) 35 miles per hour, Town of La Prairie, Rock County, from a point 1200 feet east of Todd Drive easterly to a point 950 feet east of Read Road of a distance of 0.44 mi (2332 feet).
  - (b) 40 miles per hour, Town of La Prairie, Rock County, from a point 950 feet east of Read Road easterly to the I-39/90 Overpass, for a distance of 0.26 mi (1379 feet).
- (14) County Trunk Highway “Q”
- (a) 45 miles per hour, Town of Beloit, Rock County, from the intersection of County Trunk Highway “D” easterly to the intersection of USH 51, for a distance of 0.8 mi (4200 feet).
- (15) County Trunk Highway “S”
- (a) 35 miles per hour, Town of Turtle, Rock County, from the intersection of Hart Road northeasterly to a point 990 feet north of CTH BT, for a distance of 0.64 mi (3370 feet).
  - (b) 45 miles per hour, Town of Turtle, Rock County, from a point 990 feet north of CTH BT northeasterly to a point 625 feet southwest of Water Street, for a distance of 2.38 mi (12,540 feet).
  - (c) 35 miles per hour, Town of Turtle, Rock County, from a point 625 feet southwest of Water Street northeasterly to the intersection of County Trunk Highway “J”, for a distance of 0.18 mi (950 feet).
- (16) County Trunk Highway “T”
- (a) 35 miles per hour, Town of Spring Valley, Rock County, from a point 1300 feet south of 23<sup>rd</sup> Street northerly to a point 150 feet north of the intersection of 10<sup>th</sup> Street, for a distance of 1.16 miles (6100 feet).
  - (b) 25 miles per hour, Town of Spring Valley, Rock County, from a point 150 feet north of the intersection of 10<sup>th</sup> Street northerly to the intersection of STH 11, for a distance of 0.55 mi (2900 feet).

- (17) County Trunk Highway “WC”
  - (a) 45 miles per hour, Town of Janesville, Rock County, from a point 225 feet west of Waveland easterly to a point 840 feet west of Sunset, for a distance of 0.17 mi (900 feet).
- (18) County Trunk Highway “X”
  - (a) 35 miles per hour, Town of Clinton, Rock County from 325 ft. east of Olson Drive easterly to a point 275 feet east of Scot Drive, for a distance of 0.38 mi (2005 feet).
- (19) County Trunk Highway “Y”
  - (a) 25 miles per hour, Town of Harmony, Rock County, from the intersection of STH 26 northwesterly to the intersection of John Paul Road, for a distance of 0.32 mi (1700 feet).
  - (b) 45 miles per hour, Town of Harmony, Rock County, from the intersection of John Paul Road northerly to a point 650 feet south of Walnut Grove, for a distance of 0.27 mi (1400 feet).
  - (c) 45 miles per hour, Town of Milton, Rock County, from a point 275 feet south of Vincent Street northerly to the intersection of High Street (Milton city limit), for a distance of 0.30 mi (1565 feet).
- (20) Any person violating any subsection of county ordinance 3.103 may be required to forfeit not less than \$20.00 nor more than \$200.00.
- (21) Section 3.103 shall be effective upon publication and once official signs giving notice of the limits have been erected by the County.

### **3.104 Parking Prohibited in Certain Specified Places**

In addition to all other parking restrictions incorporated by reference, the following specific parking ordinance shall apply.

- (1) Janesville Ordinance – Parking in Court House Lots
  - (a) Parking on the east and west side of the Court House in Janesville is covered by a Janesville parking ordinance, section 10.44.020, and policed by the Janesville Police Department, pursuant to agreement between the County and the City of Janesville.

It would be confusing to have a county ordinance covering the same ground. The regulations of the Janesville ordinance are set forth at this point for easy reference only to the regulations.

Janesville Ordinance:

10.44.020 Courthouse parking lots--Additional restrictions.

In the upper and lower courthouse parking lots, the following restrictions shall apply in addition to all others provided by this title:

(A) No person shall stop, park or leave standing any vehicle in any space specifically designated for a particular person, official or type of vehicle, unless such person is that particular person or official or is driving that type of vehicle.

(B) The limitations regarding parking in the courthouse parking lots shall apply only from seven-thirty a.m. until five-thirty p.m. on Monday through Friday. Such limitations shall not be applicable on Saturdays, Sundays or holidays on which the courthouse is not open for the transaction of official business.

(C) The courthouse parking lots shall be closed for all purposes between ten p.m. and six a.m., except by specific permission of the police department. (Ord. 83-335 §1(part), 1983).

(2) Janesville Township Parking

(a) No person shall park any vehicle on the east side of County Trunk Highway "E" from a point 100 feet southeasterly of the southern-most intersection of County Trunk Highway "E" and North Hackbarth Road to a point 100 feet northwesterly of the intersection of County Trunk Highway "E" and West Hilltop Drive, a distance of 1,060 feet, in Janesville Township.

(3) Plymouth Township Parking

(a) No person shall park any vehicle on either the east or west sides of County Trunk Highway "H" from Front Street to South Street, a distance of 1,350 feet, in Plymouth Township.

(4) Any person violating county ordinances 3.104 (1) through (2) may be required to forfeit not less than \$3.00 nor more than \$50.00.

(5) Any person violating those county ordinances incorporating and set out fully in Wisconsin Statutes 346.50 to 346.55 shall be subject to the forfeiture as provided in s. 346.56, Stats.

### **3.105 Traffic Officer May Move Improperly Parked Vehicle**

- (1) Whenever any traffic officer finds a vehicle parked in violation of a prohibition, limitation or restriction on stopping, standing or parking, he is authorized to move such vehicle, or to require the operator in charge thereof to move such vehicle or to arrange to have such vehicle moved to a position where parking is not prohibited. In the event an officer arranges to have a vehicle moved pursuant to this ordinance, the charge, if any therefore, shall be charged to either the owner or operator of said vehicle.
- (2) In case of abandonment under section 342.40 (over 48 hours) the Sheriff may dispose of the vehicle pursuant to that section to meet impounded costs.

### **3.106 Prohibited Practice, Unlicensed Vehicle**

- (1) No person shall ride or operate go-carts, snowmobiles, or any other unlicensed motorized vehicle upon the sidewalks or highways, except for purposes of removing snow on sidewalks.
- (2) Any person violating this ordinance may be required to forfeit not less than \$4.00 nor more than \$50.00.

### **3.107 Temporary Parking Restrictions**

- (1) The Rock County Sheriff or his delegated agent is hereby empowered to make temporary parking regulations to provide for abnormal conditions. Such regulations shall be effective for not to exceed 30 days at a time. A list of such regulations shall be placed on file at the Rock County Sheriff's Department and be open for public inspection. To be effective, such temporary regulations must be posted in the areas affected.
- (2) Any person violating such temporary regulations may be required to forfeit not less than \$3.00 nor more than \$50.00.

### **3.108 Enforcement**

- (1) This Ordinance shall be enforced in accordance with the provisions of ss. 345.20 to 345.61, Wisconsin Statutes, 1981-1982, and s. 66.12, Wisconsin Statutes, 1981-1982, including all changes and amendments now or hereafter made thereto.
- (2) The Rock County Sheriff's Department may enforce all county parking violations by use of a simplified notice of parking violation. The form of such notice shall be approved by the District Attorney. The Rock County Sheriff is authorized to accept the minimum forfeiture of \$3.00 and no costs within ten (10) days of issuance, so long as no arrest has been made or summons issued.



- (3) Penalty.
- (a) The penalty for violations of any provision of this ordinance shall be forfeiture as herein provided, or shall conform to forfeitures for violation of the comparable state statutes if none is provided herein, or if not provided elsewhere, a general forfeiture of not to exceed \$50.00, together with the cost of prosecution imposed as provided in ss. 345.20 to 345.53, Wisconsin Statutes, 1981-1982.
  - (b) Authority to Stay Execution. The judgment or imposition of any fine or forfeiture, costs or alternative penalty may be suspended or deferred for not more than 60 days in the discretion of the court.
  - (c) Sentence in the Alternative. If the judgment is not paid, the court may order that the defendant be incarcerated in the county jail for a time specified by the court until the judgment is paid, but not to exceed 30 days.
  - (d) Ordinance Penalty to Control. Any forfeiture or penalty specified within this Code of General Ordinances shall supercede and prevail over any fine, forfeiture or penalty imposed by the Laws of the State of Wisconsin, if in conflict therewith.

### **3.109 Reference to Statutes**

References to specific statutory sections whenever used in this ordinance shall mean the Wisconsin Statutes of 1981-1982, including all changes and amendments now or hereafter made thereto.

### **3.110 Conformity**

The County Board in adopting this traffic and parking code has the intention of drafting its provisions to be in strict conformity with the state statutes. It is the intention of the County Board that courts will construe this code to be in strict conformity unless the language compels a different construction.

### **3.111 Severability**

It is the intention of the County Board that each section, paragraph, sentence, clause and provision of this code is severable and if any provisions shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the code nor any part thereof other than that affected by such decision.

### **3.112 Effective Date**

This ordinance shall take effect the day after its publication.

## **Part 2 – Public Peace and Order**

### **3.201 Disorderly Conduct**

No person in a public or private place shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.

### **3.202 Unnecessary and Annoying Noise**

(a) No person, in any public or private place, shall operate a motor vehicle in such a manner as to cause unnecessary and annoying noise or sound.

(b) All persons owning, possessing or harboring a dog shall prevent such dog from barking or howling in the unincorporated areas of the county. Barking or howling does not mean barking or howling on infrequent occasions, but does mean barking or howling sufficiently often so as to be unreasonably disturbing to other persons in the neighborhood.

(c) No person shall make any unnecessary and annoying noise. No person shall through the means of sound amplifiers or other instruments, make or emit loud or raucous noise in the public streets, public parks or other public places.

### **3.203 Penalties for Violating ss. 3.201 and 3.202**

Any person violating any of the provisions of ss. 3.201 or 3.202 shall be subject upon conviction to a forfeiture not to exceed \$500, and in default of payment, by imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

### **3.204 State Alcohol Beverage Law Adopted**

All of the provisions of the following Wisconsin Statutes relating to crimes are hereby adopted and incorporated herein by reference including all changes and amendments now or hereafter made thereto, except that the penalty for violating any of these provisions shall be a forfeiture or, in the case of a minor, pursuant to 48.343, Wis. Stats., 2011-2012. It is the intent of this section to adopt the following state statutes and to strictly conform to said statutes as the same may be amended from time to time.

- (1) 125.07 Underage and intoxicated persons; presence on licensed premises; possession;
  - (a) 125.07(1)(a)1, 2, 3, 4 Alcohol Beverages; Restrictions Relating to Underage Persons;
  - (b) 125.07(2)(a)1, 2 Sales of Alcohol Beverages to Intoxicated Persons;

- (c) 125.07(3)(a) Presence in Places of Sale;
- (d) 125.07(4)(a), (b), (bm) Underage Persons; Prohibitions;
- (2) 125.075 Injury or death by providing alcohol beverages to a minor.
- (3) 125.085 Proof of age.
- (4) 125.09 General restrictions.
  - (a) 125.09(1) Public Place.
  - (b) 125.09(2) Possession of Alcohol.
  - (c) 125.09(3) Place-To-Place Deliveries.
- (5) 125.105(1) Impersonating an officer.
- (6) 125.315 Evading provisions of law by giving away fermented malt beverages.
- (7) Penalties and enforcement.

Any person who violates any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00, nor more than \$250.00 for each violation together with the costs of prosecution and forfeiture.

Section 3.204 shall be effective upon publication.

### **3.205 Littering**

Whoever does any of the following shall be subject, upon conviction, to a forfeiture not to exceed \$200, and in default of payment, by imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days:

- (1) Dumps, deposits, places, throws, abandons, or otherwise disposes of any can, bottle, paper, debris, refuse or other solid waste material in any public place or any property owned or operated by Rock County, except by leaving in receptacles provided for that purpose.
- (2) Dumps, deposits, places, throws, abandons, or otherwise disposes of any can, bottle, paper, debris, refuse or other solid waste material on or along any highway or on any private place.

### 3.206 State Criminal Laws Adopted

All of the provisions of the following Wisconsin Statutes relating to crimes are hereby adopted and incorporated herein by reference including all changes and amendments now or hereafter made thereto, except that the penalty for violating any of these provisions shall be a forfeiture or, in the case of a minor, pursuant to 48.343, Wis. Stats., 1981-1982. It is the intent of this section to adopt the following state statutes and to strictly conform to said statutes as the same may be amended from time to time.

(1) 940.19 (1) BATTERY.

Whoever causes bodily harm to another, as bodily harm is defined in 939.22 (4), Wis. Stats., 1981-1982, by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed shall be subject upon conviction to a forfeiture not to exceed \$1000.

(2) 941.10 NEGLIGENT HANDLING OF BURNING MATERIAL.

(a) Whoever handles burning material in a highly negligent manner shall be subject upon conviction to a forfeiture not to exceed \$1000.

(b) Burning material is handled in a highly negligent manner if, under the circumstances, the person should realize that he/she creates an unreasonable risk and high probability of death or great bodily harm to another or serious damage to another's property.

(3) 941.13 FALSE ALARMS.

Whoever intentionally gives a false alarm to any public officer or employe, whether by means of a fire alarm system or otherwise, shall, upon conviction, be subject to a forfeiture not to exceed \$1000.

(4) 941.20 RECKLESS USE OF WEAPONS.

(1) Whoever does any of the following shall, upon conviction thereof, be subject to a forfeiture not to exceed \$1000:

- (a) Endangers another's safety by reckless conduct in the operation or handling of a firearm, airgun, knife or bow and arrow; or
- (b) Operates or goes armed with a firearm while he is under the influence of an intoxicant; or
- (c) Intentionally points a firearm at or toward another.

(d) While on the lands of another discharges a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. "Building" as used in this paragraph does not include any house trailer, mobile home, tent, bus, truck, vehicle or similar portable unit.

(2) 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 known chances of perpetrating an injury. It is intended that this definition embraces all of the elements of what was heretofore known as gross negligence in the criminal law of Wisconsin.

(5) 941.22 POSSESSION OF PISTOL BY MINOR.

(a) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor shall be, upon conviction, subject to s. 48.343, Wis. Stats.

(b) This section does not apply to a minor who is armed with a pistol when such pistol is being used in target practice under the supervision of an adult nor does it apply to an adult who transfers a pistol to a minor for use only in target practice under his supervision.

(c) All sheriffs, their undersheriffs, and deputies, constables, and policemen shall take from a minor any pistol found in his possession in violation of this section.

(d) In this section pistol means any firearm having a barrel less than 12 inches long.

(6) 943.01 (1) DAMAGE TO PROPERTY.

Whoever intentionally causes damage to any physical property of another without the person's consent shall be, upon conviction, subject to a forfeiture not to exceed \$1000.

(7) 943.13 TRESPASS TO LAND.

(a) Whoever does any of the following shall be, upon conviction, subject to a forfeiture not to exceed \$1000:

1. Enters any enclosed or cultivated land of another with intent to catch or kill any birds, animals, or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities.

2. 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.

3. Hunts, shoots, fishes or gathers any product of the soil on the premises of another, or enters said premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.

4. Enters any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.

(b) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign at least 11 inches square must be 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 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 herein provided were erected or in existence upon the premises to be protected within 6 months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

(c) Whoever erects on the land of another signs which are the same as or similar to those described in sub. (b) without obtaining the express consent of the lawful occupant of or holder of legal title to such land shall be, upon conviction, subject to a forfeiture not to exceed \$1000.

(d) Nothing in this section shall prohibit a representative of a labor union from conferring with any employe provided such conference is conducted in the living quarters of the employe and with the consent of the employe occupants.

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

(8) 943.14 TRESPASS TO DWELLINGS.

Whoever intentionally enters 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, shall be, upon conviction, subject to a forfeiture not to exceed \$1000.

(9) 943.20 (1)(a) THEFT.

(a) Whoever intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without his express consent and with intent to deprive the owner permanently of possession of such property shall be, upon conviction, subject to a forfeiture not to exceed \$1000.

(b) Definitions. In this section:

1. "Property" means 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.
2. "Movable property" means property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found in land.
3. "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.

(10) 943.21 FRAUD ON HOTEL OR RESTAURANT KEEPER.

(a) Whoever does either of the following shall be, upon conviction, subject to a forfeiture not to exceed \$1000.

1. Having obtained any food, lodging or other service or accommodation at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally absconds without paying for it.
2. While a guest at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally defrauds the keeper thereof in any transaction arising out of the relationship as guest.

(b) Under this section, prima facie evidence of an intent to defraud is shown by:

1. The refusal of payment upon presentation when due, and the return unpaid of any bank check or order for the payment of money, given by any guest to any campground, hotel, motel, boarding or lodging house, or restaurant, in payment of any obligation arising out of the relationship as guest. Those facts also constitute prima facie evidence of an intent to abscond without payment.
2. The failure or refusal of any guest at a campground, hotel, motel, boarding or lodging house or restaurant, to pay, upon written demand, the established charge for food, lodging or other service or accommodation actually rendered.
3. The giving of false information on a lodging registration form or the presenting of false or fictitious credentials for the purpose of obtaining lodging or credit.

4. The drawing, endorsing, issuing or delivering to any campground, hotel, motel, boarding or lodging house, or restaurant, of any check, draft or order for payment of money upon any bank or other depository, in payment of established charges for food, lodging or other service or accommodation, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

(11) 943.23 OPERATING VEHICLE WITHOUT OWNER'S CONSENT.

(1) Whoever intentionally takes and drives any vehicle without the consent of the owner shall be, upon conviction, subject to a forfeiture not to exceed \$1000.

(12) 943.24 ISSUE OF WORTHLESS CHECK.

(1) Whoever issues any check or other order for the payment of money less than \$500 which, at the time of issuance, he or she intends shall not be paid, shall be, upon conviction, subject to a forfeiture not to exceed \$500.

(2) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for the payment of money, intended it should not be paid:

(a) Proof that, at the time of issuance, the person did not have an account with the drawee; or

(b) 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 5 days after receiving notice of nonpayment or dishonor to pay the check or other order; or

(c) 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 5 days after receiving notice of nonpayment or dishonor to pay the check or other order.

(3) This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

(13) 943.50 RETAIL THEFT.

(1) Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of the merchant without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise shall be, upon conviction, subject to a forfeiture not to exceed \$1000.



(2) 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 such 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 such goods.

(3) Definitions:

1. "Merchant" includes any merchant as defined in s. 402.104 (1), Stats., or any innkeeper, motelkeeper or hotelkeeper.

2. "Value of merchandise" means:

(a) For property of the merchant, the value of the property; or

(b) For merchandise held for resale, the merchant's stated price of the merchandise or, in the event of altering, transferring or removing a price marking or causing a cash register or other sales device to reflect less than the merchant's stated price, the difference between the merchant's stated price of the merchandise and the altered price.

(14) 943.55 REMOVAL OF SHOPPING CART.

Whoever intentionally removes a shopping cart or stroller from either the shopping area or a parking area adjacent to the shopping area to another place without authorization of the owner or person in charge and with the intent to deprive the owner permanently of possession of such property shall be, upon conviction, subject to a forfeiture not to exceed \$50.

(15) 946.40 REFUSING TO AID OFFICER.

(a) Whoever, without reasonable excuse, refuses or fails, upon command, to aid any person known by the person to be a peace officer shall be, upon conviction, subject to a forfeiture not to exceed \$500.

(b) This section does not apply if under the circumstances the officer was not authorized to command such assistance.

(16) 946.41 RESISTING OR OBSTRUCTING OFFICER.

(a) Whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority, shall be, upon conviction, subject to a forfeiture not to exceed \$1000.

(b) In this section:

1. "Officer" means a peace officer or other public officer or public employe having the authority by virtue of his office or employment to take another into custody.

2. "Obstructs" includes without limitation knowingly giving false information to the officer with intent to mislead him in the performance of his duty including the service of any summons or civil process.

(c) Whoever by violating this section hinders, delays or prevents an officer from properly serving or executing any summons or civil process, is civilly liable to the person injured for any actual loss caused thereby and to the officer or his superior for any damages adjudged against either of them by reason thereof.

(17) 947.012 UNLAWFUL USE OF TELEPHONE.

Whoever does any of the following shall be, upon conviction, subject to a forfeiture not to exceed \$1,000:

(1) With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.

(2) With intent to frighten, intimidate, threaten, abuse, harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(3) Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

(4) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

(5) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse, threaten or harass any person at the called number.

(6) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.

(18) 947.15 CONTRIBUTING TO THE DELINQUENCY OF CHILDREN;  
NEGLECT;

(a) The following persons shall be, upon conviction, subject to forfeiture not to exceed \$1000.

1. Any person 18 or older who intentionally encourages or contributes to the delinquency of any child as defined in s. 48.02 (3m) or the neglect of any child. This subsection includes intentionally encouraging or contributing to an act by a child under the age of 12 which would be a delinquent act if committed by a child 12 years of age or older; or

2. Any parent, guardian or legal custodian who by neglect, or disregard of the morals, health or welfare of his or her child contributes to the delinquency of that child. This subsection includes neglect or disregard on the part of the parent which results in the commission or probable commission by a child under the age of 12 of an act which would be a delinquent act if committed by a child 12 years of age or older.

(b) An act or failure to act contributes to the delinquency or neglect of a child, although the child does not actually become neglected or delinquent, if the natural and probable consequences of that act or failure to act would be to cause the child to become delinquent or neglected.

(19) Repealed. Resolution 13-2A-244, 02/28/2013

(20) 961.41 (3) POSSESSION OF CONTROLLED SUBSTANCE.

(a) Subject to subsection (am), it is unlawful for any person to possess a controlled substance, as that term is defined in Chapter 961, Wisconsin Statutes, other than a controlled substance classified in Schedule I or II of Chapter 961, Wisconsin Statutes, which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner as defined in Chapter 961, Wisconsin Statutes, while acting in the course of his professional practice, or except as otherwise authorized by Chapter 961, Wisconsin Statutes.

(am) It is unlawful for any person to possess 28 grams or less of tetrahydrocannabinol as defined and including in Wis. Stat. § 961.14(4)(t).

(b) Except as provided in subsection (bm), Possession of Drug Paraphernalia. Wisconsin Statutes § 961.573 is adopted by reference and made a part of this chapter as if fully set forth herein.

(bm) It is unlawful for any person to possess drug paraphernalia as defined by Wis. Stat. § 961.571(1)(a)(11).

(c) Penalties: Any person who violates this section shall be, upon conviction, subject to a forfeiture as described below:

1. For violation of subsection (a), a forfeiture not to exceed \$500.
2. For violation of subsection (am) a forfeiture of \$1.
3. For violation of subsection (b) a forfeiture no to exceed \$500.
4. For violation of subsection (bm) a forfeiture of \$1.

### **3.207 Trespass at Rock County Jail or Rock County Youth Services Center.**

(a) Whoever enters any restricted area posted as a restricted area pursuant to the requirements of par. (b) in an area within 50 feet of the Rock County Jail or Rock County Youth Services Center shall be, upon conviction, subject to a forfeiture of not less than \$100 nor more than \$1,000.

(b) For the land to be posted, a sign at least 11 inches square must be placed in at least 2 conspicuous places for every 500 feet around the Rock County Jail and Rock County Youth Services Center. The sign must carry an appropriate notice and that the notice is given by order of the Rock County Board of Supervisors and the Rock County Sheriff. Proof that appropriate signs, as herein provided, were erected or in existence upon the premises to be protected within 6 months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

(c) Nothing in this section shall prohibit an off-duty employee of the Sheriff's Department or anyone else who has obtained the express permission or consent of the Sheriff of Rock County, or the Sheriff's authorized representative, from entering the area specified in par. (a).

### **3.208 Possession or Consumption of Beer and Liquor Restricted**

No person shall carry about any open can, bottle or other container containing fermented malt beverage or intoxicating liquor or drink from the same on any public street, road, highway, alley, or walk or other public place without a license or permit to do the same. This section does not apply to a public park. Any person who violates this section shall be, upon conviction, subject to a forfeiture not to exceed \$200.

### **3.209 Animals at Large, Untagged Dogs and Dogs Rabies Program**

(1) An owner, keeper, or custodian of an animal shall not permit, whether negligently or otherwise, the animal to run at large. An animal is considered to be running at large if it is off the premises of the owner, keeper, or custodian and not under the control of the owner, keeper, or custodian.

(2) If the owner, keeper, or custodian of an animal negligently or otherwise permits an animal to run at large, he/she shall forfeit not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$200 for subsequent offenses.

(3) The following Wisconsin Statutes relating to dogs are hereby adopted and incorporated herein by reference including all changes, amendments and revisions now or hereafter made thereto:

(A) 174.02(2) PENALTIES IMPOSED ON OWNER OF DOG CAUSING DAMAGE.

(a) *Without notice.* The owner of a dog shall forfeit not less than \$50 nor more than \$2,500 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(b) *After notice.* The owner of a dog shall forfeit not less than \$200 nor more than \$5,000 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds, and if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(B) 174.042 (2) & (3) Untagged Dogs Subject to Impoundment; Penalties.

(2) UNTAGGED DOG. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(3) DOG RUNNING AT LARGE OR UNTAGGED DOG SUBJECT TO IMPOUNDMENT. Any officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(C) 95.21 Rabies control program.

(2) RABIES VACCINATION REQUIRED FOR DOGS.

(a) *Requirement for vaccination.* Except as required in s. 174.054 or sub. (9)(d), the owner of a dog shall have the dog vaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 89.05(2)(d), at no later than 5 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 5 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 89.05(2)(d), before the date that the immunization

expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination.

(4) QUARANTINE OR SACRIFICE OF AN ANIMAL SUSPECTED OF BITING A PERSON OR BEING INFECTED OR EXPOSED TO RABIES.

(a) *Quarantine or sacrifice of dog or cat.* An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(5) QUARANTINE OF DOG OR CAT.

(a) *Delivery to isolation facility or quarantine on premises of owner.* An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. If an officer delivers a dog or orders a dog to be delivered to an isolation facility and the dog is exempt from the requirement to be vaccinated against rabies under sub. (9)(d), the owner of the dog may choose an isolation facility that is a veterinary hospital.

(10) PENALTIES.

(a) *Failure to obtain rabies vaccination.* An owner who fails to have a dog vaccinated against rabies as required under sub. (2)(a) may be required to forfeit not less than \$50 nor more than \$100.

(b) *Refusal to comply with order or quarantine.* An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than \$100 nor more than \$1,000.

(4) Abatement of Violations.

(A) Issuance of Order. If a humane officer or law enforcement officer after investigation has reasonable grounds to believe that a violation of a statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the humane officer or law enforcement officer may issue and serve an order of abatement directed to named persons.

- (B) Content of Order. An abatement order issued under sub. (A) shall contain all of the following:
  - (1) The name and address of the person to whom directed.
  - (2) The statute or ordinance alleged to be violated.
  - (3) A prohibition on further violations.
  - (4) A description of measures necessary to correct the alleged violation.
  - (5) A description of the hearing and appeal provisions under subs. (C) and (E)
- (C) Hearing. Any person named in an abatement order may appeal such order to the Rock County Administrator or his/her designee within 10 days of service of the order. The hearing shall be held within 10 days after the request is made, unless the requester agrees to a later date. The hearing shall be informal in nature.
- (D) Decision. Within 10 days after the hearing, the Rock County Administrator or his/her designee shall affirm the order, modify and affirm the order or withdraw the order.
- (E) Appeal. Any person adversely affected by a decision under sub. (3) may seek judicial review by commencing an action in circuit court within 30 days after the day that the decision is issued.

### **3.210 Loitering or Prowling**

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 actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting the actor to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm. A person who violates this section shall, upon conviction, be subject to a forfeiture not to exceed \$500.

### **3.211 Fireworks Regulated**

Section 167.10, Wisconsin Statutes, including all changes, amendments and revisions now or hereafter made thereto, is hereby adopted and incorporated herein by reference provided, however, that the penalty for violating any of the provisions of s. 167.10 shall be a forfeiture of not more than \$1000.

### **3.212 Shining Animals; Possession of Live Wild Animals**

(1) Section 29.314 of the Wisconsin Statutes of 2011-2012 and as may be thereafter amended is adopted by reference hereby as if set forth in full. It is intended that this ordinance shall strictly conform to the Wisconsin Statutes. Whenever this ordinance and the statutes conflict, the statutes shall control.

(2) Section 169.04 of the Wisconsin Statutes of 2011-2012 and as may be thereafter amended is adopted by reference hereby as if set forth in full. It is intended that this ordinance shall strictly conform to the Wisconsin Statutes. Whenever this ordinance and the statutes conflict, the statutes shall control.

(3) Penalty. A person who violates any of the provisions of this ordinance shall be, upon conviction, subject to a forfeiture of not more than \$1000.

### **3.213 Regulation of Boating**

(1) All of the provisions and sections of 30.50 to 30.71, and 30.80, Wis. Stats., including all changes, revisions and amendments now or hereafter made thereto are hereby adopted and incorporated herein by reference. All of the provisions and sections of NR-5, Boat Regulations and Registration, Wisconsin Administrative Code, including all changes, revisions and amendments now or hereafter made thereto are hereby adopted and incorporated herein by reference. It is the intent of this section to be at all times in strict conformity with sections 30.50 to 30.71, and 30.80, Wis. Stats., and NR-5, Wisconsin Administrative Code.

(2) Boat Excluded Area

To protect the public's safety, no person shall operate a boat in the following described area of the Rock River in the Town of Fulton: Beginning at a line paralleling the centerline of the County Trunk highway "M" Bridge 46' north thereof, then including the entire waterway downstream of said line to the Indianford Dam. This area shall be designated by regulatory markers approved by the Department of Natural Resources.

(3) Penalties

Any person violating any provisions adopted in (1) or (2) of this section shall be subject to penalties in strict compliance with s. 30.80, Wis. Stats., with violations of incorporated NR-5 provisions subject to the general penalty provision thereunder.

### **3.214 Penalties**

(1) Any person, except a minor, convicted of violating any of the above sections of this chapter who fails to pay or defaults in payment of the forfeiture and costs imposed may be imprisoned in the county jail but not to exceed 30 days.



(2) Section 938.534(1)(b) of the Juvenile Justice code of the Wisconsin Statutes (2009-2010) relating to the use of short-term detention as a dispositional option for youth on intensive supervision is hereby adopted and incorporated herein by reference including all changes and amendments now or hereafter made thereto.

### **3.215 Severability**

It is the intention of the County Board that each section, paragraph, sentence, clause, and provision of this chapter is severable and if any provision shall be held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the chapter nor any part thereof other than that affected by such decision.

### **3.216 Habitual Truancy Prohibited**

- (1) No child subject to school attendance laws shall be a habitual truant as defined in this section.
- (2) For purposes of this section, "habitual truant" means a child or pupil who is absent from school without an acceptable excuse as provided in sec. 118.15, Wis. Stats., as may be amended from time to time, for either of the following:
  - (a) Part or all of five or more days out of ten consecutive days on which school is held during a school semester.
  - (b) Part or all of ten or more days on which school is held during a school semester.
- (3) A child found to have violated the provisions of this section shall be subject to one or more of the following dispositions by the court pursuant to sec. 48.125, Wis. Stats., as may be amended from time to time:
  - (a) Suspension of the child's operating privilege, as defined in sec. 340.01(40), Wis. Stats., as may be amended from time to time, for not less than 30 days nor more than 90 days. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the direction of the suspension.
  - (b) An order for the child to participate in counseling, community service or a supervised work program under sec. 48.34(9), Wis. Stats., as may be amended from time to time.
  - (c) An order for the child to remain at home except during hours in which the child is attending religious workshop or a school program, including travel time required to get to and from the school program or place of workshop.

The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.

- (d) An order for the child to attend an educational program under sec. 48.34(12), Wis. Stats., as may be amended from time to time.

### **3.217 Contributing to Truancy**

- (1) Except as provided in sub. (2), any person 18 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy, as defined under sec. 118.16(1)(c), Wis. Stats., as may be amended from time to time, of a child is guilty of a violation.
- (2) Subsection (1) does not apply to a person who has under his or her control a child who has been sanctioned under sec. 49.50(7)(h), Wis. Stats., as may be amended from time to time.
- (3) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.
- (4) A person adjudged to have violated sections 3.216 or 3.217 of this ordinance shall be subject to a forfeiture of not less than \$50 nor more than \$500.

EFFECTIVE DATE: This ordinance shall take effect the day after its publication.

### **3.218 Burglar Alarm Systems**

- (1) Purpose and Authority

Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by the Sheriff's Department with minimization of time spent on alarms which are false or improper. The County Board is authorized under s. 59.54(6) to regulate the use of alarms.

- (2) Definitions. As used in this section:

- (a) "Alarm business" means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems(s).

- (b) "Alarm system" means any mechanical or electrical equipment designed and arranged to immediately signal or otherwise notify the occurrence or potential occurrence of a burglary or robbery, including, but not limited to, local and other alarms employing an audible signal and/or a flashing light or beacon designed to

signal persons outside the premises. Excluded from this definition and from the scope of this chapter are alarms and alarm systems used solely to alert or signal persons within the premises in which the alarm system is located.

(c) "Answering service" refers to a telephone answering service which receives on a generally continuous or ongoing basis through trained or other employees, emergency signals from alarm systems and thereafter immediately relaying the alarm, signal or message or the fact of the alarm, signal or message by any means or form including, but limited to, by live voice to the communication or alarm center of the sheriff's department.

(d) "Annunciator" means the instrument(s) or device(s) on an alarm console or other device at the receiving terminal of a signal line which through visual and/or audible signals indicates that an alarm device at a particular location has been activated. The activation of an "Annunciator" may also result from line trouble.

(e) "Automatic dialing device" refers to an alarm system which over regular telephone lines and by direct connection or otherwise automatically sends a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designated to detect.

(f) "Burglar alarm system" refers to an alarm system signaling an entry or attempted entry into the area protected by the system.

(g) "Holdup alarm system" refers to an alarm system signaling a robbery or attempted robbery.

(h) "Direct connect" means an alarm system which has the capability of transmitting system signals to and then receiving them at an agency maintained by the local government; for example, a public safety communication center.

(i) "False police alarm" means an alarm notification summoning the sheriff's department to the location of an alarm activation in which the responding police officer finds no evidence of the crimes of burglary, attempted burglary, robbery or attempted robbery. "False police alarm" does not include an alarm activation signal caused by extraordinary extremes of weather such as high winds, lightning storms or other systemic electric disturbances, nor shall the owner be penalized for alarms intentionally started by invitees or trespassers.

(j) "Interconnect" means the connection of an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone for the purpose of using the telephone line to transmit an emergency message or alarm upon the activation of the alarm system.

(k) "Modified central station" means a location to which remote alarm and supervisory signaling devices are connected and in which operators supervise the circuits.

(l) "Primary trunkline" means a telephone line leading directly into the communication center of the sheriff's department/ communication center that is for the purpose of handling emergency calls on a person-to-person basis, which is identified as such by a specific emergency number or numbers listed in the telephone directory issued by the telephone company, and which covers service area within the sheriff's departments' jurisdiction.

(m) "Subscriber" means a person who buys, leases, or otherwise obtains an alarm signaling device system or related service(s) and thereafter contracts with, hires or retains an alarm business to monitor and/or service the alarm device or system.

(3) Automatic Dialing Devices Prohibited

No person shall interconnect any automatic dialing device to the sheriff's department primary trunkline. The sheriff may approve, however, a direct line installation between a modified central station or answering service to the sheriff's department, but only if the full costs thereof shall be borne by the intermediate service. The sheriff may revoke such approval and require disconnection of any alarm system whenever he judges it to be producing an excessive number of false alarms until satisfied that effective and permanent corrective action has been taken.

(4) Direct Connections to the Sheriff's Department

Alarms from business premises may be terminated in the sheriff's department by direct connect. Such connections must receive individual approval of the Sheriff. Such connections shall be accomplished in the following manner:

(a) All connections shall terminate in an annunciator panel.

(b) The alarm subscribers approved for a direct connection to the sheriff's department or the alarm business contracting for servicing the subscriber's alarm system, shall be responsible for obtaining the leased telephone line between subscriber's premises and the alarm receiving equipment the Sheriff's department and for furnishing the appropriate interface equipment, if required, in order to provide an input signal which is compatible with the receiving equipment used to operate the standard annunciator panel.

(c) The alarm subscriber will provide the sheriff's department with the names and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by the automatic alarm device, and who can open the premises wherein the device is installed. If none of such persons can be contacted, or fail to appear to open the

premises, or deactivate a false alarm, within thirty (30) minutes after being notified, then the alarm system subscriber may be guilty of a violation of this ordinance. The alarm subscriber shall be responsible for keeping the call list current by submitting names with an authorized agent's signature.

(d) No residential alarm system will be directly connected to or terminated at the sheriff's department annunciator panel(s).

(e) All installation, connections, and maintenance of private alarm systems with the sheriff's department shall be performed by technicians who have been registered with and approved by the sheriff.

(f) All alarm systems shall be registered with the sheriff's department and shall include the names of the service company installing the system and the location of the alarm.

(5) Testing

(a) No alarm system designed to transmit emergency messages directly to the Sheriff's Department shall be tested or demonstrated without first notifying the Sheriff's Department dispatcher.

(6) Charge for False Alarms

(a) In the event the privately owned alarm system malfunctions because of faulty equipment or improper installation or operation, and a false alarm is generated, whether received or direct connection or via any intermediary, requiring a sheriff's department response, there shall be a charge for repeated false alarms. For any two responses during a calendar year to a premises where a false alarm has occurred, no offense shall be deemed to have occurred. Thereafter, there shall be a charge for the false alarm due and owing as follows: \$50.00 for the third response in any calendar year, \$80.00 for the fourth response in any calendar year, \$100.00 for the fifth response in any calendar year, and \$200.00 for the sixth and all subsequent responses in that calendar year. The charge shall not be imposed when the alarm is caused by a hurricane, tornado, earthquake, fire, electrical storms, or other violent conditions as determined by the sheriff.

(b) All monthly charges for false alarms shall be immediately due and payable and shall be paid to the sheriff's department. In the event that any such charges are not paid in 30 days, the alarm system shall be disconnected, and shall not be reconnected until all delinquent charges are paid and the Sheriff approves reconnection.

(c) After the second false alarm, for which a fee has been charged, the sheriff shall warn the owner/user that probation and disconnection are the next steps. After the third false alarm, for which a fee has been charged, the Sheriff shall place the

business on notice of "Probationary Status" via registered mail. The Probationary period shall be six (6) months in length. During the probationary period the Sheriff shall have sole authority to require the owner/user to disconnect his alarm. Such disconnection shall not exceed six (6) months, and the Sheriff may suspend such disconnection at any time he is convinced that effective and permanent corrective action has been taken.

(7) Effective Date

This ordinance shall take effect and be in force upon passage and publication. False alarms for 1991 shall be counted from January 1, 1991, then each calendar year thereafter, but no charge shall be imposed for responses prior to his effective date. Any person who violates any provision of this ordinance, other than by generating a false alarm, shall forfeit not less than fifty dollars (\$50.00) nor more than two-hundred fifty dollars (\$250.00) together with costs of prosecution.

### **3.219 Endurance Contests Prohibited**

(1) Contests Prohibited. No person, firm or corporation shall advertise, operate, maintain, participate in, promote or aid in advertising, operating, maintaining or promoting any physical endurance contest, exhibition, performance or show in the nature of a "marathon", "walkathon", "skatathon" or any other physical endurance contest, exhibition, performance or show of a like or similar nature, whether or not an admission is charged or a prize is awarded to any person for participation in such physical endurance contest, wherein any person participates in such contest for a period of more than 16 hours in any 24 hours over a period of more than 6 days in one month.

(2) Penalty. Any person, firm or corporation convicted of violating any of the provisions of Section 9.01(1) shall have judgment entered against him that he pay in addition to costs a fine or forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred and Fifty Dollars (\$250.00) for each such offense, and in default of the payment of the judgment that he be imprisoned in the county jail for such time as the court deems fit, not exceeding thirty (30) days for each violation, unless such judgment is sooner paid. Each day for which any of the provisions of said Section 9.01(1) is violated shall constitute a separate offense.

Originally adopted November 16, 1934, Proceedings, Vol. VI, Part 2, page 107.

NOTE: The original ordinance specifically prohibited any "amusement commonly known as Walkathon". In 1935 the state legislature passed a statute, subsection (1) of which is the same as 9.01(1). The statute is presently number 175.15.

### **3.220 Mistreatment of Animals**

The following Wisconsin Statutes are hereby adopted by reference to the 2011-2012 statutes and as subsequently amended:

(A) Definitions: The definitions in Wis. Stats. 951.01 and as subsequently amended apply to this section.

(B) 951.02 Mistreating animals. No person may treat any animal, whether belonging to the person or another, in a cruel manner. This section does not prohibit normal and accepted veterinary practices.

(C) 951.05 Transportation of animals. No person may transport any animal in or upon any vehicle in a cruel manner.

(D) 951.13 Providing proper food and drink to confined animals. No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

(1) FOOD. The food shall be sufficient to maintain all animals in good health.

(2) WATER. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

(E) 951.14 Providing proper shelter. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

(1) INDOOR STANDARDS. Minimum indoor standards of shelter shall include:

(a) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.

(b) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(2) OUTDOOR STANDARDS. Minimum outdoor standards of shelter shall include:

(a) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals

(b) Shelter from inclement weather. 1. 'Animals generally.' Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

2. ‘Dogs.’ If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

(3) **SPACE STANDARDS.** Minimum space requirements for both indoor and outdoor enclosures shall include:

(a) **Structural strength.** The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(b) **Space requirements.** Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(4) **SANITATION STANDARDS.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

(F) 951.15 Abandoning animals. No person may abandon any animal.

(G) Whoever violates this section shall be subject to a forfeiture not to exceed \$500 upon conviction.

### **Part 3 – Large Assemblies**

#### **3.301 Intent**

(1) It is the purpose of the County Board of Supervisors of the County of Rock to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in Rock County in order that the health, safety and welfare of all persons in Rock County, residents and visitors alike, may be protected.

(2) It is the intent of the County Board of Supervisors of the County of Rock that all sections and provisions of this chapter have an independent existence, and, should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of said County Board that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of the chapter.

#### **3.302 License Required**

(1) No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 1,500 or more people which continues or can reasonably be expected to



continue for 8 or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the County Board of Supervisors of the County of Rock, application for which must be made at least 30 days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

(2) As used in this legislation:

(a) "Person" means any individual natural human being, partnership, corporation, firm, company, association, society or group.

(b) "Assembly" means a company of persons gathered together at any location at any single time for any purpose.

(3) A separate license shall be required for each day and each location in which 1,500 or more people assemble or can reasonably be anticipated to assemble; the fee for each license shall be \$100.

(4) A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

(5) The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(a) The license shall not permit such assembly to be held or conducted outside the hours of 9:00 o'clock A.M. to 6:00 o'clock P.M.

(6) This chapter shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

(7) This chapter shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of Rock County.

### 3.303 Conditions for Issuing License

Before he may be issued a license the applicant shall first:

- (1) Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the municipality;
- (2) Provided proof that he will furnish at his own expense before the assembly commences:
  - (a) a fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass;
  - (b) potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least 10 gallons per person per day;
  - (c) separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet;
  - (d) a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person, per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task;
  - (e) physicians and nurses licensed to practice in Wisconsin sufficient to provide the average medical care enjoyed by residents of Wisconsin for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment

rooms for each physician, and at least one emergency ambulance available for use at all times;

(f) if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;

(g) a free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;

(h) telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons;

(i) if the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of this municipality, sufficient to provide camping accommodations for the maximum number of people to be assembled;

(j) security guards, either regularly employed, duly sworn, off duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 200 people;

(k) fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this municipality, and sufficient emergency personnel to efficiently operate the required equipment.

(l) all reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly;

(m) a bond, filed with the clerk of Rock County, either in cash or underwritten by a surety company licensed to do business in Wisconsin at the rate of \$5.00 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless this municipality or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

### **3.304 Application**

- (1) Application for a license to hold an actual or anticipated assembly of 1,500 or more persons shall be made in writing to the Rock County Board of Supervisors at least 30 days in advance of such assembly.
- (2) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there be no officers, by all members of such association, society or group.
- (3) The application shall contain and disclose:
  - (a) the name, age, residence and mailing address of all persons required to sign the application by section 3.304(2) and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock of said corporation;
  - (b) the address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all such property;
  - (c) proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property to an assembly of 1,500 or more persons;
  - (d) the nature or purpose of the assembly;
  - (e) the total number of days and/or hours during which the assembly is to last;
  - (f) the maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the municipality if the assembly is to continue overnight;
  - (g) the maximum number of tickets to be sold, if any;
  - (h) the plans of the applicant to limit the maximum number of people permitted to assemble;

- (i) the plans for fencing the location of the assembly and the gates contained in such fences.
  - (j) the plans for supplying potable water including the source, amount available and location of outlets;
  - (k) the plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited;
  - (l) the plans for holding, collection, and disposing of solid waste material;
  - (m) the plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;
  - (n) the plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps;
  - (o) the plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
  - (p) the plans for telephone service including the source, number and location of telephones;
  - (q) the plans for camping facilities, if any, including the facilities available and their location;
  - (r) the plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;
  - (s) the plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment;
  - (t) the plans for sound control and sound amplification, if any, including the number, location and power of amplifiers and speakers;
  - (u) the plans for food concessions and concessioner who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers.
- (4) The application shall include the bond required in s. 3.303(2)(m), and the license fee required in s. 3.301(3).

### **3.305 Issuance**

The application for a license shall be processed within 20 days of receipt and shall be issued if all conditions are complied with, The issuing agent for the Rock County Board of Supervisors shall be the Rock County Clerk.

### **3.306 Revocation**

The license may be revoked by the governing body of this municipality at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

### **3.307 Enforcement**

- (1) The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.
- (2) The holding of an assembly in violation of any provision or condition contained in this chapter shall be deemed a public nuisance and may be abated as such.
- (3) Any person who violates s.3.301(1) or who violates any condition upon which he is granted a license shall be subject upon conviction to a fine or forfeiture not less than \$1,000 nor more than \$10,000. Each day of violation shall be considered a separate offense.

## **Part 4 – Carnivals**

An ordinance regulating and licensing carnivals.

### **3.401 Carnivals Defined; License Required**

- (a) Definition. A carnival is a traveling amusement show featuring exhibits and rides.
- (b) License Required. No person shall set up or operate or conduct any road carnival without first procuring a license therefor, as hereinafter provided.

### **3.402 Application and Fee**

Application for license shall be made in writing by the owner or proprietor or manager of said road carnival to the County Clerk of said county and be accompanied by a license fee of One Hundred Fifty Dollars (\$150.00) for each day or part thereof for each carnival using for its transportation not more than twenty-five (25) vehicles; for each road carnival using more than twenty-five (25) vehicles and less than fifty (50) vehicles for its transportation the license fee shall be One Hundred Seventy-five Dollars (\$175.00) for each day or part thereof, and for each road carnival using fifty (50) or more vehicles for its transportation the license fee shall be Two Hundred Dollars (\$200.00) for each day or part thereof. Each

application for license shall give the name or names of the owners of such road carnival, if owned by a person or partnership, and their places of residence, or if owned by a corporation, the name of said corporation, together with the principal office of said owner, or owners, or corporation. Such application shall be filed with said County Clerk at least three (3) days prior to the date when said road carnival shall first open and shall give the date when and the place where it is proposed to set up, operate and conduct said road carnival. Upon said application and the payment of the fee as herein provided, said County Clerk shall issue a permit for the setting up, operating and conducting of such carnival giving therein the name of the owner or owners thereof, and their address, the dates upon which and the place where said carnival is to be set up, operated and conducted.

### **3.403 Waiver of Payment**

Waiver of the payment of the fee under this ordinance shall not be made except by a two-thirds (2/3) vote of the entire membership of the Rock County Board.

### **3.404 Inspection**

It shall be the duty of said County Clerk, upon the issuance of said permit, forthwith, to notify five (5) Inspectors or if in his judgment a lesser number would be sufficient, residing nearest to the place where such road carnival is to be held, and it shall be the duty of such Inspectors to be present at such carnival during the hours of day and night that same is open to the public, to see that the laws of the State, and the ordinances, rules, and regulations of the County and local ordinances are complied with and enforced, and for this purpose such Inspector shall have the powers of a Deputy Sheriff. Each such Inspector shall be furnished by the County with a star or badge bearing thereon the word "Inspector", and shall wear the same where easily seen while on duty. Such badges to be returned to the County Clerk upon his or her termination of such office. Each such Inspector shall, before 10:00 a.m. of the day following the setting up, operating or conducting of any carnival, file a written report with said County Clerk as to the general conduct of such carnival and any violations of laws, ordinances, or rules or regulations governing the same which may have come under his or her observation. Such Inspector, while present at any such carnival, in case of any gross violation or vulgar disorder, or conduct on the part of those setting up, operating, or conducting any such carnival or of those in their employ, or of those present, may, in the name of the County, order such carnival discontinued or closed.

### **3.405 Inspectors Designated**

The Inspectors of amusements heretofore elected and qualified under and by virtue of an ordinance enacted by the County Board of Supervisors of Rock County, Wisconsin, in pursuance of authority granted by Chapter 222 of the Laws of 1923, creating Subsection 8 of Section 59.08 of the Statutes, being an ordinance regulating public dance halls and public dances, are hereby designated as Inspectors under this ordinance.

### **3.406 Inspectors' Compensation**

Inspectors of amusements while on duty at any carnival shall receive compensation in the sum of Five Dollars (\$5.00) for each twenty-four (24) hours or part thereof.

### **3.407 Rules and Regulations**

The following rules and regulations shall govern the conduct, operation and management of all carnivals:

(1) No person shall possess, bring or offer to any person, intoxicating liquor as defined by the Statute, on the grounds occupied by said carnival, nor shall any person under the influence of liquor or drugs be permitted to loiter or be upon said grounds.

### **3.408 Revocation of License**

The Chairman of the County Board of Supervisors shall, upon the filing of a written report, by any Inspector of amusements, which said report shall show any violation of the State law, or the ordinances or rules or regulations of the County or of any local ordinances, revoke the license of any carnival, provided that any person or persons whose license shall be so revoked, may be reinstated by the County Board at its next session, if upon petition by the licensee the Board shall be of the opinion that said license should be reinstated.

### **3.409 Reinstatement.**

Upon revocation of any such license, no new license shall be issued to the same licensee within eighteen (18) months following the date of such revocation, upon which the same shall be reinstated as provided in the preceding section.

### **3.410 Powers of Sheriff's Department**

The Sheriff of the County and all Deputy Sheriffs appointed by him, shall have the same powers to enforce the provisions of this ordinance as Inspectors, and when acting as Inspectors of such amusements, upon the request of the County Clerk, shall receive the same compensation as is provided in this ordinance.

### **3.411 Payment of Fees**

All fees provided herein shall be paid into the County Treasury and the compensation of the Inspectors of amusements shall be paid by the County Treasurer as other moneys are paid, but no compensation shall be made for any inspection unless a written report thereof has been filed as provided by Section 3.404 of this ordinance.



### **3.412 Exemptions**

This ordinance does not apply to any city or village which by ordinance regulates and controls road carnivals. See 59.07(18)(d), Wisconsin Statutes.

### **3.413 Penalty**

In case any person is convicted of violating any provision of Part 4 of this Chapter, judgment shall be entered against him that he pay in addition to costs a fine or forfeiture of not less than Ten Dollars (\$10.00 nor more than Two Hundred Dollars (\$200.00) for each such offense, and in default of the payment of the judgment that he be imprisoned in the County Jail for such time as the court deems fits, not exceeding thirty (30) days for each violation unless such judgment is sooner paid. Each day that a violation continues to exist shall constitute a separate offense.

### **\*3.414 Maintenance Costs**

Prisoners in the Rock County Jail under sentence for a crime, non-payment of fine or forfeiture, contempt of court or as a condition of probation and who are gainfully employed or who receive unemployment compensation or employment training benefits, shall be liable for their full per capita maintenance cost and said cost shall be as established by the County Board.

\*Amended May 13, 1982

## **Part 5 – Boating Safety; Slow-No-Wake**

### **3.501 Applicability**

The provisions of this Ordinance shall apply to the reaches of the Rock River and each named and unnamed river and stream located within Rock County, Wisconsin.

### **3.502 Purpose**

The purpose of this Ordinance is to promote safe boating conditions and to prevent damage to aquatic ecosystems by: (A) limiting boats on the Rock County rivers and streams to slow-no-wake speed when the water level of the river exceeds the recommended levels, (B) establishing slow-no-wake areas in certain locations where that is warranted by boating congestion, (C) authorizing the Rock County Sheriff to impose slow-no-wake speed limits on other rivers and streams in the county during permitted special events or when that is warranted by exceptional circumstances.

### 3.503 Authority

This Ordinance is adopted by the Rock County Board of Supervisors pursuant to the powers granted by Section 30.77 of the Wisconsin Statutes.

### 3.504 Definitions

The definitions as set forth in Section 30.01 of the Wisconsin Statutes are incorporated herein by reference as though fully set forth herein, except as follows:

(A) Boat, Watercraft. “Boat” or “Watercraft” means any device used for navigation on water, including personal watercraft.

(B) Slow-No-Wake Speed. “Slow-No-Wake Speed” means that speed at which a boat moves as slowly as possible while still maintaining steering control.

### 3.505 Speed Restrictions

(A) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the northern Rock County line to the Indianford Dam, when the gauge water level at the US Geological Survey Gauge 05427235 (Lake Koshkonong near Newville, Wisconsin) is above 8.0 feet. This information can be obtained from the NOAA website. [<http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=nvlw3&view=1,1,1,1,1,1,1>] (Graph NVLW3)]

(B) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the Indianford Dam to the West B-R Town Line Road Bridge when the gauge water level at the US Geological Survey gauge 05430500 (Rock River at Afton, Wisconsin) is above 6.5 feet. This information can be obtained from the NOAA website. [[http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=aftw3&hydro\\_type=0&view=1,1,1,1,1,1](http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=aftw3&hydro_type=0&view=1,1,1,1,1,1)] (Graph AFTW3)]

(C) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the West B-R Town Line Road Bridge to the southern Rock County line when the gauge water level at the US Geological Survey gauge 05430500 (Rock River at Afton, Wisconsin) is above 8.5 feet. This information can be obtained from the NOAA website. [[http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=aftw3&hydro\\_type=0&view=1,1,1,1,1,1](http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=aftw3&hydro_type=0&view=1,1,1,1,1,1)] (Graph AFTW3)]

(D) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed in the following areas, which are more specifically described as follows:

(1) From a point 100 feet west of Interstate 90 to point 1,500 feet east of the Newville Bridge (Highway 59).

(2) An area 250 feet on either side of the railroad bridge over the Rock River in the Town of Fulton.

(3) From the Indianford Bridge to approximately 1,000 feet north of the Indianford Bridge on the Rock River in the Town of Fulton.

(E) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within any area subject to a Special Event Permit issued by the Rock County Sheriff pursuant to Section 3.506(A).

(F) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within any area declared to be a Boating Hazard Zone by the Rock County Sheriff pursuant to Section 3.506(B).

(G) Persons or groups may operate a boat or watercraft at greater than slow-no-wake speed within an area of any river that is currently designated a slow-no-wake area only for the purposes of participating in a permitted ski show or like event (e.g. Rock Aqua Jays) provided such events are approved by all governing bodies of each city, village or town within which such event is to be performed and by the Rock County Sheriff.

### **3.506 Duties and Powers of the Rock County Sheriff**

(A) Special Events. On the application of a person proposing to conduct a special event on any river or stream in the County and with the approval of the governing body of each city, village or town within which such event is proposed, the Rock County Sheriff may issue a Special Aquatic Event Permit and may impose a slow-no-wake speed on the operation of boats or water craft not participating in the special event. Any permit issued under this Section shall specify the time, date and location of the event and the boundaries of the slow-no-wake area so designated and shall be posted in accordance with Section 3.507.

(B) Boating Hazard Zone. The Rock County Sheriff may designate all or any part of any river or stream within Rock County as a Boating Hazard Zone if the Sheriff determines that high water levels or emergency conditions resulting from storms or other conditions warrant the imposition of a slow-no-wake speed restriction. Each such designation shall specify the boundaries of the Boating Hazard Zone so designated and notice of the imposition of the slow-no-wake speed restriction shall be posted in accordance with Section 3.507.

### **3.507 Notice and Posting**

The Rock County Sheriff shall notify media sources serving the area affected by any slow-no-wake speed restriction imposed pursuant to this Ordinance and shall place and maintain regulatory notice of such restrictions at all public access points within such areas. Such notices shall be sent and posted as soon as practicable after the issuance of the permit or designation and when the Rock River water level reaches or is anticipated to reach the level specified in Section 3.505(A) and or 3.505(B) within 24 hours. The

Sheriff shall notify the media and remove such notices as soon as possible when the conditions resulting in the slow-no-wake speed restriction have passed.

### **3.508 Enforcement and Penalties**

(A) Enforcement. This Ordinance may be enforced by law enforcement officers of the Rock County Sheriff's Office and the Wisconsin Department of Natural Resources.

(B) Obstruction. No person shall resist or obstruct any law enforcement officer in the performance of his or her duties under this Ordinance.

(C) Enforcement Procedure. The provisions of Sections 66.0109, 66.0113, 66.0114 and 30.50 to 30.71 of the Wisconsin Statutes are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations. The County elects to use the citation method of enforcement.

(D) Other Remedies. The issuance of a citation hereunder shall not preclude the County or any authorized person from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.

(E) Penalties and Deposits. Any person violating the provisions of this Ordinance shall be subject to penalties as provided for in Section 30.80 of the Wisconsin Statutes and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, which are hereby adopted by reference with all references therein to "fines" amended to "forfeitures" and all references to "imprisonment" deleted.

### **3.509 Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall be in effect.

This Ordinance shall take effect immediately upon passage and publication as provided by law.

## **Part 6 – Fair Housing**

### **3.601 Intent**

It is the intent of this section to render unlawful discrimination in housing. It is the declared policy of this County that all persons shall have an equal opportunity for housing regardless of sex, race, color, sexual orientation as defined in Sec. 111.32(13m), Wis. Stats., disability, religion, national origin, gender identity, gender expression, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry.

### **3.602 Statutes Adopted**

This ordinance adopts Sec. 106.50, Wis. Stats., in its entirety, including all changes or amendments hereafter made which are hereby adopted and incorporated herein by reference as if fully set forth herein. Any act required to be performed or prohibited by any portion of 106.50, Wis. Stats., incorporated herein is required or prohibited by this ordinance.

### **3.603 Penalties**

- (a) Any person who willfully violates this section or any lawful order issued under this section shall, for the first violation, forfeit not less than \$100 nor more than \$1,000.
- (b) Any person adjudged to have violated this section within five (5) years after having been adjudged to have violated this section, for every violation within the five (5) years, shall forfeit not less than \$1,000 nor more than \$10,000.
- (c) Payment of a forfeiture under this section shall be stayed during the period in which any appeal may be taken and during the pendency of the appeal.

## **Part 7 – Rock County Smoking and Tobacco Ordinance**

### **Subpart 1: Smoking Ordinance**

#### **3.701 Smoking in Certain Places Prohibited**

- (1) Authority. This Ordinance is adopted under the authority granted by § 101.123, Wis. Stats. as may be amended.
- (2) Purpose. The purpose of this Ordinance is to promote the health and comfort of the public and Rock County employees.

(3) Definitions. As used in this Section.

- (a) Assisted Living Facility – means a community based residential facility, as defined in Sec. 50.01(1g), Wis. Stats., a residential care apartment complex, as defined in Sec. 50.01(1d), Wis. Stats. or an adult family home as defined in Sec. 50.01(1)(b), Wis. Stats.
- (b) Building – means any enclosed, indoor area of a structure owned by the County or any enclosed, indoor area of that part of a structure leased by the County.
- (c) County owned – means any buildings, as defined in this Section, owned by the County.
- (d) County leased – means any part of a building, as defined in this Section, which is leased by the County.
- (e) Enclosed Indoor Area – means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether opened or closed, covering more than fifty percent (50%) of the combined surface area of the vertical planes constituting the perimeter of the area.
- (f) Entrance – means a doorway which gives direct access to a building from a contiguous street, plaza, sidewalk or parking lot, opened windows, and any building ventilation systems.
- (g) Smoking – means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, electronic cigarette or any other lighted smoking equipment in any manner or in any form.
- (h) Vehicle – means any automobile, truck, or other motorized piece of equipment owned, leased, or operated by the county.
- (i) Workplace – means any enclosed indoor area that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, a storage area, or an employee cafeteria. A private residence shall not be considered a place of employment unless it is used as a child care, adult day care, or health care facility.

(4) Smoking Prohibited.

- (a) No person shall smoke in any County owned or County leased building, work place or vehicle at any time.
- (b) Smoking is prohibited within thirty (30) feet of any entrance of a County owned or County leased building, or workplace.

(c) No person shall smoke within the buildings, within thirty (30) feet of any building, or within designated nonsmoking areas of the campus grounds, at UW-Rock County.

(d) No person shall smoke within the building or the campus area of Rock Haven.

1. The “campus of Rock Haven” shall be defined for the purpose of this ordinance as those areas, both indoors and outdoors, falling within the perimeter of the campus boundary surrounding the skilled nursing facility building at Rock Haven.

(5) Exceptions. The prohibition in Subsection (3) shall not apply to the following structures or the following areas:

(a) County owned or County leased residential rooms in assisted living facilities, which are designated smoking as defined in §§ 101.123(3)(i) and 101.123(3)(j), Wis. Stats.

(b) Private residences in buildings owned or leased by Rock County, unless the building is otherwise designated as smoke free.

(c) Outside smoking areas, designated and approved by the County Board.

(6) Responsibilities. The County shall post signs prohibiting smoking at least thirty (30) feet from the public entrance of County owned and County leased buildings and work places. The signs shall be: (a) of uniform dimensions and other characteristics required under § 101.123(2m), Wis. Stats., specified by § 101.123(6), Wis. Stats.; (b) be posted at doorway entrances of County owned and County leased buildings, and work places.

(7) Penalties and Enforcement.

(a) Any person who violates any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00, nor more than \$250.00 for each violation together with the costs of prosecution and forfeiture.

(8) Effective Date. This Ordinance shall be full force and effect as of May 13, 2013.

## Subpart 2: Possession of Tobacco Products by Children

### 3.702 Possession of Tobacco Products by Children Prohibited

#### 1. Definitions:

In this Chapter:

A. Child - means a person who is less than 18 years of age as defined by Section 48.02(2) of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

B. Cigarettes - means any roll of tobacco wrapped in paper or any substance other than tobacco and as defined in Section 139.30(1) of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

C. Law Enforcement Officer - means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of laws or ordinances he or she is employed to enforce and as defined in Sections 30.50(4s) or 165.85(2)(c) of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

D. Tobacco Products - means cigars; cheroots; stogies; periques; granulated; plug cut; crimp cut; ready-rubbed and other tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps; clippings; cuttings; cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing and smoking as defined in Section 139.75(12) of the Wisconsin Statutes, as from time to time amended, revised or renumbered. "Tobacco Products" does not include cigarettes.

#### 2. Adoption of State Laws Prohibiting the Purchase and Possession of Cigarettes and Tobacco Products by Children.

Any and all Wisconsin Statutes and administrative code provisions pertaining to and governing the purchase and possession of cigarettes and tobacco products by a child, including but not limited to Section 48.983 of the Wisconsin Statutes, as from time to time amended, revised or renumbered, are hereby adopted by reference and incorporated herein as if fully set forth.

#### 3. Prohibition against the purchase of or possession of cigarettes or tobacco products by children.

A. Except as provided in sub. (2), no child may do any of the following:

- (i) Buy or attempt to buy any cigarette or tobacco products.



- (ii) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
- (iii) Possess any cigarette or tobacco product.

B. A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.65(1) of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

#### 4. Seizure

A law enforcement officer shall seize any cigarette or tobacco products involved in a violation of this Chapter committed in his or her presence.

#### 5. Prohibition Against Violating State Laws Prohibiting Purchase or Possession of Cigarettes or Tobacco Products by Children

No Person may violate any provision of the Wisconsin Statutes prohibiting the purchase or possession of cigarettes or tobacco products by children, under Section 48.983 of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

#### 6. Severability

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remaining provisions shall not be affected hereby.

#### 7. Violations - Penalty

If the court finds a child has violated any provision of this chapter, it shall enter an order making one or more of the following dispositions pursuant to Section 48.343 of the Wisconsin Statutes, as from time to time amended, revised or renumbered:

A. Impose a forfeiture of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Any such order shall include a finding that the child alone is financially able to pay and shall allow up to 12 months for payment. If a child fails to pay the forfeiture, the court may suspend any license issued under Chapter 29 of the Wisconsin Statutes or suspend the child's operating privileges as defined in Section 340.01(40) of the Wisconsin Statutes, for not less than 30 days nor more than 90 days. The court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which will thereupon return the licenses to the person.

B. Order the child to participate in a supervised work program pursuant to Sections. 48.343(3) and 48.34(9) of the Wisconsin Statutes, as from time to time amended, revised or renumbered.

## **Part 8 – All-Terrain Vehicles and Utility-Terrain Vehicles**

### **3.801 Authority**

- (1) These regulations are adopted under the authority granted by Section 23.33(8)(b), 23.33(11), and 59.02, Wisconsin Statutes.
- (2) Criteria for signage on all-terrain vehicle (ATV) and utility terrain vehicle (UTV) routes on County Trunk Highways is adopted pursuant to Sections 23.33(8)(e) and 86.07(2), Wisconsin Statutes.
- (3) In addition, the provisions of Section 23.33, Wisconsin Statutes, and the provisions of Wisconsin Administrative Code NR 64 regulating all-terrain vehicle operations are hereby adopted.

### **3.802 Purpose and Intent**

To create uniform procedures and requirements for the use and operation of ATVs and UTVs on the County Trunk Highway system.

This ordinance is not intended to impede or restrict ATV/UTV use for agricultural purposes outline in Wisconsin Statutes.

### **3.803 References**

Any reference to a Wisconsin Statute or Administrative Code Regulation is a reference to that specific chapter, section, code, or its successor chapter, section, or code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this ordinance to secure uniform regulation of all-terrain vehicles and utility terrain vehicles.

### **3.804 Definitions**

**All-Terrain Vehicle (ATV)** - shall have the definition given in Wisconsin Statute 340.01(2g)

**Applicant** - municipal entity requesting consideration for an ATV/UTV route designation on a segment of the county trunk highway system.

**ATV/UTV Clubs** - shall have the definition given in Wis. Stat. § 23.33(1)(bc)

**Municipal Entity** - Town, City or Village with jurisdictional area within the borders of Rock County.

**Utility-Terrain Vehicle (UTV)** - shall have the definition given in Wis. Stat. § 23.33(1)(ng)

### **3.805 Designating ATV/UTV Routes**

The Rock County Public Works Committee may designate ATV/UTV routes following due consideration of the recreational value and after weighting possible risks to public health and safety, terrain involved, traffic density, and history of automobile traffic on potential and existing routes.

#### **(1) Duties of the Public Works Committee**

- (A)** The Committee shall develop policies and procedures for consideration of, and designation of, ATV/UTV routes in accordance with the requirements of Wisconsin Statute 23.33, Wisconsin Administrative Code NR 64, and the provisions of this Ordinance.
- (B)** The Committee shall designate which portions of county highways are ATV/UTV routes.
- (C)** The Committee shall establish the official ATV/UTV route opening and closing dates for each year. Dates shall be posted on the Rock County website.
- (D)** The Committee shall evaluate, annually, all submitted route applications. This evaluation shall consist of consideration of the potential value, efficacy, and need for the proposed ATV/UTV routes.

#### **(2) Duties of the Highway Commissioner**

- (A)** The Commissioner shall ensure that all routes designated pursuant to this Ordinance are properly posted.

#### **(3) Application Process for Route Designation**

- (A)** Any municipal entity in Rock County may apply to the Public Works Committee requesting a portion or portions of county highways, within the municipal entity's jurisdictional area, be designated as ATV/UTV routes.
- (B)** Applications shall be completed on a form prescribed by the Committee and must be in compliance with the policies and procedures developed by the Committee for the designation of ATV/UTV routes. The municipal

entity must further commit to pay for the cost to make, install, and maintain the necessary ATV/UTV route signage.

(C) **Application Requirements:** An application for designation of an ATV/UTV route, at a minimum, shall include the following:

1. An application fee, if so required by the Committee.
2. A completed application form.
3. A map showing the proposed ATV/UTV route on the county highway system.
4. A map showing any existing ATV/UTV routes leading to or are proposed connections to the proposed route.
5. A statement explaining why the proposed route should be designated as an ATV/UTV route.
6. A statement that the applicant will be financially responsible for payments for the installation and maintenance of required ATV/UTV route signs.
7. The municipal entity must provide an approved resolution showing adoption of the regulations in section 3.809 of this ordinance for the application to be considered.

### **3.806 Signage of Routes on County Trunk Highways**

Any ATV/UTV Route within the limits of Rock County for ATV/UTV use must be posted with proper signage on a County Trunk Highway prior to use.

The municipal entity is responsible for the costs of developing an ATV/UTV route sign plan, and the acquisition/manufacture, installation, and maintenance of the ATV/UTV route signs.

The ATV/UTV routes signs shall be acquired/made, installed and maintained by the Rock County Department of Public Works and the costs will be billed to the appropriate municipal entity.

### **3.807 Routes**

No County Trunk Highway may be used as an ATV/UTV route until it has been designated as such by the Public Works Committee and proper signage has been installed in accordance with Wisc. Admin. Code § NR 64.12(7), Wisconsin DNR

Guidelines, and the Manual on Uniform Traffic Control Devices (MUTCD), including the Wisconsin Supplement (WMUTCD).

The County Board, Public Works Committee, or Highway Commissioner or designee may suspend any route at any time for any reason.

The Department of Public Works shall maintain a list of approved ATV/UTV routes open for use on the County Trunk Highways with posted speed limits over 35 miles per hour.

### **3.808 Route Maintenance**

The designation of County Trunk Highways as an ATV/UTV route does not impose upon the County a greater duty of care or responsibility for maintenance of those highways. Operators of ATVs/UTVs on county highways assume all the usual and normal risks of riding that vehicle. The County accepts no liability for the operation of ATVs/UTVs on any county highway under this Ordinance.

### **3.809 Regulation of ATVs/UTVs**

Except as otherwise provided herein, the statutory provisions of Wisconsin Statute 23.33 and Wis. Admin. Code § NR 64, which create, describe, and define regulations with respect to ATVs and UTVs, are adopted and, by reference, made a part of this Ordinance as if fully set forth herein.

- (1) Operator and Rider Requirements: Any person who operates or rides as a passenger on an ATV or UTV on a County Trunk Highway that is an ATV/UTV route in Rock County designated pursuant to Wis. Stat. § 23.33(8)(b)1, must meet the following requirements:
  - (A) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stat. § 23.33 and Wis. Admin. Code § NR 64. All ATV/UTV rules of operation outlined in Wis. Stat. § 23.33 and Wis. Admin. Code § NR 64 are adopted and incorporated in this Ordinance.
  - (B) No person may operate an ATV or UTV without having attained the age of 16.
  - (C) No person may operate an ATV or UTV without either a valid Wisconsin driver's license or a valid ATV Safety Certificate issued by the State of Wisconsin.
  - (D) Operators and passengers under the age of 18 are required to wear a minimum DOT approved ATV or motorcycle helmet with the chin strap properly fastened.

- (E) Operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV route. The liability insurance policy must have the following minimum coverages:
  - 1. \$10,000 for property damage
  - 2. \$25,000 for the injury or death of one person
  - 3. \$50,000 for the injury or death of more than one person
- (2) Rules of Operation: The operation of an ATV/UTV on a County Trunk Highway that is an ATV/UTV route in Rock County designated pursuant to Wis. Stat. § 23.33(8)(b)1, is subject to the following rules of operation:
  - (A) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stat. § 23.33 and Wis. Admin Code § NR 64. All ATV/UTV rules of operation outlined in Wis. Stat. § 23.33 and Wis. Admin. Code § NR 64 are adopted and incorporated in this Ordinance.
  - (B) Operators may only operate on a designated ATV/UTV route if said route is properly signed in accordance with Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code § NR 64.12(7).
  - (C) Speed Limit: Posted speed limit of the highway unless a specific ATV/UTV speed limit is posted.
  - (D) Operation on the unimproved right-of-way or ditch, outside of the regular traveled portion of the highway is prohibited.
  - (E) ATVs/UTVs shall yield the right-of-way to all other vehicular traffic and pedestrians.
  - (F) Hours of operation restrictions: None.
  - (G) Seasonal restrictions: None.

### **3.810 Enforcement**

Any act that is required or prohibited by any statute or administrative code provision incorporated herein by reference is required or prohibited by this Ordinance.

The Rock County Sheriff's Office and local law enforcement agencies shall have authority to enforce this Ordinance pursuant to Wis. Stat. § 23.33(12).

### **3.811 Penalties**

Any forfeiture for a violation of Wisconsin State Statute or Wisconsin Administrative Code adopted by reference in this Ordinance shall conform to the forfeiture permitted to be imposed for violation of said statutes or code provisions as set forth herein.

Any violation of a section of this Ordinance without a penalty specified by statute or administrative code shall have a cash deposit requirement of fifty dollars (\$50.00) plus court costs. A cash deposit requirement of one-hundred fifty dollars (\$150.00) plus court costs will be required for a second violation of this Ordinance within a 12-month period.

### **3.812 Annual Review of ATV/UTV Routes**

All ATV/UTV Routes established pursuant to this Ordinance shall be reviewed annually by the Rock County Public Works Committee to consider the continued value, efficacy or need for the ATV/UTV routes or the inclusion of additional ATV/UTV routes, all pursuant to the intent of this Ordinance.

### **3.813 Severability**

If a court of competent jurisdiction adjudges any section, provision or portion of these regulations invalid, the remainder of this ordinance shall not be affected thereby.

### **3.819 Effective Date**

This ordinance shall be effective upon publication.

Repealed and Recreated 1/10/13, Res. No. 12-12A-190  
Section 3.206(19) Repealed 2/28/2013, Res. No. 13-2A-244  
Section 3.220 Created 02/28/2013, Res. No. 13-2A-244  
Section 3.701 Repeal and Recreate, 04/25/13 (adopted) effective 05/13/13, Res. No. 13-41-289  
Chapter 3, Part 5 Repeal and Recreate, 06/27/13, Res. No. 13-6B-363  
Section 3.2014 Repeal and Recreate, 07/11/13, Res. No. 13-6B-362  
Section 3.103(2) Amended, 09/12/13, Res. No. 13-8A-381  
Revisor Change to titles, 3.206(6), (7), (8), 01/13/14  
Revisor Change, 3.102(5)  
Section 3.104(1) Repealed and subsections renumbered, 09/11/14, Res. No. 14-8A-079  
Section 3.212 Repealed and Recreated, 09/11/14, Res. No. 14-8A-079  
Section 3.103 Repealed and Recreated, 10/23/14, Res. No. 14-10A-127  
Chapter 3, Part 6 and Section 3.207 amended 5/28/2015, Res. Nos. 15-5A-286 and 15-5A-287  
Section 3.103 amended 6/25/15, Res. 15-6A-317  
Section 3.103(7)(e) amended 11/19/15, Res. 15-10B-398  
Section 3.103 amended 09/14/17, Res. No. 17-8A-319  
Section 3.104 amended 09/28/17, Res. No. 17-9A-331  
Section 3.209 amended 9/27/18, Res. No. 18-9A-065  
Section 3.206(20) amended 9/24/20; Res. No. 20-9A-067  
Section 3.103 amended 11/17/22, Ord. No. O-2022-1  
Section 3.801 created, 06/08/23, Ord. No. O-2023-4