

# TOWN Of HOLLAND ORDINANCES

## Town Of Holland Municipal Code

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## **CHAPTER 1- GENERAL PROVISIONS.**

### **1.01: TOWN OF HOLLAND MUNICIPAL CODE.**

(1) **Title.** This code of ordinances may be known and cited as the Town of Holland Municipal Code.

(2) **Amendments.** Any additional ordinances and/or amendments to existing ordinances are incorporated in and made a part of this code so that a reference to the Town of Holland Municipal Code includes all such additions and amendments.

(3) **Numbering of Sections.** Each section number of this code shall consist of two component parts separated by a period; the figure before the period refers to the chapter number and the figure after the period refers to the position of the section within the chapter.

### **1.02: GENERAL DEFINITIONS.**

Terms used in this code, unless specifically defined in this code, have the same meaning prescribed by the Wisconsin Statutes for the same terms, or if not defined in this code or the statutes, then their usual and customary meanings.

### **1.03: SPECIFIC DEFINITIONS.**

Terms used in this code have the following meanings:

(1) **Act:** Includes the failure or omission to do something which should have been done, or which was required to be done, under the circumstances then existing.

(2) **Board:** The Town Board of the Town of Holland, and similarly the title of any other official, board or commission shall refer to that of the Town of Holland unless otherwise stated.

(3) **Code:** The Town of Holland Municipal Code (this code).

(4) **County:** Brown County

(5) **Ordinance:** An ordinance of the Town of Holland and all amendments thereto included in this code; and any ordinance passed and published, but not yet included in this code.

(6) **Person:** Any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; as applied to corporations, the word includes the officers, agents or employees thereof who are responsible for the act referred to. The singular person includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders, and vice versa.

(7) **State:** State of Wisconsin

(8) **Town:** Town of Holland, Brown, County, Wisconsin

(9) **Wisconsin Statutes:** The latest publication thereof and any and all amendments thereof as and when enacted.

**1.04: REPEAL OF ORDINANCES.**

All general ordinances or parts of ordinances heretofore adopted by The Town Board and not included in this code are repealed, except the following which are hereby continued in full force and effect:

- (1) Ordinances authorizing contracts and/or the issuance of municipal notes or bonds;
- (2) Ordinances levying taxes and/or making special assessments;
- (3) Ordinances appropriating funds and/or establishing salaries;
- (4) Ordinances granting franchises and/or rights to corporations;
- (5) Ordinances relating to the establishment, dedication, opening, grading, naming, improvement, altering, widening and/or vacating of streets, alleys, sidewalks, parks and/or public grounds;
- (6) Ordinances respecting the conveyance or acceptance of real property and/or easements in real property;
- (7) Ordinances authorizing and/or relating to particular public improvements;
- (8) Any other special ordinances not in conflict with the provisions of this code.

**1.05: JURISDICTION.**

Unless otherwise provided in this code, this code applies to acts performed within the Town of Holland, Brown County, Wisconsin.

**1.06: PENALTIES.**

(1) **Standard Penalty.** Unless another penalty is expressly provided by the Code for any particular provision, section or chapter, any person violating any provision of this Code or any rule or regulation adopted or issued in pursuance thereof, or any provision of any Code adopted here by reference shall, upon conviction, be subject to a forfeiture of not less than \$1.00 nor more than \$10,000.00 and the cost of prosecution. In default of immediate payment of such forfeiture and cost such person shall be committed to the Brown County jail until such forfeiture and costs are paid, or such person's driver's license may be suspended for a period of up to two years. Every commitment shall limit the duration of such imprisonment to a definite term not exceeding ninety (90) days.

(2) **Each Day a Violation.** Each act of violation, and every day upon which a violation occurs or continues, constitutes a separate offense.

(3) **Applicability.** The penalty provided by this section and/or any section of this code applies to the amendment of any section of this code and any code adopted herein by reference to which the penalty relates whether or not such penalty is re-enacted in the amendatory ordinances, unless otherwise provided in the amendment.

(4) **Reference to Sections.** Reference to any section of this code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

(5) **Failure of Officers to Perform Duties.** The failure of any officer or employee of the Town to perform any official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code, unless a penalty is specifically provided.

(6) **Bond and Deposit Schedule, Non-traffic Violations.** The Bond and Deposit Schedule for non-traffic violations shall be as set forth by the Wisconsin Judicial Conference, which Municipal Court Bond Schedule is attached hereto as Schedule A.

(7) **Alternative Juvenile Dispositions and Sanctions.**

(a) The Municipal Court may impose any of the dispositions listed in Section 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes, if a juvenile is adjudged to have violated a Town Ordinance.

(b) The Municipal Court may impose any of the sanctions listed in Section 938.355(6) (d), Wis. Stats., in accordance with the provisions thereof; if a juvenile who is adjudged to have violated a Town Ordinance violates a condition of a dispositional order of the court under Section 938.343 or 938.344, Wis. Stats.

**1.07: RESPONSIBILITY FOR ACTS**

Every person concerned in the commission of any act prohibited by this code, whether he directly commits the act, or in any way directs, encourages, advises, aids, or abets its commission, may be prosecuted and on conviction thereof is subject to punishment the same as if he had directly committed such act.

**1.08: SEPARABILITY OF PROVISIONS.**

Each section, subsection, paragraph, sentence, phrase, clause and provision of this code is separable, and if any provision hereto is held to be unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code nor any part thereof, and it shall be deemed and is hereby declared that all remaining parts of this code would have been passed and published the same as if such illegal, invalid or unconstitutional section, subsection, paragraph, sentence, phrase, clause or provision had not been included herein.

**1.09: EFFECTIVE DATE.**

This Code of Ordinances shall take effect upon passage and publication in book form under the authority of the Town Board as provided by Section 66.035, Wis. Stats., and other provisions of law.

**1.10: COPY OF MUNICIPAL CODE ON FILE.**

A copy of this code shall be kept permanently on file, and open and available for public inspection at the office of the Town Clerk.

**1.11: OTHER COSTS.**

Every citation issued for violation of any Town Ordinance shall include the following costs in addition to the forfeiture amount:

- (1) **Penalty Assessment.** The penalty assessment shall be an amount equal to twenty-six (26%) percent of the forfeiture amount.
- (2) **Court Costs.** The court costs shall be twenty eight dollars (\$28.00).
- (3) **Jail Assessment.** The jail assessment shall be ten dollars (\$10.00).
- (4) **Crime Lab Fee.** The crime lab fee shall be eight dollars (\$8.00).

**1.12: ENFORCEMENT.**

(1) **Authorization for Use of Citation.**

The Town of Holland hereby elects to use the citation method of enforcement of ordinances. All Town officers, Town Constable, and the Brown County Sherriff's Department and Sheriff's Deputies are charged with the responsibility of enforcing the provisions of this Code of Ordinances and are hereby authorized pursuant to Sec. 66.0113, Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

(2) **Officials Authorized to Issue Citation.**

The following officials are authorized to issue citations and pursuant to the issuance of citations may be authorized to:

- (a) Query license plates of in-state and out-of-state vehicles for the purpose of enforcing the Town of Holland Code of Ordinances.
- (b) Obtain names and addresses of registered owners of vehicles which are in violation of Town Ordinances for the purposees of issuing citations.

Citations authorized may be issued by:

- a) Law enforcement officers.
- b) Town Constable.
- c) Zoning Administrator.
- d) Building Inspector.

(3) **Form of Citations.**

The form of the citation to be issued by law enforcement officers, the Town Constable, or other designated Town officials is incorporated herein by reference and shall provide for the following information:

- (a ) The name, address, date of birth and physical description of the alleged violator,
- (b ) The factual allegations describing ath alleged violation;
- (c ) The date and place of the offense;
- (d ) The Section of the Ordinance violated;
- (e ) A designation of the offense in such manner as can be readily understood by a person making

a reasonable effort to do so;

(f) The time at which the alleged violator may appear in court;

(g) A statement which in essence informs the alleged violator;

1) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;

2) That if the alleged violator makes such a deposit; he/she need not appear in court unless subsequently summoned;

3) That if the alleged violator makes a cash deposit and does not appear in court, he/she will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Sec. 165.87, Wis. Stats.; and court cost as imposed by Sec. 800.10, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest;

4) That if the alleged violator dose not make a cash deposit and dose not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by Sec. 165.87, Wis. Stats.;

(h) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he/she read the statement required under Subsection (g) and shall send the signed statement with the cash deposit;

(i) Such other information as may be deemed necessary.

**(4) Procedure.**

Sec. 66.0113, Wis. Stats.; relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

**(5) No Exclusivity of Chapter.**

(a) Adoption of this Chapter dose not preclude the Town Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.

(b) The issuance of a citation hereunder shall not preclude the Town or any athorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Section 1.12 (1)-(5) was adopted April 6, 2009

Section 1.12(1) was amended February 7, 2011

## **CHAPTER 2 - BURNING AND FIREWORKS (OUTDOOR AND REFUSE).**

### **2.01: PURPOSE.**

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Holland Sanitary District due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

### **2.02: APPLICABILITY.**

This ordinance applies to all outdoor burning and refuse burning within the Town of Holland Sanitary District Boundaries

(1) This ordinance dose not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances, or campfires.

(2) This ordinance dose not apply to burning in a stove , furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 4 of this ordinance.

(3) This ordinance dose not apply to the use of propane, acetylene, natural gas, kerosene, gasoline or other petroleum derivative in a device intended for heating, construction or maintenance activities.

### **2.03: SEVERABILITY.**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance should not be affected.

### **2.04: DEFINITIONS.**

As used in this chapter the following terms shall have the meanings indicated:

(1) "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

(2) "Clean Wood" means natural wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and dose not contain resins or glue as in plywood or other composite wood products.

(3) "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

(4) "Fire Chief" means the Chief of the Hollandtown Volunteer Fire Department, or other person authorized or designated by the Fire Chief.

(5) "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

(6) “Open Burning” means kindling or maintaining a fire where the produces of combustion are emitted directly into the ambient air without passing through a stack or chimney.

(7) “Outdoor Wood-fired Furnace” means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(8) “Refuse” means any waste material except clean wood.

## **2.05 GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING.**

Open burning, outdoor burning and refuse burning are prohibited within the Town of Holland Sanitary District Boundaries unless the burning is specifically permitted by this ordinance.

## **2.06: MATERIALS THAT MAY NOT BE BURNED**

Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device.

(1) Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(2) Waste oil or other oily wastes except used oil burning in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

(3) Asphalt and products containing asphalt.

(4) Treated or painted wood, including but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(5) Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and fabrics, plastic films and plastic containers.

(6) Rubber including tires and synthetic-like products.

(7) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 2.12 of this ordinance.

## **2.07: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS**

Open burning of leaves, weeds, stumps, clean wood and other vegetative debris is allowed in the Town of Holland Sanitary District only in accordance with the following provisions:

(1) All allowed open burning shall be conducted in a safe nuisance-free manner, when wind and weather conditions are such to minimize adverse effects and not create a health hazard or visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

(2) Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

(3) Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions by the Department of Natural Resources and the Fire Chief.

(4) Open burning of weeds or brush on agriculture lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

(5) Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

(6) Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided that the fire is confined by a control device or structure such as outdoor fireplace, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.

(7) Burning of trees, limbs, stumps, brush or weeds for cleaning or maintenance of rights-of-way is allowed if approved by the Town of Holland constable and if in accordance with the other provisions of this ordinance.

(8) Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under Section 13 of this ordinance.

(9) Open burning under this section shall only be conducted at a location at least 100 feet from the nearest building, which is not on the same property.

(10) Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person should have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

(11) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream, or water body.

(12) Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

(13) No open burning may be conducted on days when the Department of Natural Resources has declared an ozone action day applicable to the Town of Holland.

**2.08: BURN BARRELS.**

No person, corporation, or entity shall use or maintain a burn barrel in the Town of Holland Sanitary District.

**2.09: OUTDOOR WOOD-FIRED FURNACES.**

No person shall install, use or maintain an outdoor wood-fired furnace in the Town of Holland Sanitary District.

**2.10: FIRE DEPARTMENT PRACTICE BURNS.**

Notwithstanding section 5 and 6 of this ordinance, the Hollandtown Volunteer Fire Department may burn a standing building located within the Town of Holland Sanitary District if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources. At least 72 hours before a planned practice burn, the Fire Chief or designee shall notify all residents residing within the Town of Holland Sanitary District, and any other residents located within 1,500 feet of the site of the proposed burn, of the time and place of the practice burn.

**2.11: FIREWORKS.**

It shall be unlawful for any person, organization, business or corporation to maintain any illegal fireworks, except fireworks for public display in compliance with state law shall be permitted after obtaining all state and local permits.

**2.12: EXEMPTION FOR BURNING CERTAIN PAPERS.**

Exemption for burning certain papers

(1) Notwithstanding Subsection 2.06(7) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowable under this ordinance.

(2) Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

(3) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

(4) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 2.07(1)-2.07(3), 2.07(6), and 2.07(11) -2.07.(13) of this ordinance.

**2.13: BURNING PERMITS.**

Burning permits

(1) No person shall start or maintain any open burning without a burning permit issued by the Town of Holland Fire Chief, Assistant Fire Chief, Town of Holland Constable, or other Town of Holland municipal office Staff or municipal official.

(2) An outdoor campfire as described in section 2.07(6), supra, does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

(3) Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 2.07 of this ordinance shall obtain a one-time burning permit before starting the fire. The burning permit is good for a period of up to five days. Upon expiration of the permit, a new permit must be applied for if additional burning is needed.

(4) When weather conditions warrant, the Fire Chief, Town of Holland municipal constable, or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

(5) A burning permit issued under this section shall require compliance with all applicable provisions of this chapter and any additional special restrictions deemed necessary to protect public health and safety.

(6) Any violation of the conditions of the conditions of a burning permit shall be deemed a violation of this chapter. Any violation of this chapter or the burning permit shall void the permit.

#### **2.14: LIABILITY**

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire, irrespective of whether a burning permit is issued.

#### **2.15: RIGHT OF ENTRY AND INSPECTION**

The Fire Chief or any authorized officer, agent, employee or representative of the Town of Holland who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Sections 66.122 and 66.123, Wis. Stats.

#### **2.16: ENFORCEMENT AND PENALTIES.**

##### Enforcement and penalties

(1) The Fire Chief, designee of the Fire Chief, and the Town of Holland staff and officials are authorized to enforce the provisions of this chapter.

(2) The penalty for each violation of any portion of this chapter shall be a forfeiture of not less than \$25.00 or more than \$250.00. The applicable penalty amount are doubled for second and subsequent offenses.

(3) Any person, corporation, or other entity found violating any portion of this chapter shall pay all fees, costs and disbursements incurred by the Town of Holland associated with the prosecution of the action.

(4) Each day a violation exists or continues constitutes a separate offense and separate violation.

(5) Any person, corporation, or other entity found violating any portion of this chapter shall be enjoined or restrained from further violation.

## **CHAPTER 3 - DISORDERLY CONDUCT**

### **3.01: DISORDERLY CONDUCT PROHIBITED**

No person within the Town of Holland shall engage in any of the following behavior.

(1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.

(2) Intentionally cause, provoke or engage in any fight, riot or noisy altercation.

### **3.02: INDECENT CONDUCT AND LANGUAGE PROHIBITED.**

No person shall use any indecent, vile, profane or obscene language or conduct himself or herself in any indecent, lewd, lascivious or obscene manner within the Town.

### **3.03: VIOLATIONS AND PENALTIES.**

Violations and Penalties

(1) **First offense.** Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$25 nor more than \$1000, together with the cost of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

(2) **Second offense.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof forfeit not less than \$50 nor more than \$1000 for each such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

(3) **Continued violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.

(4) **Other remedies.** The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the costs of prosecution above.

## **CHAPTER 4 - LITTERING AND DUMPING**

### **4.01: LITTERING PROHIBITED**

No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Town of Holland or upon property within the Town owned by the school district or any private person, or upon the surface of any body of water within the Town. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

### **4.02: LITTER FROM CONDUCT OF COMMERCIAL ENTERPRISE**

Litter from conduct of commercial enterprise

(1) **Scope.** The provisions of this section shall apply to all sales, promotions, and other commercial ventures that result in litter being deposited on any street, alley or other public way.

(2) **Litter to be cleaned up.** Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within 12 hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

(3) **Litter picked up at litter's expense.** If any person, firm, corporation or association fails to pick up any litter as required by this section within the time specified by this section, the Town shall arrange to have the same picked up by Town crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of 20% for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Town Attorney's Office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of chapter.

### **4.03: DUMPING OF REFUSE AND YARD WASTE.**

No person or entity shall deposit or cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, refuse or waste material in any gutter or storm sewer or along any public street, road, alley, roadside ditch, drainage ditch, or highway.

### **4.04: HANDBILLS OR ADVERTISING MATERIAL.**

Handbills or advertising material

(1) **Scattering prohibited.** It shall be unlawful to deliver any handbills or advertising material to any premises in the Town except by being handed to the recipient, placed on the porch, stoop or entranceway of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

(2) **Paper in public places prohibited.** It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

#### **4.05: ABANDONED AND UNATTENDED REFRIGATORS**

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure, under his control in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

#### **4.06: STORAGE OF JUNK OR DISCARDED PROPERTY**

No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris, which substantially depreciates property values in the neighborhood. The Town Board may require by written order any premises violating this section to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

#### **4.07: VIOLATIONS AND PENALTIES.**

Violations and Penalties.

(1) **First offense.** Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than \$25 nor more than \$1000, together with costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

(2) **Second offense.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof forfeit not less than \$50 nor more than \$1000 for each such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

(3) **Continued violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.

(4) **Other remedies.** The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the costs of prosecution above.

## **CHAPTER 5 - VEHICLES - JUNKED, NUISANCE AND ABANDONED**

### **5.01: PURPOSE**

The purpose of this chapter is to prevent blight, protect the integrity of investments in real property, prevent the decline of real estate values, improve aesthetic and protect public health, safety and welfare of the citizens of the Town of Holland.

### **5.02: DEFINITIONS**

As used in this Chapter, the following terms shall have the meanings indicated:

- (1) "Street" means any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular travel.
- (2) "Unattended" means unmoved from its location with no obvious sign of continuous human use.
- (3) "Motor Vehicle" means any mobile home, moped, motor bicycle, motor bus, motorcycle, motor-driven cycle, motor home, motor truck, trailer, semi-trailer and motor vehicle, whether or not such vehicle is registered under Wisconsin law. See also SS 340.01(35), Wis. Stats.
- (4) "Nuisance Motor Vehicle" means any unlicensed, disassembled, inoperable, junked, or wrecked motor vehicle, truck body, tractor or trailer. A vehicle for which a license has been applied for shall be deemed a licensed vehicle if proof of application is prominently displayed on the front windshield.
- (5) "Disassembled, inoperable, junked or wrecked motor vehicle, truck body, tractor or trailer" means motor vehicles, recreational vehicles, truck bodies or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways or which are otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or defects.
- (6) "Unlicensed motor vehicle, truck body or trailer" means any motor vehicles, truck bodies, recreational vehicles or trailers which do not have lawful current license plates.

### **5.03: PROHIBITED ACTS AND EXCLUSIONS**

**PROHIBITED ACTS.** No person shall keep, place or store any nuisance motor vehicle or abandoned motor vehicle upon any public thoroughfare, street, or highway or any private or public property within the Town of Holland in a manner inconsistent with this chapter. However, the following specific exclusions shall apply:

- (1) This ordinance shall not apply to farm machinery or farm equipment.
- (2) This ordinance shall not apply to currently existing vehicles, or parts thereof, which would ordinarily be considered to be in violation of the provisions of this ordinance, but which were present at the time of the enactment of the ordinance. Such vehicles, or parts thereof, shall be considered to be grandfathered in and shall be exempt from, and not be affected by, this ordinance.

(3) This ordinance shall not apply to persons or entities residing outside of the boundaries of the Town of Holland Sanitary District who have five (5) or less junked, nuisance, or abandoned vehicles, as more specifically set forth and defined in Section 5.02, above.

**5.04: STORAGE OF JUNKED OR NUISANCE VEHICLES PROHIBITED.**

The accumulation or storage of any junked or nuisance automobiles, or parts thereof, outside of any building on any private property, real estate, street, or town road located within the Town of Holland is declared to be a nuisance and dangerous to the public health, safety and well-being. No disassembled, inoperable, junked, wrecked and/or unlicensed motor vehicle, truck body or trailer shall be stored or allowed to remain in the open upon public or private property within the Town of Holland in excess of five(5) days unless it is in connection with a properly licensed automotive sales or repair business located in a properly zoned area.

**5.05: ENFORCEMENT AND PENALTIES - JUNKED OR NUISANCE MOTOR VEHICLES ON PRIVATE PROPERTY.**

Whenever the Town Constable shall find any such junked or nuisance motor vehicles, as described herein, placed or stored in the open upon private property within the Town of Holland, he shall notify the owner of said property on which said vehicle is stored in violation of this section.

(1) If said vehicle is not repaired, made operable and licensed or, in the alternative, removed, to be in compliance with the provisions of this chapter within five (5) days after such notice, the Town Constable shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle is stored.

(2) If said vehicle is not repaired, made operable, and licensed or, in the alternative, removed, to be in compliance with the provisions of this chapter within fifteen (15) days after such notice, the Town Constable shall cause such vehicle to be removed, the cost of such removal to be charged to the owner of vehicle. If the owner of the vehicle cannot be readily found, the cost of the removal shall be charged to the property from which it is removed, and the charges shall be entered as a special charge on the tax roll. Upon removal, the vehicle shall be stored in a junk or salvage yard or other suitable place for thirty (30) days, and the owner thereof shall be notified of its whereabouts, if the name and whereabouts of the owner can be readily ascertained. At the end of such time, such vehicle shall be disposed of unless previously claimed by the owner. If such vehicle is claimed by the owner, all reasonable charges for handling and storage shall be paid by the owner.

(3) Any Person or entity receiving a citation for junked or nuisance motor vehicles found in the open upon private property within the Town of Holland shall be subject to a forfeiture of not less than \$25 and not more than \$100 for each offense.

(4) Each motor vehicle involved shall constitute a separate offense and each day such violation continues shall also constitute a separate offense for which additional citations shall be issued.

**5.06: ENFORCEMENT AND PENALTIES - JUNKED OR NUISANCE MOTOR VEHICLES ON PUBLIC PROPERTY.**

Whenever the Town Constable finds any such junked or nuisance vehicles, as described herein, placed or stored in the open upon public property within the Town of Holland, the Town Constable shall cause such vehicle to be removed or stored in a junk or salvage yard or other suitable place for a period of thirty (30) days. The Town Constable shall notify the owner thereof of such action, if the name and

Whereabouts of the owner of the vehicle can be readily ascertained. At the end of the 30 day period, such Vehicle shall be disposed of unless previously claimed by the owner. If such vehicle is claimed by the owner, all reasonable charges for handling and storage shall be paid by the owner.

(1) Any person or entity that is determined to have placed or stored a vehicle in the open upon public property within the Town of Holland shall be subject to forfeiture of not less than \$50 and not more than \$500 for each separate offense.

(2) Each motor vehicle involved shall constitute a separate offense and each day such violation continues shall also constitute a separate offense for which additional citations shall be issued.

#### **5.07: ABANDONMENT OF VEHICLES PROHIBITED.**

No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Town of Holland for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway within the Town of Holland or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than 72 hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.

(1) A vehicle shall be presumed unattended if it is found in the same position 72 hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said 72 hours.

(2) Any vehicle left unattended for more than 72 hours on any public street or public ground or left unattended for more than 72 hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance, provided that the vehicle shall not be deemed abandoned under this subsection if left unattended on private property outside of public view or if designated as not abandoned by Town law enforcement officers or municipal officials.

(3) Any abandoned vehicle, as described in this section, shall be removed and impounded until lawfully claimed or disposed of under the provisions of this chapter.

#### **5.08: REMOVAL, IMPOUNDMENT OF ABANDONED VEHICLES.**

Any time the Town Constable, his designee, or other law enforcement official discovers any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Town of Holland which has been abandoned, that person shall cause the vehicle to be removed to a suitable place of impoundment.

#### **5.09: STORAGE OF ABANDONED VEHICLES.**

Any abandoned vehicle which is determined by the Town Constable, his designee, or other law enforcement official to be abandoned shall be retained in storage for a period of fourteen (14) days after certified notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Town Constable, his designee, or other law enforcement official determines an abandoned vehicle to have a value of less than \$100.00 or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a

period of seven (7) days and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence for any other reason. All substantially complete vehicles in excess of 19 model years of age shall be deemed as having a value of less than \$100.00 and shall be disposed of in accordance with the provisions of this chapter.

#### **5.10: RECLAMATION OF ABANDONED VEHICLES**

Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage, and notice charges, and upon presentation of the vehicle title or other satisfactory evidence to the Town Constable or his designee to prove an ownership or secured party interest in said vehicle.

#### **5.11: NOTICE TO OWNER OR SECURED PARTY.**

The certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:

- (1) The year, make, model and serial number of the vehicle in violation and the place where the vehicle is being held.
- (2) That the vehicle has been deemed abandoned and impounded by the Town of Holland.
- (3) The determined value of the abandoned vehicle or whether the cost of towing and storage charges will exceed the determined value of the vehicle.
- (4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges within 14 days of the date of the notice, unless it has been determined that the vehicle has a value of less than \$100.00 or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges.
- (5) That the failure of the owner or lien holder to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all right, title and interest in the vehicle and consent to the sale of the vehicle.
- (6) That the owner or aforesaid party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

#### **5.12: DISPOSAL OF UNCLAIMED AND ABANDONED VEHICLES.**

- (1) Each retained vehicle not reclaimed by its owner or lien holder may be sold or otherwise disposed. The Town Board, at its discretion, may dispose of the vehicle by direct sale to a licensed salvage dealer, by direct sale to a licensed dealership, by sealed bid or by action sale.
- (2) Notice of sale. A public sale notice shall be posted in at least three places in the Town likely to give notice. The posting of the notice shall be in the same form as the certified mail notice to the owner or lien holder of record.

(3) The purchaser of the abandoned vehicle shall have ten (10) days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the Town for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again.

(4) After deducting the expense of towing, impounding, storage and sale, the balance of the proceeds, if any, shall be paid into the Town treasury.

(5) Any listing of vehicle to be sold by the Town shall be made available to any interested person or organization who or which makes a written request for such list. The Town may charge a fee for the list.

#### **5.13: NOTICE TO THE DEPARTMENT OF TRANSPORTATION.**

Within five (5) days after the sale or disposal of a vehicle as provided in this chapter, the Town shall advise the Department of Transportation, Division of Motor Vehicles, of the sale or disposal on a form supplied by the Department of Transportation. A copy of such form shall be given to the purchaser of the vehicle, enabling the purchaser to obtain a regular certificate of title for the vehicle, and a copy shall be retained on file in the Town.

#### **5.14: OWNER RESPONSIBLE FOR COSTS**

The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of towing, impounding, and disposing of the vehicle. The Town Clerk shall mail a statement for such costs not recovered from the sale of the vehicle to the last-known address of the vehicle owner. The statement shall be payable within 30 calendar days from mailing. If the statement remains unpaid after its specified due date, and if the vehicle owner is an owner of the real property from which the vehicle was removed, the Town Clerk or Town Treasurer shall charge the unpaid costs against said real property as a delinquent special charge as provided by SS 66.0627, Wis. Stats. Costs not recovered in any other manner may be recovered in a civil action by the Town against the vehicle owner.

#### **5.15: VIOLATIONS AND PENALTIES.**

In addition to the removal and disposal of vehicles in violation of this chapter, additional forfeitures may be imposed in an amount as set by the town board.

## **CHAPTER 6 - ANIMAL CONTROL**

### **6.01: LICENSE REQUIRED**

Every person in the Town of Holland who owns harbors or keeps any dog more than five months of age must comply with the provisions of SS174.05 through 174.09, Wis. Stats., relating to the listing, licensing and tagging of said dog. The fact that a dog is without a license attached to a collar shall be presumptive that the dog is unlicensed.

### **6.02: DEFINITIONS**

As used in this chapter the following terms shall have the meanings indicated:

(1) "At Large" Means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be on the owner's premises.

(2) "Habitually" means customarily, by frequent practice or use. However it does not mean entirely or exclusively.

(3) "Owner" means any person owning, harboring, or keeping a dog. The occupant of any premises on which a dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this article.

(4) "Rabies" means an acute virus disease of the nervous system of warm-blooded animals usually transmitted by the bite of an animal.

### **6.03: RESTRICTIONS ON KEEPING OF DOGS.**

It shall be unlawful for any person within the Town of Holland to own, harbor or keep any dog which:

(1) Habitually pursues any vehicle upon a public street, alley or highway in the Town of Holland;

(2) Assaults or attacks any person;

(3) Is at large within the limits of the Town of Holland;

(4) Habitually barks or howls to the annoyance of any person or persons;

(5) Kills; wounds, or worries any domestic animal;

(6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

**6.04: DOGS RUNNING AT LARGE.**

No person possessing or owning any dog shall allow the dog to run at large within the Town of Holland. The owner of any dog, whether licensed or unlicensed, shall keep the dog tied or enclosed in a proper enclosure so as not to allow said dog to interfere with the passing public or neighbors. Any dog running at large, unlicensed as required by State Law or Village Ordinance to be licensed, shall be seized, impounded, and restrained by a humane or law enforcement officer or other duly authorized official.

(1) A dog shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

(2) Any damage caused by any dog running at large shall be the responsibility of the owner of said dog, along with any court costs or costs of prosecution. The provisions of SS174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs, together with the penalties therein set forth, are hereby adopted and incorporated herein by reference.

**6.05: BARKING DOGS.**

It shall be unlawful for any person to keep or harbor a dog which habitually barks, howls, yelps, or creates other noise to disturb the peace and quiet of the neighborhood or to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs are hereby declared to be a public nuisance. A dog is considered to be in violation of this section when two formal, written complaints are filed with the Town or police within a four week period.

**6.06: DISPOSAL OF DOG FECES.**

Any person owning, keeping, possessing or harboring a dog, including animals of any species, shall immediately remove and dispose of all feces left by such dog on any public or private property which is not owned or occupied by such person. This section shall not apply to a person who is visually or physically handicapped.

**6.07: DUTY OF OWNER IN CASE OF DOG BITE.**

Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Health Officer and/or Town Constable and shall keep such dog confined for not less than 14 days or for such a period of time as the health Officer and/or Town Constable shall direct. The owner or keeper of any such dog shall surrender the dog to the Health Officer, a licensed veterinarian, or any Town law enforcement officer upon command for examination.

**6.08: IMPOUNDING OR KILLING OF DOGS.**

In addition to any penalty hereinafter provided for a violation of this article, law enforcement/animal control officers may impound any dog and any law officer of the Town may kill any dog which habitually pursues any vehicle upon any street, alley or highway of the Town of Holland. Habitually barks or howls, kills, wounds or worries any domestic animal or is infected with rabies. Possession of any dog impounded under this section may be obtained by paying a fee as set by the Town Board to the Town Clerk/Treasurer plus an additional fee as set by the Town Board for each twenty-four-hour period or fraction thereof the dog has been impounded. Dogs impounded for a period of seven days may be destroyed by or under the direction of the officer or a pound to which the dog is delivered.

**6.09: KENNELS.**

The operation of a dog kennel within the Town of Holland is prohibited.

**6.10: VIOLATIONS AND PENALTIES.**

Violations and Penalties

(1) Anyone who violates any provision of this chapter or Ch. 174, Wis. Stats., shall be subject to a forfeiture of not less than \$25 and not more than \$200 for the first offense and not less than \$100 and not more than \$400 for any subsequent offenses.

(2) An owner who refuses to comply with Section 6.07 to deliver an animal to an officer or veterinarian or who does not comply with the conditions of an order that an animal be confined shall be subject to a forfeiture of not less than \$100 nor more than \$1000, together with costs of prosecution, and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until forfeiture and cost are paid, but not exceeding 60 days.

## **CHAPTER 7- SEXUAL OFFENDER RESIDENCY RESTRICTIONS**

### **7.01: FINDINGS AND INTENT.**

(1) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, having many more victims that are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(2) It is the intent of this ordinance not to impose a criminal penalty but rather to serve the Town's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Town by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

### **7.02: DEFINITIONS.**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) "Child" means a person under the age of 16 for purposes of this ordinance.

(2) "Designated Offender" means any person who is required to register under Wis. Stat. 301.45 for any sexual offense against a child or any person who is required to register under Wis. Stat. 301.45 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stat. 301.46(2) and (2m).

(3) "Minor" means a person under the age of 17.

(4) "Permanent Residence" means a place where the person abides, lodges, or resides for 14 or more days.

(5) "Temporary Residence" means a place where the person abides, lodges, or resides for a period of 14 days or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

### **7.03: SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE, PROHIBITION; PENALTIES; EXCEPTIONS.**

(1) "Prohibited Location of Residence". It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Town as a place where children are known to congregate.

(2) "Prohibited Activity". It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny Costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.

(3) "Measurement of Distance"

(1) For purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Town where children are known to congregate.

(2) The Town Clerk shall maintain an official map showing prohibited locations as defined by this ordinance. The Clerk shall update the map at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as child safe zones.

(3) "Penalties". A person who violates this section shall be punished by a forfeiture not exceeding \$500.00. Each day a person maintains a residence in violation of this ordinance constitutes a separate violation. The Town may also seek equitable relief.

(4) "Exceptions". A designated offender residing within a prohibited area as described in Section (2) (1) does not commit a violation of this section if any of the following apply:

(1) The person established the permanent residence and reported and registered the residence pursuant to Wis. Stat. 301.45 before the effective date of this ordinance.

(2) The person is a minor and is not required to register under Wis. Stat. 301.45 or 301.46.

(3) The school, licensed day care, park, trail, playground, place of worship, or any other place designated by the Town as a place where children are known to congregate within 2,000 feet of the persons permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. 301.45.

(4) The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or children provided that such parent, grandparent, sibling, spouse or child established the residence at least two years before the designated offender established residence at the location.

**7.04: PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES.**

(1) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this ordinance, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in section (3) (1).

(2) A property owner's failure to comply with provision of this section shall constitute a violation of this section, and shall subject the property owner to the code enforcement provisions in Section (3) (4) as provided in this ordinance.

**7.05: APPEAL.**

(1) "Process". The above requirements may be waived upon approval of the Town Board through appeal by the affected party. Such appeal shall be made to the Town Clerk's Office, who shall forward the request to the Town Board. The Board shall convene and consider the public interest as well as the affected party's presentation and concerns. After deliberation, the Board shall forward its decision in writing and a written copy of the decision shall be provided to the affected party.

**7.06: SEVERABILITY.**

(1) The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board 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 application to any person or circumstance is held invalid, the remainder of the ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

## **CHAPTER 8 - ALL-TERRAIN VEHICLE ROUTES ORDINANCE**

### **8.01: Title and Purpose.**

The title of this ordinance is the Town of Holland All-Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain routes in the town and to regulate the operation of all-terrain vehicles in the town.

### **8.02: Authority.**

The Town Board of the Town of Holland, Brown County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

### **8.03: Adoption of Ordinance.**

The Town Board of the Town of Holland, Brown County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the town to designate All-Terrain Vehicle Routes in the town and to regulate the use of those routes and all-terrain vehicles in the town.

### **8.04: Operation of All-Terrain Vehicles.**

Pursuant to S.23.33(4)(b)4., Wis. Stats., except as otherwise provided in S. 23.33(4), Wis. Stats., no person may operate an all-terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle routes by this ordinance. Operation of all-terrain vehicles on a roadway in the town that is an all-terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

### **8.05: Application of Rules of the Road to All-Terrain Vehicles.**

The operator of an all-terrain vehicle upon a roadway shall in addition to the provisions of S. 23.33, Wis. Stats., be subject to S. 346.04, 346.06, 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, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1), and (9), Wis. Stats.

### **8.06: Speed Restrictions.**

The Town of Holland has specifically adopted the Wisconsin Statutes, including the provisions set forth at S. 23.33(3) (i), Wis.Stats., which indicate that no person may operate an all-terrain vehicle in a matter which violates rules promulgated by the Department. The Town of Holland specifically adopts Wisconsin Administrative Code S. NR64.07, which provides that no person may operate an all-terrain vehicle at a rate of speed that is unreasonable or improper under the circumstances.

### **8.07: All-Terrain Vehicle Routes.**

The following routes are designated all-terrain vehicle routes in the town: all town roadways in the Town of Holland, Brown County, Wisconsin.

**8.08: Operation On or Near Brown County Highways.**

All-terrain vehicles may be operated on Brown County highways only if the all-terrain vehicle is used exclusively for agricultural purposes pursuant to S. 23.33(4) (d) 5., Wis. Stats.

**8.09: Conditions Applicable to All-Terrain Vehicle Routes.**

Pursuant to S. 23.33(8) (b), Wis. Stats. The following restrictions are placed on the use of the town all-terrain vehicle routes designated by this resolution:

(1) Routes shall be marked with uniform all-terrain vehicle routes signs in accordance with S. NR64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain vehicle routes:

(a) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.

(b) Possess any uniform all-terrain vehicle route sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

(2) Operation shall be subject to all provisions of S. 23.33, Wis. Stats., which is adopted as part of this ordinance by reference, pursuant to S. 23.33(11), Wis. Stats...

(3) A copy of this ordinance shall be sent by the Town Clerk to the Brown County Sheriff's Department.

**8.10: Enforcement.**

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

**8.11: Penalties.**

The penalties under in S. 23.33(13) (a), Wis. Stats., are adopted by reference.

**8.12: Severability.**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

**8.13: Effective Date.**

(1) This ordinance is effective on publication or posting.

(2) The Town Clerk shall properly publish this ordinance as required under S. 60.80, Wis. Stats.

Adopted this 6<sup>th</sup> day of October 2008.

## **CHAPTER 9 - PARKING**

### **9.01: Title and Purpose.**

The Title of this ordinance is the Town of Holland Parking Ordinance. The purpose of this ordinance is to regulate parking on all public ways within the Town of Holland, Brown County, Wisconsin.

### **9.02: Authority.**

The Town Board of Holland has the specific authority to adopt this Parking Ordinance and all penalties pursuant to S.S. 345.28, Wis. Stats.

### **9.03: Winter Parking Prohibited.**

No person shall park any vehicle upon any town street or alley within the Town of Holland Sanitary District between the hours of 2:00am and 7:00am, Monday through Saturday, inclusive, or between the hours of 2:30am and 7:00am on Sundays, except vehicles answering emergency calls, from November 15 to March 15. Whenever any law enforcement officer finds a vehicle parked in violation of this section, he or she may issue a parking citation pursuant to section 9.04 of this ordinance and/or cause the vehicle to be removed by such towing company as the town shall have designated. Such vehicle is to be kept within a storage area designated by the towing company until its owner shall present to the company a release from the law enforcement authority authorizing the towing company to turn the vehicle over to him. Prior to issuance of such release, the authorized towing company shall receive from the owner the cost of towing and storage.

### **9.04: Parking Violations.**

Citations may be issued at the discretion of the law enforcement authority for a violation of this Ordinance. First time violations shall be \$30.00 and all subsequent violations shall be not less than \$50.00. Failure to pay such forfeitures will result in imprisonment in the County Jail until such forfeiture is paid, but not exceeding 5 days.

### **9.05: Adoption and Effective Date.**

(1) The Town Board of the Town of Holland, Brown County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the town to regulate the parking on all public ways within the Town.

(2) This ordinance shall be effective the day after publication or posting pursuant to S.S. 60.80, Wis. Stats.

### **9.05: Enforcement.**

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

Adopted this 5<sup>th</sup> day of January 2009.

## CHAPTER 10 - KEEPING OF ANIMALS AND FOWL.

### 10.01: Definitions.

(1) Exotic Animal. Those species of animal that are not domesticated by humans. Exotic Animals include, but not limited to, animals belonging to any or all of the orders and families on the Prohibited Animal List as adopted by the Town.

#### Town of Holland Prohibited Animal List

The following orders and families, whether bred in the wild or in captivity, and any or all hybrids shall be defined as "EXOTIC ANIMALS". The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

- (1): Class Mammalia.
  - (a). Order Chiroptera. (any bat species)
  - (b). Order Artiodactyla. (Hippopotamuses, giraffes, camels). Excludes deer and elk if approved by the Wisconsin Department of Natural Resources, domestic cattle, swine, sheep, goats, alpaca, and llama.
- ©. Order Carnivora.
  - (i). Family Felidae. (Lions, Tigers, cougars, leopards, ocelots, servals). Excluding domestic Cats.
  - (ii). Family Canidae. (Wolves, coyotes, foxes, jackals). Excluding domestic dogs.
  - (iii). Family Ursidae. (All bears)
  - (iv). Family Mustelidae. (Weasels, skunks, martins, mink). Excluding ferrets.
  - (v). Family Procyonidae. (Raccoons, coatis).
  - (vi). Family Hyaenidae. (Hyenas).
  - (vii). Family Viverridae. (Civets, genets, mongooses)
  - (d). Order Edentatia. (Anteaters, armadillos, sloths).
  - (e). Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders.)
  - (f). Order Perissodactyla. (Rhinoceroses, tapirs). Excluding horses, donkeys, and mules.
  - (g). Order Primates. (Lemurs, monkeys, chimpanzees, gorillas)
  - (h). Order Proboscidae. (Elephants)
  - (I). Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs). Excluding guinea pigs, rats, mice, gerbils, hamsters).
- (2): Class Reptilia.
  - (a). Order Squamata.
    - (i). Family Helodermatidae. (Gila Monsters and Mexican beaded lizards).
    - (ii). Family Varanidae. (Any monitor which will normally grow over two feet in length.)
    - (iii). Family Iguanidae. (Only green iguanas and rock iguanas).
    - (iv). Family Boidae. (All species whose adult length may exceed eight feet).
    - (v). Family Colubridae. (Boomslangs and African twig snakes).
    - (vi). Family Elapidae. (Coral snakes, cobras, mambas).
    - (vii). Family Nactricidae. (Only keel back snakes).
    - (viii). Family Viperidae. (Copper heads, cottonmouths, rattlesnakes).
  - (b). Order Crocodilia. (Crocodiles, alligators, caimans, gavials).

(3). Class Aves.

- (a). Order Falconiformes. (Eagles, hawks, vultures).
- (b). Order Rheiformes. ( Rheas).
- (c). Order Casuariiformes. (Cassowaries ).

(4). Class Arachnida.

- (a). Order Scorpiones, Family Buthidae.
  - (i). Arabian fat-tailed scorpion- *Androctonus crassicauda*.
  - (ii). Arizona centruroides scorpion- *Centruroides exiliccauda*.
  - (iii). Death stalker- *Leiurus quinquestriatus*.
  - (iv). Egyptian yellow scorpion- *Androctonus amoreuxi*.
  - (v). Israeli black scorpion- *Hottentots judaicus*.
  - (vi). S.A. giant fat-tailed scorpion- *Parabuthus transvaalicus*.
  - (vii). Sinai desert scorpion- *Androctonus Australia*.
  - (viii). Yellow desert scorpion- *Androctonus Australia*.
- (d). Order Araneae, Family Therididae
  - (i). Argentina red widow spider- *Latrodectus corallines*.
  - (ii). Brown widow spider- *Latrodectus geometricus*.
  - (iii). Red-Black widow- *Latrodectus hasselti*.
  - (iv). Red widow spider- *Latrodectus bishopi*.
  - (v). Southern black widow spider- *Latrodectus mactans*.
  - (vi). Western widow- *Latrodectus Hesperus*.
- (c). Order Araneae, Family Loxoscelidae.
  - (i). Brown recluse spider- *Loxosceles reclusa*.

(5). Class Chilopoda.

- (a). Order Scolopendromorpha, Family Scolopendridae.
  - (i). Amazon giant banded centipede- *Scolopendridae gigantea*.
  - (ii). Arizona Tiger Centipede- *Scolopendra viridis*.
  - (iii). Florida keys centipede- *Scolopendra alternant*.

(6). Any Federal or State Endangered or Threatened Species.

(a). Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.

(b). Possess. To own, possess, keep, harbor, bring into the town, act as a custodian, or have custody or control of an animal.

**10.02: Keeping of Exotic Animals.**

(1). Prohibited. No person shall possess any Exotic Animal.

(2). Exceptions.

(a) This subsection shall not apply to institutions accredited by the American Zoo and Aquarium Association, licensed veterinary hospitals or clinics, licensed or accredited research or medical institutions, licensed or accredited educational institutions, including museums, an animal certified as having been specially trained to assist an individual with impaired vision, hearing, or mobility, any government owned or operated facility, volunteers working on behalf of a government owned or operated

facility, or a person temporarily transporting an exotic animal through the township if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.

(b) This subsection shall not prohibit the raising of deer or elk or any other animal approved by the Wisconsin Department of Natural Resources, if a permit is obtained to raise such animals from the Wisconsin Department of Natural Resources or Wisconsin Department of Agriculture.

### **10.03: PROHIBITION**

No person may permit an exotic or wild animal or a harmful wild animal to run at large or to be released from captivity within the town. Any exotic or wild animal or harmful wild animal running at large shall be subject to seizure, detention, and disposal.

### **10.04: PENALTY PROVISION**

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$500, plus the applicable surcharges, assessments, and cost for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

### **10.05: SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

### **10.06: EFFECTIVE DATE**

This ordinance is effective on publication or posting.

Adopted this 6 day of July 2009

**CHAPTER 11- DESTRUCTION OF STREET SIGNS, HIGHWAY SAFETY SIGNS AND TOWN PROPERTY PROHIBITED.**

**11.01: TITLE AND PURPOSE**

The title of this ordinance is the Town of Holland, Destruction of Street Signs, Highway Safety Signs and Town Property Prohibited. The purpose of this ordinance is to regulate for public safety reasons the destruction of street signs, highway safety signs and town property.

**11.02: AUTHORITY**

The Town Board has the specific authority under SS. 29.038, 66.0407, 66.0413, 125.14, 169.01, and 175.25 and Chapter 823, Wis. Stat., and general authority under its village powers under SS. 60.22, Wis. Stat., to adopt this ordinance.

**11.03: ADOPTION OF ORDINANCE**

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the prohibition of the destruction of street signs, highway safety signs and town property.

**11.04: DESTRUCTION OF PROPERTY PROHIBITED**

**(1) Destruction of Property.**

No person shall willfully injure or intentionally deface, destroy or unlawfully remove or interfere with any street sign, highway safety signs or any other Town property in the Town of Holland.

**(2) Parental Liability.**

Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; liability shall not exceed Two thousand Five Hundred Dollars (\$2,500.00).

**(3) Penalty Provisions.**

(a) Any person seventeen (17) years of age or over who violates this Section is subject to a forfeiture of not less than One Hundred Dollars (\$100.00) but not to exceed Five Hundred Dollars (\$500.00), restitution to the injured party, and cost of prosecution.

(b) Any person twelve (12) years to age sixteen (16) years of age shall be subject to forfeiture not to exceed Fifty Dollars (\$50.00) and any other applicable penalty provided by Sec. 938.343, Wis. Stats., as that Section may exist, be amended or changed.

**(4) Victim Remedies.**

Any person or entity injured by a violation of this Section by a minor child shall be advised of the rights and remedies under Sec. 895.035, Wis. Stats.

**11.05: SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provision or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

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**11.06: Effective Date.**

This ordinance is effective on publication or posting.

Adopted March 1, 2010

**CHAPTER 12 - TRAFFIC**

**12.01 STATE TRAFFIC LAWS ADOPTED.**

A. Except as otherwise specifically provided in this Chapter, the statutory provisions in Ch. 23, Ch. 30.50 to 30.71, Ch. 30.80, Ch. 30.99, Ch.167, Chs. 340 to 348 and §941.01(1), Wis. Stats., describing and defining regulations with respect to vehicles and traffic, inclusive 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 part of this Chapter 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 Chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Chapter in order to secure uniform statewide regulation of traffic on the highways, streets, roads and alleys of the State of Wisconsin. Sections of the Wisconsin Statutes adopted herein shall have the same number in this code preceded by (12.) and may be so cited.

B. Sections of Chapters 340 through 348 adopted by reference shall include but not be limited to the following:

340.01	Words and phrases defined.
341.04	Penalty for operating unregistered vehicles, etc.
341.11(4)	Display of registration plates.
341.15	Display of registration plates.
341.16(4)	Issuance of duplicate plates.
341.41	Reciprocity permits.
341.51(5)	Dealer registration.
341.55	Misuse of dealer plates.
341.57(3)	Registration of finance companies and financial institutions.
341.61	Improper use of evidence of registration.
341.62	False evidence of registration.
341.63	When registration is to be suspended.
342.05(4)	Certificate of title required.
342.15(5)(6)(7)	Transfer of interest in vehicle.
342.23	Secured party's and owner's duties.
342.30, 342.31, 342.32, 342.34	Anti-theft and anti-fraud provisions.
343.01	Word and phrases defined.
343.05	Operators to be licensed; exceptions.
343.305	Implied consent.
343.35	Surrender of licenses upon cancellation, revocation, suspension.
343.45-343.46	Unlawful practices related to licenses.
343.60-343.72	Licensing of driver's schools and instructors.
343.73	Penalty for violation of Sect. 343.60-343.72
344.01	Word and phrases defined.
344.45-344.48	Penalties for violations of chapter.
344.51	Financial responsibility for domestic rented vehicles.
345.01	Words and phrases defined.
345.20-345.53	General provisions in traffic forfeiture actions.
345.55	Traffic officers 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.
346.04,346.05-346.16	Driving, meeting, overtaking and passing.
346.17	Penalty for violating Sections 346.04-346.16
346.18-346.21	Right of way.
346.22	Penalty for violating sections 346.18-346.21
346.23-346.29	Drivers and pedestrians.
346.30	Penalty for violating Sections 346.23-346.29
346.31-346.35	Turning and stopping and required signals.
346.36	Penalty for violating Sections 346.31-346.35
346.37-346.42	Traffic signs, signals and markings.
346.43	Penalty for violating Sections 346.37-346.42
346.44-346.48	Required stops.
346.49	Penalty for violating Sections 346.44-346.48
346.50-346.55	Restrictions on stopping and parking.
346.56	Penalty for violating Sections 346.50-346.55
346.57-346.595	Speed restrictions.
346.60	Penalty for violating Sections 346.57-346.595
346.61	Applicability of sections relating to reckless and drunken driving.
346.62	Reckless driving-first offense in 4 years.
346.63	Operating under influence of intoxicant-first offense in 10 years.
346.64	Employment of drunken operators-first offense in a year.
346.65(1) and (2)	Penalty for violating Sections 346.62-346.64
346.66	Applicability of sections relating to accident and accident reporting.
346.67	Duty upon striking person or attended or occupied vehicle.
346.68 and 346.69	Duty upon striking unattended vehicle-upon striking property on or adjacent on highway-first offense within a year.
346.70-346.73	Duty to report accident, etc.
346.74	Penalty for violating Sections 346.67-346.73
346.77-346.81	Bicycles and play vehicles.
346.82	Penalty for violating Sections 346.77-346.805
346.87-346.94	Miscellaneous rules.
346.95	Penalty for violating sections 346.87-346.94
347.01-347.05	General provisions.
347.06-347.29	Lighting provisions.
347.30	Penalty for violating lighting equipment requirements.
347.35-347.49	Other equipment.
347.50	Penalty for violating Sections 347.35-347.49
348.01-348.02	Size, weight, load-General Provisions.
348.05-348.10	Size and load.
348.11	Penalty for violating size and load limitations.
348.15-348.20	Weight.
348.21	Penalty for violating weight limitations.
348.25-348.27	Permits.
348.28	Permits to be carried-penalty.

C. Wisconsin Administrative Code Provisions Adopted. There are also hereby adopted by reference the following Standards for Motor Vehicle Equipment. Any future amendments, revisions, or

modifications of the provisions incorporated herein are intended to be made part of this Code in order to secure uniform state-wide regulation of traffic on the highways, streets, and alleys of the State of Wisconsin.

Subchapter I – General Provisions

Trans 305.01	Purpose and scope.
Trans 305.02	Applicability.
Trans 305.03	Enforcement.
Trans 305.04	Penalty.
Trans 305.05	Definitions.
Trans 305.06	Identification of vehicles.
Trans 305.065	Homemade, replica, street modified, reconstructed, and off-road vehicles.

Subchapter II – Automobiles, Motor Homes, and Light Trucks

Trans 305.07	Definitions.
Trans 305.075	Auxiliary lamps.
Trans 305.08	Back-up lamps.
Trans 305.09	Directional signal lamps.
Trans 305.10	Hazard warning lamps.
Trans 305.11	Head Lamps.
Trans 305.12	Parking lamps.
Trans 305.13	Registration plate lamps.
Trans 305.14	Side marker lamps, clearance lamps, and reflectors.
Trans 305.15	Stop lamps.
Trans 305.16	Tail lamps.
Trans 305.17	Brakes.
Trans 305.18	Bumpers.
Trans 305.19	Doors, hoods, locks, and latches.
Trans 305.20	Exhaust and air pollution control systems.
Trans 305.21	Floor pan and firewall.
Trans 305.22	Fenders and projecting parts.
Trans 305.23	Frames.
Trans 305.24	Fuel systems.
Trans 305.25	Horn.
Trans 305.26	Mirrors.
Trans 305.27	Restraining devices and seats.
Trans 305.28	Speed indicator and odometer.
Trans 305.29	Steering and suspension.
Trans 305.30	Tires and rims.
Trans 305.31	Modifications affecting height of a vehicle.
Trans 305.32	Vent, side, and rear windows.
Trans 305.33	Windshield defroster-defogger.
Trans 305.34	Windshields.
Trans 305.35	Windshield wipers.

Subchapter III – Motorcycles

Trans 305.37	Applicability of Subchapter II.
Trans 305.38	Brakes.
Trans 305.39	Exhaust system.
Trans 305.40	Fenders and bumpers.
Trans 305.41	Fuel system.

Trans 305.42	Horn.
Trans 305.43	Lighting.
Trans 305.44	Mirrors.
Trans 305.45	Sidecars.
Trans 305.46	Suspension system.
Trans 305.47	Tires, wheels, and rims.

Subchapter IV – Heavy Trucks, Trailers, and Semi-trailers

Trans 305.48	Definitions.
Trans 305.485	Applicability of Subchapter II.
Trans 305.49	Axle control valves.
Trans 305.50	Bed and body on trailers and semi-trailers.
Trans 305.51	Brakes on heavy trucks, trailers, and semi-trailers.
Trans 305.52	Coupling devices.
Trans 305.53	Fenders and mud guards.
Trans 305.54	Frames on heavy trucks, trailers, and semi-trailers.
Trans 305.55	Lighting devices.
Trans 305.56	Rear end protection.
Trans 305.57	Suspension system on heavy trucks, trailers, and semi-trailers.
Trans 305.58	Wiring

**12.02 OFFICIAL TRAFFIC SIGNS AND SIGNALS.**

A. The Town Chairman and Town are Authorized to Procure and Erect Signs and Signals.

The Town Chairman and/or Town are hereby authorized and directed to procure, erect or cause to be erected and maintain appropriate standard traffic signs, signals and markings conforming to the rules of this Chapter as required by State Law. Signs shall be erected in such locations and manner as the Town Board shall determine will best effect the purposes of this Chapter and give adequate warning to users of the street or highway.

B. Removal of Unofficial Traffic Signs and Signals.

The Town Chairman, Town Board, and/or Police Department subject to the approval of the Town Chairman or Town Board, shall have the authority granted by §349.09, Wis. Stats., and are hereby directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this Chapter or §346.41, Wis. Stats. Any signs which impose any immediate safety risk to pedestrians, vehicular traffic, or the public at large may be removed by the Police Department without prior approval but only after ascertaining, if possible, that permission has not been granted by Town Officials for posting of said signs. Any charge imposed on a premises for removal of an illegal sign, signal, or device shall be reported to the Town Board at its next regular meeting for review and certification.

**12.03 ILLEGAL SIGNS.**

A. No person shall erect, or cause to be erected, any advertising, direction, guide, warning

or other sign or marker within any public highway within a distance of 1,000 feet from the intersection of any two or more highways, when such intersection is beyond the corporate limits of any city or town, unless permission is first obtained from the officials charged with the maintenance of such highway. (Wis. Stats. 86.191(1).)

B. No person shall post or fasten on any telegraph, telephone, traffic post, or electric

pole within the Town or upon any tree within any street or public ground in the Town any bill, sign,

notice, or advertising device. Permission to any person to erect and maintain poles shall not be construed to grant the right to use or rent such poles for advertising purposes.

C. Subsection (A) and (B) applies to illegal signs placed in applicable highway right-of-ways in view of pedestrians and vehicular traffic. Any person that violates this subsection shall be subject to a forfeiture of at least \$25 nor more than \$100. In addition, the person is also responsible for the costs of prosecution and in default of payment of such forfeiture and the costs of prosecution, he/she may be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed thirty (30) days.

#### **12.04 DISORDERLY CONDUCT WITH A MOTOR VEHICLE.**

A. Conduct Prohibited. No person shall, within the Town of Holland, by or through the use of any motor vehicle, including, but not limited to, an automobile, truck, motorcycle, mini-bike, All Terrain Vehicle (ATV), Moped, go-carts, snowmobile, or other means of conveyance operated by motor, cause or provoke disorderly conduct with a motor vehicle.

B. Definition. Disorderly conduct with a motor vehicle shall mean, while operating or in control of a motor vehicle, to engage in conduct or activities which are violent, unreasonably loud, dangerous to persons or property, or otherwise against the public peace, welfare, and safety, including but not limited to unnecessary, deliberate, or intentional spinning of the wheels, squealing of the tires, revving or racing of the engine, blowing of the horn, causing the engine to backfire, or causing the vehicle, while commencing to move or while in motion, to raise one or more wheels off the ground. This subsection also applies to the intentional pushing, unlawful towing or any other intentional contact of a motor vehicle by another motor vehicle on any highway within the Town. Specifically excluded from this definition are legitimate, scheduled racing events. Police officials, highway maintenance units or authorized wrecker services in the performance of their respective duties are exempt from this section.

C. 1. Penalty. Any person found guilty of violating Ord. 12.04, or any part thereof, may be required to forfeit not less than \$10 nor more than \$200, and the costs of prosecution, for the first offense, and not less than \$50 nor more than \$300, and the costs of prosecution, for the second or subsequent violation within two years.

2. In addition, upon failure to pay said forfeiture, and the costs, any person may be confined in the County Jail for a period not to exceed 10 days for the first offense and 30 days for the second or subsequent offense, or until the payment of said forfeiture and costs is made.

#### **12.05 NEGLIGENT OPERATION OF VEHICLE.**

Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle, not upon a highway as defined in Wis. Stats. §340.01, shall be subject to a forfeiture of at least \$100 nor more than \$500, in addition to the costs of prosecution, and upon default of payment may be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 90 days. (Wis. Stats. §941.01)

#### **12.06 COMPRESSION BRAKES PROHIBITED.**

No person shall use motor vehicle brakes within the Town of Holland which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. It shall be an affirmative defense to the prosecution under this section that such compression brakes were applied in an emergency situation and were necessary for the protection of persons and/or

property. Any person found guilty of violating Ord. 12.06, or any part thereof, will be required to forfeit not less than \$10 nor more than \$200 and in addition, upon failure to pay said forfeiture, and the costs, any person may be confined in the County Jail for a period not to exceed 10 days for each violation or until said forfeiture and costs are paid.

**12.07 PENALTY.**

The penalty for violation of this Chapter shall be a forfeiture and penalty assessment if required by Wisconsin Statutes, a jail assessment if required by §302.46 Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats.

A. State Forfeiture Statutes. Any forfeiture for violation of Ordinance 12.01 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

B. Local Regulations. Except as otherwise provided in this Chapter, the penalty for a violation of this Chapter shall be as provided in Chapter 1 of this Code of Ordinances of the Town of Holland.

**12.08 ENFORCEMENT.**

A. Enforcement Procedure. This Chapter shall be enforced according to §23.33, §66.0114, §345.11-§345.61, and §350.17 Wis. Stats. Enforcement shall be pursuant to Chapter 1.12 General Provisions of the Code of the Town of Holland.

B. Deposit. Any person arrested for a violation of this Chapter may make a deposit of money as directed by the arresting officer to the Clerk of Court of the Brown County Joint Municipal Court or by mailing the deposit to such place. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered a plea of guilty and submitted to a forfeiture and penalty assessment if required by Wisconsin Statutes, a jail assessment if required by §302.46 Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in §345.37 Wis. Stats.

2.. If the person fails to make a deposit for a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his or her arrest.

3. The amount of the deposit shall be determined in accordance with the Wisconsin Revised Uniform Traffic Deposit Schedule established by the Wisconsin Judicial Conference and shall include a jail assessment if required by §302.46 Wis. Stats., and court costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit the forfeiture established by the Town Board, which shall include the penalty assessment. Deposits for non-moving violations shall not include the penalty assessment.

4. The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by §345.26(3)(b) Wis. Stats.

C. Petition to Reopen Judgment. Whenever a person has been convicted in Wisconsin on the basis of a forfeiture of deposit or plea of guilty or no contest and he or she was not informed under §345.27(1) and (2) Wis. Stats., he or she may, within 60 days after being notified of the revocation or suspension of his or her operating privilege, petition the court to reopen the judgment and grant him or her an opportunity to defend on merits.

If the court finds that the petitioner was not informed as required under §345.27(1) and (2), Wis. Stats., it shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

#### **12.09 HEAVY TRUCK ROUTES.**

A. The following County roads are governed by the Brown County Highway Commissioner: all county and state highways within the Town of Holland.

B. Trucks Prohibited on Other Than Designated Heavy Truck Routes. It shall be unlawful for any person or company to operate any motor vehicle having a gross weight of more than eight thousand (8,000) pounds except motor buses on any street other than on a Federal or State trunk highway or on streets designated in subsection (A) hereof, except when necessary for the purpose of obtaining orders and delivering and moving supplies or other necessary commodities to or from any place of business or residence fronting on any such streets, and except when necessary for the purpose of leaving or returning to the terminal or place of garaging of any such vehicle. When it is necessary for the operator of such a vehicle to travel upon a street not designated for heavy truck traffic as provided in subsection (A) hereof, such operator shall leave and re-enter such heavy truck routes at the point closest to his/her immediate destination.

C. Truck Route Signage. The Town shall erect or cause to be erected yellow street signs to give notice of the designation of the streets listed in subsection (A) as heavy truck routes.

D. Commercial Motor Vehicles Prohibited from using Certain Streets. No person shall operate any motor truck, road tractor, or truck tractor upon any street that is not designated as a heavy truck route, except for the purpose of obtaining orders for and delivering or moving supplies or other necessary commodities to or from any place of business or residence fronting on such streets.

E. Penalty. Each violation of this subsection will be considered a separate offense. Any person, partnership or corporation that violates this subsection shall be subject to a forfeiture of at least \$25 nor more than \$2,500. A violation of this subsection may also result in the revocation of any license or permit issued by the Town of Holland. In addition, the person is also responsible for the costs of prosecution and in default of payment of such forfeiture and the costs of prosecution, he/she may be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed ninety (90) days for each violation.

# Municipal Court Bond Schedule

## SCHEDULE A

### Municipal Court Bond Schedule

Deposit Amount	Total Bond w/Court Costs of:			Use column that applies to your locality**						
	\$15	\$20	\$21	\$22	\$23	\$24	\$25	\$26	\$27	\$28
5	39.30	44.30	45.30	46.30	47.30	48.30	49.30	50.30	51.30	52.30
10	45.60	50.60	51.60	52.60	53.60	54.60	55.60	56.60	57.60	58.60
15	51.90	56.90	57.90	58.90	59.90	60.90	61.90	62.90	63.90	64.90
20	58.20	63.20	64.20	65.20	66.20	67.20	68.20	69.20	70.20	71.20
25	64.50	69.50	70.50	71.50	72.50	73.50	74.50	75.50	76.50	77.50
30	70.80	75.80	76.80	77.80	78.80	79.80	80.80	81.80	82.80	83.80
40	83.40	88.40	89.40	90.40	91.40	92.40	93.40	94.40	95.40	96.40
50	96.00	101.00	102.00	103.00	104.00	105.00	106.00	107.00	108.00	109.00
60	108.60	113.60	114.60	115.60	116.60	117.60	118.60	119.60	120.60	121.60
70	121.20	126.20	127.20	128.20	129.20	130.20	131.20	132.20	133.20	134.20
80	133.80	138.80	139.80	140.80	141.80	142.80	143.80	144.80	145.80	146.80
90	146.40	151.40	152.40	153.40	154.40	155.40	156.40	157.40	158.40	159.40
100	159.00	164.00	165.00	166.00	167.00	168.00	169.00	170.00	171.00	172.00
125	190.50	195.50	196.50	197.50	198.50	199.50	200.50	201.50	202.50	203.50
150	222.00	227.00	228.00	229.00	230.00	231.00	232.00	233.00	234.00	235.00
200	285.00	290.00	291.00	292.00	293.00	294.00	295.00	296.00	297.00	298.00
250	348.00	353.00	354.00	355.00	356.00	357.00	358.00	359.00	360.00	361.00
300	411.00	416.00	417.00	418.00	419.00	420.00	421.00	422.00	423.00	424.00

\*\* Use the appropriate court cost column if your costs are more than \$15.  
 The total bond amount includes: deposit, local court costs (\$15 - \$28), 26% PS, \$10 JS, and \$8 crime lab.  
 NOTE: For OWI cases add \$355.00 driver improvement surcharge to total bond.  
 There are no penalty surcharge, jail surcharge or crime lab costs applied to parking violations.

