

Chapter 14 - OFFENSES AND NUISANCES

Section 14.01 Traffic.

(a) **State Traffic Laws Adopted.** The statutory provisions of Chapters 340 to 348 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this chapter in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State of Wisconsin.

(b) **Forfeitures.** Forfeitures of violations of any traffic regulations set forth in the Wisconsin Statutes adopted by reference in section (a) shall conform to the forfeiture penalty permitted to be imposed for violations of comparable Wisconsin Statutes including any variations or increases for subsequent offenses. However, this ordinance shall not be construed to permit prosecution for any offense described in Chapters 340 to 348 of the Wisconsin Statutes for which an imprisonment penalty or fine may be imposed upon the defendant.

Section 14.02 Snowmobiles.

(a) **Purpose.** In order to promote the health, safety, welfare, and convenience of the public, the operation of snowmobiles in the Town of Turtle shall be permitted only as set forth in this ordinance.

(b) **Operation of Snowmobiles.** No person shall operate and no owner or other person having charge or control of a snowmobile shall knowingly authorize or permit any person to operate such snowmobile within the Town of Turtle except as follows:

(1) Snowmobile operation as permitted by sections 350.02, 350.04, and 350.045 of the Wisconsin Statutes.

(2) The operation of a snowmobile on private property within the Town of Turtle shall not constitute a violation of this ordinance when the operation is with the consent of the owner, occupant, lessee, or other person in charge of such private property.

Section 14.03 Heavy Traffic.

(a) No person shall operate a vehicle classified as a "heavy traffic" vehicle as defined in this ordinance on any streets or highways in the Town of Turtle on which heavy traffic is not permitted. Heavy traffic shall not be permitted on the following streets and highways which lie within the Town of Turtle:

- (1) Huebbe Parkway;
- (2) Vail Terrace;
- (3) Schuster Drive;
- (4) Murphy Woods Road;
- (5) West Hart Road between Creek Road and the city limits of the City of Beloit;
- (6) All of South Creek Road;
- (7) All of East Philhower Road;
- (8) East Creek Road from East Philhower Road to County Highway J.
- (9) South Lathers Road from East Creek Road to Hart Road.
- (10) Butterfly Road from Shopiere Road to Hart Road.
- (11) East Church Street.

(b) In this ordinance "heavy traffic" means all vehicles not operating on pneumatic tires and all vehicles or combination of vehicles, other than motor buses, designated or used for transporting property of any nature and having a gross weight of more than 20,000 pounds. In addition, no vehicles having a gross weight of more than 16,000 pounds shall use the Turtleville Bridge on South Lathers Road.

(c) Nothing herein shall prohibit heavy traffic from using a street or highway for the purpose of obtaining orders for supplies, moving or delivering supplies or commodities to

or from any place of business or residence fronting on such street or highway, or going to or from the residence of the operator of the vehicle. Truck delivery or pickup of supplies from businesses or other addresses not on heavy traffic routes shall be by the shortest, most practical route.

(d) Nothing herein shall prohibit school buses, charter buses, or municipal buses from using a street or highway for the purpose of public transportation.

14.04 Abandoned and Unregistered Vehicles

(a) **Definitions.** In this ordinance, the following words have the designated meanings set forth in this section:

(1) “Person” shall mean any person, firm, partnership, corporation, company or organization of any kind.

(2) “Unregistered” means any vehicle which is subject to registration and is not registered under the applicable registration or licensing law. However, a vehicle permitted quarterly registration under section 341.30 of the Wisconsin Statutes shall not be considered unregistered if it was registered for at least one quarter of the 12 month period immediately preceding the date of violation. Unregistered vehicles used periodically in farm or business operations which are not driven on the highway shall be exempt from the provisions of this ordinance.

(3) “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway. The term includes automobiles, trucks, buses, motorcycles, semi-tractors and similar vehicles.

(b) **Unregistered Vehicle.** No person in charge or control of any private property located in the Town of Turtle, whether as owner, tenant, occupant or otherwise, shall allow an unregistered vehicle to be parked for more than a period of 5 days on that property unless the vehicle is kept out of public view in an enclosed building.

(c) **Abandoned Vehicle.** No person shall leave unattended any vehicle on any private property in the Town of Turtle under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever a vehicle has been left unattended without the permission of the property owner for more than 5 days, the vehicle shall be deemed abandoned and is deemed to constitute a public nuisance. A vehicle kept out of public view in an enclosed building shall not be deemed an abandoned vehicle.

(d) **Removal of Abandoned Vehicle.** Any vehicle in violation of subsection (c) of this ordinance may be removed and impounded until lawfully claimed or disposed of pursuant

to section 342.40 of the Wisconsin Statutes. The owner of the vehicle shall be responsible for the costs of removing, impounding and disposing of an abandoned vehicle, other than a stolen vehicle.

Section 14.05 Snow Deposits On Highways.

- (a) No person shall deposit snow on any street or highway in the Town of Turtle where the snow has been removed from private property.
- (b) No person shall obstruct or endanger traffic on any street or highway in the Town of Turtle with snow removed from private property.

Section 14.06 Offenses Against State Laws.

The following statutes, including any future amendments, revisions or modifications thereto, defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Town, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture.

<u>Section</u>	<u>Offense</u>
939.22	Words and Phrases Defined
940.19(1)	Battery
941.01	Negligent Operation of Vehicle
941.10	Negligent Handling of Burning Materials
941.12(2) and (3)	Interfering With Fire Fighting
941.13	False Alarms
941.20(1)	Reckless Use of Weapon
941.23	Carrying Concealed Weapon
941.235	Carrying Firearm in Public Building
941.237	Carrying Handgun Where Alcoholic Beverages May Be Sold or Consumed
941.24	Possession of Switchblade Knife
943.01(1)	Criminal Damage To Property
943.017	Graffiti
943.11	Entry Into Locked Vehicle
943.13	Trespass To Land
943.14	Criminal Trespass To Dwellings
943.15	Entry Into Construction Site Or Into A Locked Building, Dwelling or Room

943.20	Theft (Where Value of Property Does Not Exceed \$1,000)
943.21	Fraud on Hotel or Restaurant Keeper or Taxicab Operator (Value of beverage, food, lodging, accommodation, transportation or other service is \$1,000 or less)
943.22	Use of Cheating Tokens
943.34	Receiving Stolen Property (Value of property does not exceed \$1,000)
943.50	Retail Theft (Value of merchandise does not exceed \$1,000)
944.20	Lewd and Lascivious Behavior
944.23	Making Lewd, Obscene or Indecent Drawings
946.06	Improper Use of Flag
946.40	Refusing To Aid Officer
946.41	Resisting or Obstructing Officer
947.01	Disorderly Conduct
947.012	Unlawful Use of Telephone
947.0125	Unlawful Use of Computerized Communication Systems
947.02	Vagrancy
947.04	Drinking in Common Carriers
947.06	Unlawful Assemblies and Their Suppression
951.02	Mistreating Animals
951.03	Dognapping and Catnapping
951.15	Animals; Neglected or Abandoned; Police Powers
961.573	Possession of Drug Paraphernalia
961.574	Manufacture or Delivery of Drug Paraphernalia
961.575	Delivery of Drug Paraphernalia To A Minor

No person shall possess twenty-five (25) grams or less of marijuana, as defined in Section 961.01(14), Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 961, Wis. Stats.

1) Definitions. For purposes of this ordinance.

a) Practitioner.

- i) A physician, dentist, veterinarian, podiatrist, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense,

conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin. ii. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course . of professional practice or research in the State of Wisconsin.

- ii) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.

961041(3g)(e) Possession of Tetrahydrocannabinols (THC)

(1) Tetrahydrocannabinols (THC). No person shall possess or attempt to possess tetrahydrocannabinols (THC) included under s. 961.14(4)(t), or a controlled substance analog of tetrahydrocannabinols (THC).

Forfeitures for violations of above amendments to ordinance 14.06

1st Offense: \$187.00, 2nd Offense: \$313.00, 3rd Offense: \$439.00

14.07 Storage of Junk and Debris Prohibited.

(a) In this ordinance, the following words and phrases have the designated meanings set forth in this section:

- (1) “Junk vehicle” means a vehicle which is incapable of operation or use upon a highway and has no resale value except as a source of parts or scrap.
- (2) “Junk” means appliances and other devices, including parts thereof, which are incapable of operation or use for the purpose for which they were created and which have no resale value, except as a source of parts or scrap.
- (3) “Debris” means rubbish or garbage.

(b) No owner or occupant of any premises shall store, or permit any other person to store, any junk, junk vehicle, debris, or other refuse upon the owner’s or occupant’s premises except in an enclosed building and out of public view. The Building Inspector may order the owner or the occupant violating this section to bring the premises into compliance. The order shall be in writing and shall:

- (1) Be mailed to the responsible party at his or her last known address.
 - (2) Specify the action necessary to bring the premises into compliance.
 - (3) Specify the time for compliance which shall be within the discretion of the Building Inspector.
 - (4) Specify the consequences to the responsible party if the premises are not brought into compliance.
- (c) If the order is not complied with, the Building Inspector may have the premises put into compliance and the cost thereof assessed as a special tax against the property. Such action shall not be taken without prior notice to the property owner.
- (d) In addition, the Building Inspector may issue a citation to the person responsible for the violation of this section.

Section 14.08 Public Nuisances.

- (a) **Public Nuisances Prohibited.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance in the Town of Turtle.
- (b) **Definition.** As used in this ordinance, “public nuisance” is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
- (1) Substantially annoy, injure or endanger the comfort, health, repose of safety of the public;
 - (2) In any way render the public insecure in life or in the use of property;
 - (3) Greatly offend the public morals or decency; or
 - (4) Unlawfully or substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.
- (c) **Public Nuisances Affecting Health.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of subsection (b) of this ordinance:

- (1) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (3) **Breeding Places for Vermin.** Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (4) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (5) **Garbage Cans.** Garbage cans which are not fly-tight.
- (6) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed 8 inches, except in natural lawns where the land management plan has been approved by the Planning Commission.
- (7) **Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (8) **Noxious Odors.** Any use of property, substances or things within the Town, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
- (9) **Air Pollution.** In the absence of local air pollution regulations, the state statutes and regulations of the Department of Natural Resources pertaining to air pollution shall apply.

(d) Tree or Plant Insect Diseases, Infections and Other Hazardous Conditions Relating to Trees.

- (1) **Public Nuisance.** Any tree, shrub, plant, or part thereof, which:

- a. By reason of its condition interferes with the use of any public area; or
- b. Is infected with a plant disease or insect infestation which endangers life, health, safety and/or property on public and/or private premises;
or
- c. For any other reason endangers the life, health, safety and/or property on public and/or private premises;

is hereby declared a public nuisance.

(2) **Examples of Public Nuisance.** Without limiting the generality of sec. 14.08(d)(1), public nuisances include:

- a. Any dead tree;
- b. Any part of a tree that endangers life, health, safety and/or property;
- c. Any elm tree or parts thereof infected with the Dutch Elm Disease fungus or which harbors any carrier of the same, such as elm bark beetles, *scolytus multistriatus* (Eichb) or *hylurgopinus rufipes* (Marsh);
- d. Any oak tree infected with the Oak Wilt fungus (*ceratocystis fagacearum*) or which harbors any carrier of the same; and
- e. Any ash tree which is infected with Emerald Ash Borer.

(3) **Inspection.** The Highway Superintendent, or his/her designee, shall inspect all premises and places with reasonable cause within the Town to determine whether any public nuisance exists. The Highway Superintendent, or his/her designee, shall also inspect or cause inspection of any trees, shrubs or plants reported or suspected to be infected with an injurious insect or disease.

(4) **Abatement.** If the Highway Superintendent, or his/her designee, determines that the dead or infested tree, shrub or plant is a public nuisance, he/she may issue a written notice and order the property owner and/or occupant to abate the public nuisance.

- a. The notice shall identify the public nuisance and order the property owner and/or occupant to abate the public nuisance, whether it is by means of removal, pruning part thereof, or other treatments.

- b. Notice shall be served upon the property owner and/or occupant by first class mail or by delivering the notice to him/her personally. When the property owner and/or occupant cannot be served personally or by first class mail, the notice may be served by posting the notice in a conspicuous place on the exterior of a building or structure on the property.
- c. The property owner and/or occupant shall have 30 days to abate the public nuisance, unless the Highway Superintendent, or his/her designee, determines that immediate action is necessary to preserve the health, safety and welfare, in which a lesser period of time for abatement shall be provided.
- d. In the event the public nuisance is not eliminated by the date specified in the notice, the Highway Superintendent, or his/her designee, may take actions necessary to eliminate the public nuisance and the cost thereof shall be imposed as a special charge against the real property pursuant to sec. 66.0627, Wis. Stats. If the special charge is not paid within 30 days, the special charge shall be deemed delinquent. A delinquent special charge shall be a lien against the property as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under Ch. 74, Wis. Stats.

(5) **Failure to Abate.** No person shall fail to comply with a lawful order to abate a public nuisance issued pursuant to this section. Each day of noncompliance with a lawful order to abate issued pursuant to this section is a separate violation. Any person in violation of this section shall be subject to a penalty as provided in this Municipal Code.

Section 14.09 No Shooting.

- (a) **Purpose.** The primary purpose of this ordinance is to further public health and safety by prohibiting of firearms in residential and populated areas of the Town of Turtle;
- (b) **Shooting Prohibited.** No person shall discharge a firearm within the Town of Turtle on the following described land:
 - (1) All platted subdivisions. This paragraph shall apply to present and future subdivisions in the Town of Turtle;
 - (2) Land in the following zoning districts:

- a. Rural Residential District (R-R);
- b. Residential One District (R-1);
- c. Cluster Overlay District (COD);
- d. Mobile Home Park Overlay District (MHP);
- e. Commercial Highway Interchange District (CHI);
- f. Local Commercial District (B-1); and
- g. Light Industrial District (M-1).

(3) 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 includes any house trailer or mobile home but does not include any tent, bus, truck, vehicle or similar portable unit.

(c) **Exceptions.** This ordinance shall not apply: (1) to a police officer in the lawful discharge of his or her duty; (2) to persons discharging firearms when necessary to protect their person or property, or the person or property of another; or (3) to persons who are hunting on land where hunting is permitted and they have written permission to hunt from the land owner.

Section 14.10 Animals At Large.

(a) **General Rule.** No person who owns, harbors, or keeps any animal shall allow it to run at large in the Town of Turtle. An animal shall be considered running at large when it is found off the premises of its owner or keeper and not under restraint by leash, cord or chain and not within a vehicle.

(b) **Impoundment.**

(1) It shall be the duty of every police officer and humane officer to capture any animal found to be running at large. The officer may enter private premises and capture the animal by any reasonable means.

(2) If the owner or keeper of a captured animal is known or can be ascertained with reasonable effort, the owner or keeper shall be notified of the animal's capture.

(c) **Penalty.** Any person who violates this ordinance shall be subject to a forfeiture.

Section 14.11 Wild Animals.

(b) **Definitions.** In this Ordinance, the following words have the designated meanings set forth in this section:

(1) **Animal.** Any mammal, bird, reptile, fish, insect or other non-human member of the animal kingdom, whether wild or domestic.

(2) **Domestic Animal.** Livestock, domesticated dogs and domesticated cats.

(3) **Livestock.** Any domesticated horse, bovine, sheep, goat, pig, rabbit, fowl, or other farm animal.

(4) **Officer.** Any peace officer, the Health Officer of the Town of Turtle or a Rock County Humane Society officer.

(5) **Owner.** Any person, firm, corporation, or other organization owning, keeping, possessing, harboring, controlling or having the care or custody, whether temporarily or permanently, of an animal.

(6) **Wild Animal.** A non-domestic animal (whether born or raised in captivity) which normally survives without human assistance in a state of nature in its native land; an animal whose ferocity is liable to be awakened at any moment, suddenly and unexpectedly, under some provocation; or an animal which is

inclined to escape and which must be confined or restrained for the protection of others or to prevent its escape. The term “wild animal” does not include: captive-bred species of caged birds, rodents, turtles, fish and non-poisonous, non-constricting snakes, or domestic animals.

(c) Wild Animals Prohibited.

- (1) Possession of a Wild Animal Prohibited.** No person shall own, keep, possess, or harbor a wild animal within the Town. This prohibition does not apply to circuses, zoos or other animal shows or exhibitions which are properly licensed.
- (2) Pre-trial Disposition.** Whenever a person is charged with owning, keeping, possessing or harboring a wild animal, the person shall, upon receipt of a summons or citation, remove the animal from the Town until the trial of the case. The owner shall provide the officer who issues the citation proof that the animal is removed from the Town. If the owner fails to remove the animal from the Town within 48 hours of the service of a summons or a citation, an officer shall order impoundment of the animal until the time of the trial. If the person charged is subsequently convicted of the violation, that person shall be required to pay, in addition to any forfeiture imposed, all fees and costs connected with impoundment of the animal.
- (3) Post-trial Disposition.** If the animal is determined by plea or by trial to be a wild animal, it shall not be returned to the Town.
- (4) Return of Wild Animal Prohibited.** No person shall return any animal, which the Municipal Court has determined to be wild, to the Town, and no person shall keep, harbor or possess the same within the Town.
- (5) Penalty.** Any person who keeps, possesses or harbors a wild animal within the Town shall, upon conviction, be subject to a forfeiture of not less than \$200 nor more than \$1,000. Any person who fails to obey the Municipal Court’s pre-trial order to remove an alleged wild animal from the Town shall, upon conviction, be subject to a forfeiture of not less than \$500 nor more than \$1,000. Any person who keeps, possesses, harbors, or returns any wild animal to the Town, after it has been determined as such by the Municipal Court, shall be subject to a forfeiture of not less than \$500 nor more than \$1,000.

(d) Parental Responsibility. The parent of any child who owns a wild animal shall be responsible for compliance with this Ordinance.

(e) Citizen’s Petition for Court Declaration. Any person may petition the Municipal Court to declare an animal wild. The petitioner shall file a sworn affidavit setting forth:

- (1) The name and address of the owner of the animal.
- (2) A description of the animal, including species, color, approximate size and any other information that would tend to prove the identity of the animal.
- (3) A description of the animal's actions giving rise to the charge of it being wild.
- (4) The date and time when the animal engaged in such actions.
- (5) The place where the animal engaged in such actions.
- (6) The name, address and telephone number of any witness(es).
- (7) The name, address and telephone number of the person signing the affidavit.

Upon receipt of the affidavit, the Municipal Court shall schedule a hearing for a determination of whether the animal is wild. The Municipal Court shall give notice of the hearing to the complainant and shall issue a summons and a copy of the petition to the owner of the alleged wild animal.

Section 14.12 Banning Nude Dancing In Bars.

WHEREAS, the Town Board of the Town of Turtle has explicit authority under section 125.10(1) of the Wisconsin Statutes to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in chapter 125 of the Wisconsin Statutes; and

WHEREAS, the Town Board has authority under its general police powers set forth in sections 60.22(3) and 61.34(1) of the Wisconsin Statutes to act for the good order of the municipality and for the health, safety and welfare of the public, and, may carry on its powers by regulation and suppression; and

WHEREAS, the Town Board recognizes it lacks authority to regulate obscenity in light of section 66.0107(3) of the Wisconsin Statutes and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, nonobscene, erotic dancing in bars and taverns; and

WHEREAS, bars and taverns featuring live totally nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm economic welfare of the communities and to negatively affect the quality of life of the communities, and such secondary effects are detrimental to the public health, safety and general welfare of citizens; and

WHEREAS, the Town Board recognizes the United States Supreme Court has held that nude dancing is expressive conduct within the outer perimeter of the First Amendment to the United States Constitution and, therefore, is entitled to some limited protection under the First Amendment, and the Town Board further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and

WHEREAS, however, the Town Board is aware, based on the experiences of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs may and do generate secondary effects which the Town Board believes are detrimental to the public health, safety and welfare of the citizens of the Town of Turtle; and

WHEREAS, among these secondary effects are: (a) the potential increase in prostitution and other sex-related offenses as well as other crimes and offenses; (b) the potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist; (c) health risks associated with the spread of sexually transmitted diseases; and (d) the potential for infiltration by organized crime for the purpose of unlawful activity; and

WHEREAS, the Town Board desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the Town of Turtle; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and

WHEREAS, the Town Board has determined that enactment of an ordinance prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to service alcohol beverages promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity;

NOW, THEREFORE, The Town Board of Supervisors of the Town of Turtle does ordain as follows:

(a) **Nude Dancing In Licensed Establishments Prohibited.** It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to

permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

- (1) Shows his or her genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a full opaque covering; or
- (2) Shows any portion of the female breast below a point immediately above the top of the areola; or
- (3) Shows the covered male genitals in a discernibly turgid state.

(b) **Exemptions.** The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(c) **Definitions.** For the purposes of this ordinance, the term “licensed establishment” means any establishment licensed by the Town Board of the Town of Turtle to sell alcohol beverages pursuant to chapter 125 of the Wisconsin Statutes. The term “licensee” means the holder of a retail Class A license for the sale of fermented malt beverages, Class B license for the sale of fermented malt beverages, Class A license for the retail sale of intoxicating liquor, Class B license for the retail sale of intoxicating liquor, or Class C license for the retail sale of wine granted by the Town Board pursuant to chapter 125 of the Wisconsin Statutes.

(d) **Penalties.** Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to a forfeiture. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under section 125.12 of the Wisconsin Statutes.

Section 14.13 Fireworks.

(a) **State Law Adopted.** Except as otherwise provided in this ordinance the provisions of section 167.10 of the Wisconsin Statutes, including any future amendments, revisions or modifications thereto, relating to the regulation of fireworks are hereby adopted by reference. Any act required to be performed or prohibited by this statute is required or

prohibited by this ordinance. However, the penalty for any violation of this ordinance shall be limited to a forfeiture.

(b) **Fireworks Prohibited.** The sale, possession or use of fireworks is prohibited in the Town of Turtle except as permitted under a user's permit issued by the Town Chairperson.

(c) **User's Permit.**

(1) Permits shall be issued pursuant to the provisions of section 167.10(3) of the Wisconsin Statutes.

(2) Application to the Town Chairperson for a permit to display fireworks shall be made at least 30 days before the date for the proposed use of the fireworks.

Section 14.14 Unnecessary Noise.

(a) **Noise, Loud and Unnecessary Prohibited.** No person shall make any loud, disturbing or unnecessary sound or noise such as may tend to annoy or disturb another in or about any public street, alley, park or private residence. Without limitation because of enumeration, the following shall be prohibited under this section: Causing excessive noise in the operation of any radio or mechanical instrument; keeping any bird or animal which disturbs the peace and quiet of the neighborhood; using any amplification instrument in such a manner as to disturb the peace and quiet of the neighborhood; and operation of a motor vehicle so as to cause any unnecessarily loud sound or noise.

(b) **Commercial Advertising by Sound Truck or Aircraft Prohibited.**

Commercial advertising by sound truck or aircraft is prohibited. No person shall operate, or cause to be operated, any sound truck or aircraft for commercial sound advertising purposes in or above the Town. A sound truck means any motor vehicle having mounted thereon, or attached thereto, any sound amplifying equipment.

Section 14.15 Alcohol Regulations.

Except as otherwise specifically provided in this code, the statutory provisions in Chapter 125 of the Wisconsin Statutes, relating to alcohol beverages, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions or modifications of the statutes incorporated

herein are intended to be made part of this code in order to secure uniform statewide regulation of the sale of alcohol beverages.

Section 14.16 Regulations of Parks.

(a) Regulation of Motor Vehicles.

- (1) No person shall drive a motor vehicle on any highway in any park in excess of 15 miles per hour.
- (2) No person shall operate a motor vehicle in any park unless upon a highway, public way or thoroughfare.
- (3) No person shall park, stop, or leave standing any motor vehicle, attended or unattended, in any park, except upon a duly designated parking area.

(b) Regulation of Horses and Ponies. No person having ownership, possession, custody, or control of any horse or pony shall permit the same to be in a park, except upon a duly designated bridle path, the extreme out limit of the left side of the highway, public way or thoroughfare, or in any duly designated parking area.

(c) Park Closing Hours. No person shall be in any park from the hours of eleven o'clock P.M. to five o'clock A.M. without the express written permission of the Town Board.

(d) No Distribution of Advertising Matter. No person shall distribute or post any handbills or other advertising matter of any type within any park, without the express written consent of the Town Board.

(e) Noise Regulation. No person shall operate or use any sound truck, loud speaker, microphone, or other mechanical device the primary purpose of which is to amplify voice, music, or other sound, in any park without the express written consent of the Town Board. Nothing in this subsection shall be construed to prohibit the reasonable use of radios, CD players, tape players, or similar devices.

(f) Removal or Destruction of Property. No person shall disturb, disfigure, deface, carve, injure, destroy or remove any of the following in any park:

- (1) Any tree, tree stump, shrub, flower, or other natural plant growth, living, dormant, or dead.
- (2) Any rock, stone, earth, or other natural mineral product.

- (3) Any walk, sign, fence, table, building, or shelter or any structure of any kind.
- (g) **Littering and Dumping Prohibited in Lakes, Rivers, or Streams.** No person shall dump, deposit, place, throw, or otherwise dispose of any paper, cans, bottles, debris, refuse, or other solid waste material in any lake, river or stream within the boundaries of the Town of Turtle, or leave the same upon the ice or in the water thereof.
- (h) **Washing in Lakes, Rivers, or Streams Prohibited.** No person shall bathe, rinse, or wash, with or without soap or detergent, any dog or other animal, clothing, cooking utensils, bicycle, or motor vehicle in any lake, river or stream within or adjacent to any park.
- (i) **Use of Soap or Detergents in Lakes, Rivers or Streams Prohibited.** No person shall use or place any soap or detergents in any lake, river, or stream within or adjacent to any park.
- (j) **No Fires Permitted Except by Fireplaces or Grills.** No person shall build, light, or tend any fire in any park except in fireplaces or grills constructed for that purpose.
- (k) **Cigarettes, Cigars, and Pipe Ash Must Be Extinguished.** No person shall dispose of any cigarette, cigar, or pipe ash in any park without completely extinguishing the same.
- (l) **Firearms and the Like Prohibited.** No person shall have in his possession or control any firearm, bow and arrow, sling shot, or any other weapon from which a missile is projected in any park, unless the same is unloaded and within a carrying case, without the express written consent of the Town Board.
- (m) **Hunting or Trapping Prohibited.** No person shall hunt, trap, poison, kill, injure, molest, disturb, or tease any wild animal, caged or uncaged, in any park. Nothing in this subsection shall be construed to prohibit the lawful taking of fish.
- (n) **Releasing Caged Animals Prohibited.** No person shall release any caged wild animal found in any park.
- (o) **Removing of Animals from Park Prohibited.** No person shall take or remove or cause to be taken or removed any wild animal, caged or uncaged, from any park. Nothing in this subsection shall be construed to prohibit the removal of any fish lawfully taken.
- (p) **No Dogs in Parks.** No dogs shall be permitted in parks in the Town of Turtle.
- (q) **Intoxicants Prohibited.** No person shall consume or possess any alcoholic beverage, in any park in the Town of Turtle, except as set forth in this ordinance. Consumption

of alcoholic beverages in parks is allowed under temporary permit issued by the Town Board. Such temporary permit shall be subject to local licensing requirements and such other restrictions as the Town Board deems to be in the public interest.

- (f) **Waste Receptacles.** No person shall dump, deposit, place, throw or otherwise deposit any paper, cans, bottles, debris, refuse or other solid or liquid waste in any part in the Town of Turtle. All such waste shall be placed in waste receptacles.

Section 14.17 Littering.

- (a) No person shall throw any glass, garbage, rubbish, waste, slop, dirty water or noxious liquid, or other litter or unwholesome substance upon the roads, alleys, highways, public parks or other property of the Town or upon any private property not owned by such person or upon the surfaces of any body of water within the Town.

- (b) No person shall allow a member of his family, an independent contractor, an agent, an employee, or person engaged to dispose of trash, to throw or deposit any refuse, rubbish or garbage which originally belonged to said person, on any street or highway or upon any public grounds in the Town of Turtle or in Turtle Creek within the limits of the Town of Turtle, or on any private property without the owner's consent or upon any other property within the limits of the Town of Turtle.

- (c) No person shall operate a vehicle carrying one of the following loads on a public thoroughfare in the Town of Turtle unless:

- (1) The vehicle carrying trash, garbage, rubbish, paper, waste or other litter or unwholesome substances is so constructed and loaded to prevent its contents from escaping; and

- (2) The load is covered.

- (d) Any person who shall violate subsection (c), with the result that a road, alley, highway or sidewalk becomes littered or any person who shall operate a motor vehicle so that mud, dirt, stones and similar material become deposited on any road, alley, highway, or sidewalk from the wheels or other parts of such motor vehicle shall be responsible to clean such materials from such road, alley, highway or sidewalk and if such person does not do so the Town may cause such cleaning to be done and the cost charged to such person.

Section 14.18 Weeds.

(a) **Definitions.** For purposes of this ordinance, the following terms shall have the meaning given herein.

(1) The term "destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing stock, or any or all of these in effective combination, at such time and in such manner as will effectively prevent such plants from maturing to the bloom or flower stage.

(2) The term "noxious weeds" includes Canada thistle, leafy spurge, field bindweed (creeping Jenny) and any other such weeds as the Town Board by resolution or ordinance declares to be noxious within the Town of Turtle.

(b) **Noxious Weeds.** Every person shall destroy all noxious weeds on all lands which the person owns, occupies or controls in the Town of Turtle.

(c) **Other Weeds and Grasses.** No person shall permit weeds other than noxious weeds or grasses to grow to a height of more than 6 inches on any land the person owns, occupies or controls in the Town of Turtle. However, this provision shall not apply to:

(1) Land zoned Agricultural District One (A-1).

(2) Land zoned Agricultural District Two (A-2).

(3) Land zoned Agricultural District Three (A-3).

(4) Lands subject to an approved Land Management Plan.

(d) **Land Management Plan.**

(1) **Plan Authorized.** Any owner, occupant or person in control of land in the Town of Turtle may apply for the approval of a land management plan for a natural lawn where weeds other than noxious weeds and grasses exceed 6 inches in height. The application shall be made to the Planning Commission.

(2) **Contents of Plan.** A land management plan means a written plan relating to the management of the lawn which contains a legal description of the land upon which the weeds or grasses will exceed 6 inches in height, a statement of the purpose for the lawn, a general description of the vegetational types, plants and plan succession involved and the specific management and maintenance techniques to be employed. The land management plan must include provisions for cutting a 3 foot strip along all property lines at a height of 6 inches or less.

- (3) **Revocation.** The land management plan may be revoked for failure to comply with the provisions of the approved plan.
 - (4) **Notice.** A copy of the application for a land management plan shall be mailed to each of the owners of record of land within 200 feet of the boundaries of the land for which the application is made. If, within 15 days of receipt of a copy of the application, at least 51% of such property owners file written objections to the application with the Town Clerk, the Planning Commission shall refer the application to the Town Board for hearing and decision.
 - (5) **Safety Hazard.** In case of a safety hazard as determined by the Weed Commissioner, the Town shall require cutting upon notice to the owner, occupant or person in charge of the land.
 - (6) **Lawn.** Each lawn subject to a land management plan shall be cut once each year.
- (e) **Weed and Grass Removal.** If a person who owns, occupies or control lands in the Town of Turtle fails to destroy noxious weeds or permits other weeds or grasses to grow to a height in excess of 6 inches, except as allowed by a land management plan, the Weed Commissioner shall send a 5 day written notice to the person who owns, occupies or controls such lands requiring such noxious weeds to be destroyed and other weeds and grasses to be cut to a height of not more than 8 inches immediately. If the person who owns, occupies or controls the lands fails to comply with the notice, the Weed Commissioner may arrange for the destruction of the noxious weeds and the cutting of other weeds and grasses, either by a commercial company or Town employees. The Town may collect this expense by a special assessment against the land. In addition, the person who owns, occupies or controls the lands is subject to a forfeiture for violation of this provision.

Section 14.19 Walking/Bike Path Ordinance.

(a) **Purpose.**

The Town of Turtle has created a 1-1/2 mile walking/bike path on 125 acres of property owned by the Town of Turtle located in part of the Northwest quarter and part of the Northeast quarter, Section 3, T.1N., R.13E. of the 4th P.M., Town of Turtle, Rock County, Wisconsin. The walking/bike path is open to the public. For the health, safety and welfare of the public, the walking/bike path is restricted to persons walking and riding bicycles.

(b) **Vehicles Prohibited.**

No person shall use or operate on the walking/bike path an all-terrain vehicle, snowmobile, moped, motor bicycle, motorcycle, or motor vehicle of any kind.

(c) **Horse Riding Prohibited.**

No person shall ride a horse on the walking/bike path.

(d) **Penalty.**

Any person who shall violate this ordinance shall be subject to a forfeiture.

Section 14.20 Nonresidents Dumping in Town Yard Waste Area

(a) **Purpose and Intent.** The Town of Turtle has created an area for residents of the Town to dump yard waste, brush and leaves which is located on land owned by the Town in part of the Northwest quarter and part of the Northeast quarter, Section 3, T.1N., R.13E. of the 4th P.M., Town of Turtle, Rock County, Wisconsin. For the health, safety and welfare of the public, the yard waste area is restricted to allow only residents of the Town of Turtle to dump yard waste, brush and leaves there.

(b) **Dumping By Nonresidents Prohibited.** Persons who are nonresidents of the Town of Turtle shall not dump yard waste, brush, leaves, or any other material or objects in the Town yard waste disposal area.

(c) **Penalty.** Any person who shall violate this section shall be subject to a forfeiture of \$500.00 plus costs.

