

# ORDINANCE NO. 2009-06

## CODIFICATION OF TRAFFIC REGULATIONS AND MISCELLANEOUS MUNICIPAL ORDINANCES.

The Town Board of Supervisors of the Town of Gibraltar, Door County, Wisconsin, find that it is in the best interests of the residents, property owners and taxpayers in the Town of Gibraltar to amend the current codification of the existing traffic regulations and miscellaneous municipal ordinances for enforcement purposes. The adoption of this ordinance for such regulation will promote government and good order in the Town for its benefit and promote the safety, welfare and convenience of the public. This Ordinance repeals and replaces Ordinance No. 2008-02 in its entirety.

## TOWN OF GIBRALTAR: Traffic Code and Municipal Ordinance Code

### Chapter 1: TRAFFIC REGULATIONS

State Traffic Forfeiture Laws Adopted. Except as otherwise specified herein, all provisions of:

Chapter 340	Vehicles – General Provisions,
Chapter 341	Registration of Vehicles,
Chapter 342	Vehicle Title and Anti-Theft Laws,
Chapter 343	Operations' Licenses,
Chapter 344	Vehicles – Financial Responsibility,
Chapter 346	Rules of the Road,
Chapter 347	Equipment of Vehicles, and
Chapter 348	Vehicles – Size, Weight and Load,

Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture, only, including penalties and assessments to be imposed and the procedure for prosecution, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any act or any statute incorporated herein by reference, required to be performed is hereby required to be performed, or prohibited is hereby prohibited. Each section of the Wisconsin Statutes adopted by this Chapter shall bear the chapter and section number as herein set forth. The sections of such chapters of the Statutes hereby adopted include, but are not limited to, the following:

### ***State Statute Section Number***

340.01	(Words and phrases defined)
341.11(4)	(Display of registration certificate)
341.15	(Display of registration, plates)
341.16(4)	(Issuance of duplicate plates)
341.41	(Reciprocity permits)
341.55	(Penalty for misuse of plates)
341.57	(Registration of finance companies and banks)
341.63	(When registration is to be suspended)

342.05(4) (Certificate of title required)  
 342.15(5), (6), (7) (Transfer of interest in vehicle)  
 342.23 (Secured party's and owner's duties)  
 342.30;  
 342.31;  
 342.34 (Anti-theft and anti-fraud provisions)  
 343.01 (Words and phrases defined)  
 343.305(2) (Implied consent)  
 343.35 (Surrender of licenses upon cancellation,  
 revocation or suspension)  
 343.45 to  
 343.46 (Unlawful practices relative to licenses)  
 343.60 to  
 343.72 (Licensing of driver schools and instructors)  
 343.73 (Penalty)  
 344.01 (Words and phrases defined)  
344.45 to  
 344.47 (Penalties for violation of chapter)  
 344.51 (Financial responsibility for domestic rented vehicles)  
 345.01 (Words and phrases defined)  
 345.20 to  
 345.53 (General provisions in traffic forfeiture actions)  
 345.55 (Traffic 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(1), (2) (Obedience to traffic officers, signs & signals)  
 346.05 to  
 346.16 (Driving, meeting, overtaking and passing)  
 346.17 Penalty for violating ss. 346.04 to 346.16)  
 346.18 to  
 346.21 (Right-of-way)  
 346.22 (Penalty for violating ss. 346.18 to 346.21)  
 346.23 to  
 346.29 (Drivers and pedestrians)  
 346.30 (Penalty for violating ss. 346.23 to 346.29)  
 346.31 to  
 346.35 (Turning and stopping, required signals)  
 346.36 (Penalty for violating ss. 346.31 to 346.35)  
 346.37 to  
 346.42 (Traffic signs, signals and markings)  
 346.43 (Penalty for violating ss. 346.37 to 346.42)  
 346.44 to  
 346.48 (Required stops)  
 346.49 (Penalty for violating ss. 346.44 to 346.48)  
 346.50 to  
 346.55 (Restrictions on stopping and parking)  
 346.56 (Penalty for violating ss. 346.50 to 346.55)  
 346.57(2), (3), (4) (a) to (c) (Speed restrictions – first offense in a year)

346.57(4) (d), (5), (6) to  
 346.595 (Speed restrictions)  
 346.60 (Penalty for violating ss. 346.57 to 346.595)  
 346.61 (Applicability of sections relating to reckless and drunken driving)  
 346.62(1), (3) (Reckless driving – first offense in 4 years)  
 346.63(1),  
 (3), (4) (Operating under influence of intoxicant-first offense in 5 years)  
 346.64 (Employment of drunk operators – first offense in a year)  
 346.65(1)  
 and (2) (Penalty for violating ss. 346.62 to 346.64)  
 346.66 (Applicability of sections relating to accident and accident reporting)  
 346.68 and  
 346.69 (Duty upon striking unattended vehicle; upon striking property on or adjacent to highway – first offense within a year)  
 346.70(1),  
 (2) or (3);  
 346.71;  
 346.72;  
 346.73 (Duty to report accident, etc.)  
 346.70(4) (Police and traffic agencies to report)  
 346.70(5) (Falsifying reports – first offense within a year)  
 346.77 to  
 346.81 (Bicycles and play vehicles)  
 346.82 (Penalty for violating ss. 346.77 to 346.81)  
 346.84 to  
 346.94 (Miscellaneous rules)  
 346.95 (Penalty for violating ss. 346.84 to 346.94)  
 347.01 to  
 347.05 (General provisions)  
 347.29 (Lighting equipment)  
 347.30 (Penalty for violating lighting equipment requirements)  
 347.35 to  
 347.49 (Other equipment)  
 347.50 (Penalty for violating ss. 347.35 to 347.49)  
 348.01 to  
 348.02 (Size weight load, General Provisions)  
 348.10 (Size and load)  
 348.11 (Penalty for violating size and load limitations)  
 348.15 to  
 348.20 (Weight)  
 348.21 (Penalty for violating weight limitations)  
 348.25 to  
 348.27 (Permits)  
 348.28 (Permits to be carried, Penalty)

1.2. **Other Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this ordinance shall be as provided in chapters 340 to 348 of the Wisconsin statutes and the penalty for violation thereof shall be limited to a forfeiture as provided in Section 10 of this ordinance.

- 941.01(1) (Negligent operation of vehicle off highway)
- 947.045 (Drinking in motor vehicles on highway)

1.3. **Speed Limits.** On the basis of a certain engineering and traffic investigation heretofore made, the speeds on the highways or parts thereof indicated below are determined and declared to be reasonable and safe pursuant to the provisions of Section 349.11, Wisconsin Statutes, and subject to the approval of the State Highway Commission, shall be the speed limits on such highways, streets or parts thereof upon erecting and placing appropriate signs giving notice of such limits. No person shall drive a vehicle in excess of such speed limits.

A. The speed limit shall be **forty-five (45)** miles per hour on the following roads:

Peninsula Players Road, from its intersection with County Trunk Highway A, to its intersection with Gibraltar Bluff Road. (Ordinance No. 2000-03)

Spring Road, from its intersection with Peninsula Players Road, to its intersection with Wandering Road.

Juddville Road, from its intersection with County Trunk Highway A, to its intersection with White Cliff Road.

Gibraltar Road, from its intersection with County Highway Trunk A, to its intersection with Maple Grove Road.

Maple Grove Road, from its intersection with County F to Gibraltar Road.

Maple Grove East, from its intersection with County Trunk Highway F, to its intersection with West Meadow Road.

West Meadow Road, that part belonging to the Town of Gibraltar lying within its intersection with Maple Grove East, to its intersection with County Trunk Highway F.

Highland Road, from its intersection with County Trunk Highway A, to its intersection with County Trunk Highway F.

Little Marsh Road, from its intersection with County A, to its intersection with County EE.

Wandering Road, from its intersection with Spring Road, to its intersection with Peninsula Players Road. (Ordinance No. 2002-02).

B. The speed limit shall be **Forty (40)** miles per hour on the following roads:

Maple Grove Road from its intersection with Gibraltar Road, to the border of the Village of Ephraim (Ephraim-Gibraltar Airport driveway).

C. The speed limit shall be **Thirty-five (35)** miles per hour on the following roads:

White Cliff Road, from its intersection with Juddville Road, southerly to the boundary of the Town of Gibraltar.

Gibraltar Road, from its intersection with County Trunk Highway A, to its Intersection with County Trunk Highway 42.

Spring Road, from its intersection with Wandering Road, to its intersection with County Trunk Highway F.

Cottage Row Road, from its intersection with Gibraltar Bluff Road, to its intersection with State Highway 42.

D. The speed limit shall be **Twenty-five (25)** miles per hour on the following roads:

1. Cottage Row Road, from its intersection with Spruce Street, to its intersection with Gibraltar Bluff Road.
2. Streets in the unincorporated village of Fish Creek, excluding State Trunk Highway 42, extended easterly, more or less, to a point 200 feet northeast of its intersection with Gibraltar Road.
3. Daisy Patch Road, from its intersection with Highway 42, to its intersection with Wildflower Patch Road.

(adopting former Ordinance No. 2002-16)

**No Passing Zone.** When signs are erected giving notice thereof, the operator of a vehicle shall not overtake and pass another vehicle proceeding in the same direction on the following streets and highways:

- 1.4. **Through Streets and Stop Intersections.** The streets and intersections described in Schedule B are hereby designated through streets and stop intersections as set forth in the schedule. When stop signs are erected in accordance with such schedule, the operator of a vehicle approaching any such sign shall stop as required by law.

**Yield Right of Way Intersections.** The intersections described in Schedule C are hereby designated yield right of way intersections as set forth in the schedule. When yield signs are erected in accordance with such schedule, the operator of a vehicle approaching any such sign shall yield the right of way, as required by law.

- 1.5. **One Way Streets.** Pursuant to the provisions of Section 349.10, Wisconsin Statutes, streets and alleyways are hereby declared to be a one-way highway, appropriate signs shall be erected to designate them as a one-way highway, and all vehicles on such highways shall be operated only in the direction designated herein:

**Through Trucking.** There shall be no through trucking on: Signs shall be erected giving notice hereof.

- 1.6. **Liquor in Motor Vehicles.** No person shall drink, open a container of, or carry any open or unsealed container of any fermented malt beverage or intoxicating liquor in a moving vehicle on a public highway within the Town of Gibraltar.

**School Bus Unloading Zone.** No person shall park, bring to a stop, or leave standing, either temporarily or otherwise, any vehicle, excepting only school buses, during the hours of 7:30 o'clock a.m. to 4:30 o'clock p.m. during school days, in all areas designated and posted as a "School Bus Unloading Zone":

- 1.11. No Parking Zones.

When signs are erected giving notice thereof, no person shall park a vehicle upon any of the streets or part of streets described below, except to comply with the directions of a traffic officer or traffic control signal or sign:

1. Along the north side of Spruce Street in the Town of Gibraltar, along the frontage of the Spruce Park property owned by the Town of Gibraltar. No vehicles or trailers may be parked or left standing in said area. (Ordinance No. 2002-17).

2. Along the north side of Highway 42 from the intersection of Shore road and Highway 42 Easterly a distance of 50 feet.
3. No parking on or within 10 feet of the pavement of Gibraltar Road for a distance of 1,000.00 feet in an easterly direction from the intersection of Gibraltar Road and State Highway 42. (Ordinance No. 1991-05)
4. Along State Trunk Highway 42 on the North end of the unincorporated limits of the Village of Fish Creek on the North highway from the Irish House driveway easement up the hill to a point 200 feet past the Gibraltar High School Road. (Ordinance 1980-06).
5. That portion of State Trunk Highway 42 along the South end of the unincorporated limits of the Village of Fish Creek commencing at the stop sign at the intersection, thence southerly to the top of the hill where Gibraltar Bluff Road intersects with the Highway. (Ordinance 1980-06).

A. No person shall park a vehicle on or upon, or so as to cross or obstruct or in any manner intrude upon, or over any part of any public sidewalk, public walkway, public median area, or public park area.

B. No person shall park, stop or leave standing any vehicle, whether attended or unattended, either temporarily or otherwise, upon any portion of any street, highway, or parking facility reserved for handicapped persons and which have been so designated by any official traffic sign, district marker or parking meter indicating such restriction, except a person who qualifies for a license plate under the provisions of Section 341.14 (1), (1a), (1m) or (1g), Wisconsin Statutes, or is the holder of a valid special identification card for the physically disabled, which is issued under the provisions of Section 343.51(1), Wisconsin Statutes.

C. When signs are erected giving notice thereof, no person shall park a vehicle upon any of the Streets or part of Town Roads clearly designated as no parking zones by the following methods: signs, yellow painted curbing together with appropriate signs or yellow painted areas marked as no parking zones on the pavement. The Town Board shall determine by resolution any new no parking zones.

#### 1.12 **Permit Required Parking.**

A. No vehicle may be parked on or along any street or adjacent parking area that has been designated as a "Permit Parking Only" area by the Town Board of Gibraltar unless that vehicle displays a current, valid Parking Permit issued by the Town of Gibraltar, affixed to its windshield. The following areas are designated as a Permit Parking Only area:

1. The parking area adjacent to and serving the Town Dock, from May 15 to October 15 of each year. **Original Ordinance 84-3)**
2. The Boat Trailer Parking Lot adjacent to the Gibraltar Town Center. (This would be throughout the entire year.)

B. No trailer of any kind, camper, mobile home or variation thereof or travel trailer may be parked on any public street, roadway, thoroughfare, alley, highway or other public place within the unincorporated limits of Fish Creek for a period of time greater than one hour between the hours of 1:00 a.m. and 7:00 a.m. without a permit from the Town Board of the Town of Gibraltar. (Ordinance 1979-06).

C. Parking permits may be issued hereunder based upon qualifications developed from time to time by the Town Board, and such permits shall be issued by the Town from time to time by the Town Police Officer and any member of the Door County Sheriff's Department, or such other persons as the Town Board may designate from time to time.

1.13. **Restricted parking.**

- A. It shall be unlawful for any person or persons to park and leave standing any vehicle, whether attended or unattended, on any access road or dead end roads leading to the waters of Green Bay in the Town of Gibraltar between the hours of 11:00 p.m. and 6:00 a.m. in areas where "no parking" signs depicting these hours are erected giving notice thereof. (Ordinance 1990-02, 82-4 and 87-10).
- B. It shall be unlawful for any person or persons to park a camper, campertruck, motorhome, tour bus or any recreational vehicle in the restricted area. This restricted area shall continue from 30 feet east of the Howe right of way to the West driveway of the Community Center.
- C. It shall be unlawful to park any motor vehicle or trailer on State Trunk Highway 42, also known as Main Street, from its intersection with Spruce Street, easterly, more or less, to its intersection with County Highway F, all located in the Town of Gibraltar at any time between the hours of 4:00 a.m. and 7 a.m. during the months of January, February, March and December in each year.
- D. It shall be unlawful to park any motor vehicle or trailer on any street in the unincorporated Village of Fish Creek for more than three (3) hours between the hours of 8:00 a.m. and 6:00 p.m. from June 15 through October 15 each year, excluding the following areas (Ordinance 86-01):

Maple Street from the waters of Green Bay to the intersection of Maple and Cedar Street, The posted area in front of the post office located on Main Street, indicating a 15-minute parking limit,

Vehicles parked on the city street awaiting repair at the Fish Creek Garage (on Pine Street from Main Street to Bluff Street)

- 1.14. **Inoperable Vehicles on Streets.** No owner or other person having charge or control of a vehicle of any type, including but not limited to motor vehicles, which is not in good and safe operating condition, or which may otherwise not be permitted by law to be operated or used upon the public highway, shall authorize, allow or permit the parking or storage of the vehicle on any street, or public property of, in, or within the Town of Gibraltar, except as may be permitted by Section 346.50, Wisconsin Statutes.
- 1.15. **Motor Vehicles on Public Land.** No person shall operate any motor driven vehicle, and no person who owns or is in possession of any motor driven vehicle, shall allow or permit the operation of such vehicle in any park, within the boundaries of any parkway, on any public school ground, or upon any other public lands within the Town of Gibraltar, except in areas and upon such ways as are specifically designated and posted by the Town Board for use by such a vehicle.
- 1.16. **Parking Violations, Presumption.** In the event that a vehicle is found in violation of any provision of this chapter relating to parking of vehicles, under circumstances wherein the person who parked the vehicle is unknown, it shall be presumed that the owner of the vehicle authorized, allowed or permitted the vehicle to be so parked.

1.17. **Weight Limits and Heavy Traffic Routes.**

A. Special and Seasonal Weight Limitations. The Town of Gibraltar Board shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway of any highway, bridge, or culvert within the Town of Gibraltar, or for the safety of users of such highway, bridge or culvert, and shall be responsible for erecting signs giving notice thereof, in accordance with Section 349.16, Wisconsin Statutes.

B. Restrictions on Use of Other Streets by Heavy Traffic. No vehicle, except a motor bus, which is not equipped with pneumatic tires or has a combined vehicle load weight exceeding 16,000 pounds shall be operated or moved on any street or alley not part of the heavy traffic route designated by the Town of Gibraltar, except for the purpose of obtaining an order for, moving or delivering supplies or commodities to or from a place of business or residence facing thereon, provided that in no event shall the weight of vehicle and load on such other street exceed the limitations of ss. 348.15 or 348.16 (3), Wisconsin Statutes, pertaining to Class "A" highways or deliveries on Class "B" highways.

1.18. **Official Traffic Signs and Signals.**

A. Administrator Authorized to Procure and Erect Signs and Signals. The Town Clerk is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Highway Division, giving such notice of the provisions of this ordinance 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 ordinance and give adequate warning to users of the street or highway.

B. Removal of Unofficial Signs and Signals. The Town Clerk shall have the authority granted by s. 348.09, Wisconsin Statutes, and is hereby directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this ordinance or s. 348.41, Wisconsin Statutes. Any charge imposed on a premise for removal of such an illegal sign, signal or device shall be reported to the Town Board at its next regular meeting for review and certification.

1.19. **Bail Forfeiture.** The provisions of Section 348.16 of the Wisconsin Statutes shall apply to all convictions under this chapter.

1.20. **School Bus Warning Lights.** The operator of a school bus in a residential or business district of the Town of Gibraltar shall activate the flashing red warning lights when pupils or other authorized passengers are to be loaded at a location at which there are no traffic signals, and such persons must cross the street or highway before being loaded or after being unloaded. Said lights shall not be extinguished until loading or unloading is completed and the persons who must cross the highway are safely across.

1.21. **School Crossing Guards.** The operator of a motor vehicle shall obey the signal of a school crossing guard to stop in order to allow children to cross a street at an intersection or marked crosswalk. The operator shall remain stopped until the children reach the other side of the street, or the crossing guard indicates that he or she may proceed ahead in safety.



1.22. **Disorderly Conduct With a Motor Vehicle.**

- A. **Conduct Prohibited.** No person within the Town of Gibraltar, through the use of any motor vehicle, including but not limited to an automobile, truck, motorcycle, minibike or snowmobile or all terrain vehicle, shall 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.

1.23. **Left Turns Prohibited.** No person while operating a motor vehicle shall turn left upon entering the following streets:

1.24. **Turning Lanes Designated.** The lanes at the intersections described in Schedule G are hereby designated right turn only, and left turn only, as indicated. When right turn only, or/and left turn only, signs are erected in accordance with such schedule, the operator of a vehicle traveling in a lane marked with any such sign shall turn only in the direction indicated by the sign.

1.25. **Police Speedometer Calibration.** The speedometer on each motor vehicle owned by the Town for police and traffic control purposes shall be calibrated no less often than once each 60 days by the Door County Sheriff-Traffic Department, and the records of such calibrations shall be official records of the Town and may be retained in the custody of either the Door County Sheriff-Traffic Department or the Town Clerk, or both.

1.26. **Avoiding Intersection or Traffic Control Device.** No person while operating a motor Vehicle shall drive across or upon a sidewalk, driveway, parking lot or private property, or otherwise drive off a roadway, in order to avoid an intersection or traffic control device.

1.27. **Snow Removal.** The Public Works Director is hereby authorized and directed to prohibit traffic and/or parking on streets in certain areas to facilitate snow removal, at any times during a calendar day from November 1 to Marcy 31 of the following year, and to tow away or otherwise cause removal of any vehicles parked in the prohibited area during the emergency period. In such case, the Public Works Director shall designate the days and times during which traffic or parking shall be prohibited, and shall designate the streets and/or area of the streets affected, and shall give notice of the same either by publication in a local newspaper, by announcement over a local commercial radio station, by placement of signs in the areas designated, or by other appropriate or convenient means notifying the public that traffic and/or parking of vehicles in the designated area is prohibited during the emergency.

1.28. **In-Line Skating Regulations.** This section of the ordinance hereby incorporates all portions of the Wisconsin Statutes found in Chapter 340 through and including 349, as they relate to the use of in-line skates.

In Line Skating prohibition. No person riding upon in-line skates may go upon any Town road in the Town of Gibraltar, except while crossing a roadway at a crosswalk.

- 1.29. **Scope of Laws Adopted.** The provisions of the Wisconsin Statutes adopted and made a part hereof by reference under Section 1.1 and 1.2 hereof, include those statutes now in existence and as they may be amended from time to time hereafter, and those statutes hereafter created and/or amended as a part of Chapters 340 to 348, inclusive, Wisconsin Statutes, as of their respective effective statutory dates.
- 1.30. **Penalty.** The penalty for violation of any provision of this ordinance shall be forfeiture as hereinafter provided, together with the costs of prosecution imposed, as provided in ss. 345.20 to 345.53, Wisconsin Statutes.
- A. **Uniform Offenses.** Forfeitures for violation of any provisions of Chapters 341 to 348, 941 and 947, adopted by reference in Sections 1.1 and 1.2 of this ordinance, shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offense.
- B. **Special Local Regulations.** The forfeiture for a violation of Section 1.27 of this ordinance shall be fined \$10.00 for the first offense and \$25.00 for the second or subsequent conviction within one (1) year.  
The forfeiture for a violation of any of the provisions of Sections 1.3 through 1.6 inclusive Section 1.8, Section 1.9, and Section 1.14 of this ordinance shall be not less than \$20.00 nor more than \$200.00 for the first offense, and not less than \$50.00 nor more than \$500.00 for the second and each subsequent offense committed within a period of two (2) years from the date of committing the preceding offense. The forfeiture for a violation of Section 1.7 shall be not less than \$250.00 nor more than \$500.00.
- C. **School Bus Zone.** The Forfeiture for violation of any provision of s. 1.10 of this ordinance shall be not less than \$25.00 nor more than \$200.00 for the first offense, and not less than \$50.00 nor more than \$200.00 for the second or subsequent offense within two years
- D. **Parking.**
- (1) The Forfeiture for a violation of any provision of Sections 1.11 A. and B. shall be \$10.00 if paid within 72 hours of the issuance of the citation for such violation; \$25.00 if not paid within 72 hours but if paid within 30 days of the issuance of the citation; and if not paid within said 30 days, \$45.00 plus costs of collection, as provided in Section 340.10 G. of this Code.
- (2) The forfeiture of a violation of Section 1.11 C. shall be \$200.00.
- E. **Miscellaneous.** Each act of violation and every day upon which a violation occurs or continues constitutes a separate offense. In default of the immediate payment of any forfeiture and the costs of prosecution or payment within such period of time as specified by the court, any person convicted of a violation of this chapter shall be committed to the Door County Jail until such forfeiture and costs are paid. Every commitment shall limit the duration of such confinement to a definite term not exceeding 90 days.

- F. Safety Schools. In addition to, or in lieu of, other penalties provided by this section for violation of Chapters 346 to 348, Wisconsin Statutes, adopted by reference in s. 1.1 of this Code, the Municipal Court may order the convicted person to attend for a certain number of school days, a traffic safety school whose course and mode of instruction is approved by the Administrator of the Division of Motor Vehicles, and which is conducted by the Police Department of the municipality, the Sheriff's Office of the county or any regularly established safety organization.
- G. Nonmoving Violation and Registration Program. Pursuant to the provisions of Section 345.28 (4), Wis. Stats., the Town Board hereby authorizes participation in the nonmoving traffic violation and registration program of the Wisconsin Department of Transportation and the payment of costs established by the Department under Wis. Stat. Sec. 85.13; and further orders that such costs shall, in turn, be assessed against persons charged with nonmoving traffic violations. The Town Attorney shall be responsible for complying with the requirements set forth in Wis. Stat. Sec. 345.28 (4).
- H. Miscellaneous. The forfeiture for violation of the provisions of any section of Chapter 340 not otherwise provided for shall be not less than \$35.00 or more than \$200.00.
- I. Snow Removal. The forfeiture to be imposed upon an operator permitting his/her vehicle to travel within a prohibited area, and upon an owner and operator of a vehicle parking his/her vehicle, or allowing or permitting his/her vehicle to be parked within a prohibited area during a snow removal emergency, shall be as provided by Wisconsin State Statute 340.10, E. In addition, upon conviction said owner and operator shall pay all costs of towing and removal of a vehicle parked in a prohibited area as designated under the provisions of Wisconsin Statutes Section 340.0030, and shall be subject to all other penalties herein provided as may be ordered by the Municipal Court.
- 1.31. Enforcement. This ordinance shall be enforced in accordance with the provisions of Sections 345.20 to 345.53, Chapter 299, and Section 66.12, Wisconsin Statutes.
- A. Stipulation of Guilt or No Contest. Stipulations of guilt or no contest may be made by persons arrested for violations of this ordinance in accordance with S. 66.12 (1) (b), Wisconsin Statutes, whenever the provisions of s. 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the Uniform Traffic Citation and Complaint under S. 345.11, Wisconsin Statutes, and may be accepted within 5 days of the date of the alleged violation. Stipulations may be accepted by the Clerk of the Circuit Court for Door County, Wisconsin.
- B. Deposits. Any person stipulating guilt or no contest under subsection A of this section must make the deposit required under s. 345.26, Wisconsin Statutes, or if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the Circuit Court and approved by the Town Board. Deposits may be brought or mailed to the office of the Clerk of Court for Door County, Wisconsin as directed by the arresting officer. Deposits for parking or nonmoving violations shall be mailed or brought to the Town Clerk.
- C. Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this ordinance shall provide a receipt for payment in triplicate as provided in s. 345.26 (3) (b), Wisconsin Statutes. Every officer accepting a stipulation under the provisions of this ordinance shall comply with the provisions of ss. 343.27, 343.28, 345.26 (1) (a) and 345.27 (2), Wisconsin Statutes, and shall require the alleged

violator to sign a statement of notice in substantially the form contained on the Uniform Traffic Citation and Complaint promulgated under s. 345.11, Wisconsin Statutes.

- D. Forfeitures in Treasury; Officer to Post Bond, Qualify. Any officer accepting deposits or forfeited penalties under this ordinance shall deliver them to the Town Clerk within 20 days after receipt. Any officer authorized to accept deposits under s. 345.26, Wisconsin Statutes, or this ordinance shall qualify by taking the oath prescribed by s. 19.01, Wisconsin Statutes, and filing an official bond in the sum of \$1,000.00 as described by s. 10.01, Wisconsin Statutes.
- E. Reopening Judgments. Any person, firm or corporation who or which has been found guilty by the Circuit Court of a violation of any Town ordinance as a result of a plea of guilty or no contest, or by reason of a default, may petition the Court to vacate the judgment so that the matter may be tried or otherwise disposed of. No particular form for the petition is required, but it must contain: the name of the defendant, the address of the defendant on the date of the incident and on the date of the petition (if different), the citation number, the date of the incident, the violation charged, and the date of the entry of the judgment. The petition shall be filed with the Door County Clerk of Courts within six (6) months of the date of the judgment, and if not so filed within such period of time, shall be denied. The petition shall be granted only by the Circuit Judge and only if the Judge finds good cause, or that it is equitable that the judgment be vacated, or that there are other good reasons that justify vacating the judgment and reopening the case. The Court Clerk shall not file the petition unless the petitioner also pays the fee set forth at Section 8.21 of this Code.

## **Chapter 2: MISCELLANEOUS MUNICIPAL ORDINANCES**

### **2.1 Snowmobile Access.**

- A. Purpose. The purpose of this ordinance is to provide a means for persons to travel from a residence within the limits of the Town of Gibraltar, Door County, Wisconsin for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence and to provide a means for persons to travel from a residence and lodging establishment within the limits of the Town of Gibraltar, Door County, Wisconsin for the shortest distance that is necessary for a person to operate a snowmobile to the snowmobile route or trail that is closest to that residence and lodging establishment; to designate certain town roads and highways as snowmobile routes or local access routes and to establish operating conditions for the use of snowmobiles on designated roads and highways within the Town of Gibraltar, Door County, Wisconsin.
- B. Statutory Authority. This section of the ordinance is adopted as authorized under s.350.18 (3) (a) of the Wisconsin Statutes.
- C. Designated Roadways and/or Highways. The following town roads and highways within the Township shall be designated and marked for snowmobile travel as snowmobile routes pursuant to NR 50.10(3)(1).c of the Wisconsin Administrative Code:

#### **Accesses:**

- Spring Road – Intersection Hwy. F to Wandering Road (Ordinance 1997-01)
- Cottage Row – Existing Route to Ula Street (Ordinance 1997-01)
- Hwy. F – Intersection Spring Road to Snowmobile Trail (Ordinance 1997-01)

- Evergreen Road
- Highway 42-on Shore Road to the Snowmobile Trail head in Peninsula State Park.

**Routes:**

- It shall be lawful to operate a snowmobile at a speed not to exceed 25 miles per hour on the route designated as commencing on the southerly beginning of Cottage Row Road by Highway 42 to Cottage Row Court on the Northerly end. (Ordinance 1996-03 and 1996-02)
  - It shall be lawful to operate a snowmobile at a speed not to exceed 35 m.p.h. on the route designated as commencing at the intersection of Spring Road and Wandering Road and continuing .75 miles in an easterly direction along Wandering Road in the area designated for snowmobile travel. (Ordinance 1996-01 and 1996-02)
  - It shall be lawful to operate a snowmobile at a speed not to exceed 10 miles per hour on the route designated as commencing on Hill Street in Fish Creek at the southernmost point of Hill Street; thence northerly to State Highway 42. (Ordinance 1996-01 and 1990-01).
  - It shall be lawful to operate a snowmobile at a speed not to exceed 35 miles per hour on the route designated as commencing at the intersection of Sugarbush Road and Maple Grove Road easterly to the end of Sugarbush Road at the easterly most point. ( Ord. 1995-02, 1992-01 and 1988-01).
  - It shall be lawful to operate a snowmobile at a speed not to exceed 35 m.p.h. on the route designated as commencing at the intersection of Sugarbush Road and Maple Grove Road, northerly on Maple Grove Road to the intersection with Gibraltar Road. Westerly on Gibraltar Road to the snowmobile trail.

**This snowmobile route will only be a one-year route with**

**permission to be extended only by an amendment to this ordinance.**

- It shall be lawful to operate a snowmobile at a speed not to exceed 35 m.p.h. on the route designated as commencing on Wandering Road- from the present route on Wandering Road south to the corner then easterly to the existing snowmobile trail.

D. Conditions. Snowmobiles traveling on any road within the Town of Gibraltar shall abide by the following rules and conditions for use:

1. Travel on all town roads shall be limited to the extreme right-hand side of the roadway;
2. Travel on all roads shall conform to the flow of motor vehicle traffic;
3. Speed shall not exceed the stated speed limit and shall be reduced to 10 m.p.h. when meeting pedestrians, motor vehicles or when within 150 feet of a residence;
4. Snowmobiles shall be operated in single file;
5. Headlights shall be on at all times of snowmobile operation;
6. Proper signals shall be given for turning or stopping;
7. Parking, standing or dismounting snowmobiles on the traveled portion of the roadway shall not be allowed;
8. Pedestrians and all other vehicles shall have the right of way;

9. No person under the age of 12 years shall be allowed to operate a snowmobile on any town or county road; no person over the age 12 or under the age of 16 years shall operate a snowmobile on any town or county road unless he/or she holds a valid snowmobile safety certificate and is under the direct supervision of a parent or legal guardian.
- E. Speed. A snowmobile operated on a portion of the roadway or shoulder of a highway pursuant to this ordinance shall observe roadway speed limits.
- F. Enforcement. This ordinance shall be enforced by any law enforcement officer of the Town of Gibraltar and of Door County, Wisconsin in accordance with Section 350.17, Wis. Stats.
- G. Penalties. Wisconsin state snowmobile penalties as found in s. 350.11 (1) (a), Wis. Stats., are adopted by reference.

## **2.2 Boat Trailer Parking. (For Boat Trailer Parking Only.)**

- A. Statutory Authority. This section of the ordinance is enacted pursuant to Chapters 66, 340, 345, 346 and 349 and this ordinance incorporates all portions of the Wisconsin Statutes found in said chapters, including Chapter 340 through and including 349, as they relate to parking, together with all the rules relating to both criminal and civil liability. The definitions contained in the statutes referred to above are hereby adopted and made a part of this ordinance by reference.
- B. Establishment of Boat Trailer Parking. The Town Board does hereby establish a designated lot for the parking of boat trailer vehicles with attached boat trailer, on Town property located in Fish Creek, southerly of State Trunk Highway 42. The designated property shall be clearly marked as a boat trailer parking lot. No vehicles may be parked or left standing in said lot without an attached boat trailer. No person shall park, stop or leave within said lot any boat trailer or vehicle with attached boat trailer for a period of more than 10 days. The permit for ramp use also includes the boat trailer parking permit for up to 10 days which is to be attached to the trailer. If trailer or vehicle (attached to trailer) with permit, is left longer than allotted time of 10 days the trailer/vehicle will be towed at the owner's expense.
- C. Parking on Roads Within Town. No person shall park, stop or leave standing any trailer, whether attended or unattended, and whether or not such trailer is attached to a vehicle, on or along any road in the Town of Gibraltar, from May 15 to October 15 of each year. (Incorporates Ordinance No. 1993-02 for all types of trailers).
- D. Towing. Any vehicle or trailer found parking in violation of this ordinance may be towed at the expense of the owner and, in order to recover the vehicle, the owner shall be responsible for any charges for removal, moving or towing and storage of said vehicle or trailer.
- E. Penalties. In addition, any person or persons violating any provisions of this ordinance shall be fined \$25.00 for the first offense, and \$50.00 for the second or subsequent offense within one year of a previous offense, together with the costs and other penalties as provided under chapter 345 of the Wisconsin Statutes and Section 349.13 of the Wisconsin Statutes, and attorney fees and costs to the limit allowable by law.
- F. Issuance of Citations. The police officer for the Town of Gibraltar, if any, and all deputy sheriffs for the County of Door, and such other persons as the Town Board may authorize by further resolution, may issue a citation to the owners or operators of illegally parked vehicles and trailers, which citation shall conform to Uniform Traffic Citation provisions

set forth in Chapter 345 of the Wisconsin Statutes. The citation shall further provide the procedure for paying the penalty prescribed herein.

- G. Exceptions. The exceptions set forth in Section 346.50 are adopted by reference.
- H. Separate offenses. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

### **2.3. Chambers Island All-Terrain Vehicle Routes.**

- A. Authority. The Town Board of the Town of Gibraltar, pursuant to Sec. 23.33(8), Wis. Stats., may by ordinance designate highways as all-terrain vehicle routes. The Town Board may regulate by ordinance the use of all-terrain vehicles on all-terrain vehicle routes, pursuant to Sec. 23.33(11), Wis. Stats. "All-terrain vehicle" has the meaning specified under Sec. 340.01(2g), Wis. Stats.
- B. Designation of routes. The Town Board of the Town of Gibraltar hereby designates all town roads located on Chambers Island as all-terrain vehicle routes. Owners and operators of all-terrain vehicles shall comply with all applicable statutes, rules and regulations, including, without limitation, the provisions of Sec. 23.33, Wis. Stats.

### **2.4 Street Hawking and peddling prohibited.**

- A. Prohibition. No person shall engage in the business of a hawker or peddler on State Highway 42, or any of the roads or lanes in the unincorporated Village of Fish Creek, or on any of the parking spaces or sidewalks adjacent thereto.
- B. Definition. This section of the ordinance includes, but is not limited to, all hawkers and peddlers of popcorn, hot-dogs, balloons, ice creams, and similar wares, who operate from pushcarts, hand carts, or similar vehicles, or an individual moving about the village on foot, carrying his merchandise.
- C. Penalty. Any person or persons violating any of the provisions of this ordinance shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

### **2.5. Control of Dogs.**

- A. Dog Running at Large. It shall be unlawful for any person owning or harboring any dog, to permit such dog to run at large in the Town of Gibraltar. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.
- B. Enforcement. It shall be the duty of the pound officer and the Town of Gibraltar Constable to attempt to seize and impound any dog found running at large in the Town of Gibraltar.
- C. Attempt to Notify Owner. The pound officer to whom the dog is delivered shall make a reasonable effort to determine ownership. If ownership can be determined, said individual shall be notified in person or by mail as to where the dog is detained. If the owner is unknown or does not claim the dog within 7 days after the dog is delivered to the pound, the pound officer shall dispose of the dog in a proper and humane manner, or may release the dog as provided in section 174.046 (7) (8) (9) of the Wisconsin Statutes.
- D. Licensing. It shall be unlawful to own or harbor a dog more than 5 months of age without a proper license. A late fee of \$5.00 shall also be assessed from every owner of a

dog 5 months of age or over, if the owner fails to obtain a license prior to April 1 of each year.

- E. Boarding Fee and Release from Pound. A boarding fee of \$5.00 per dog shall be paid to the pound officer. No dog shall be released from the pound without evidence of proper license, payment of boarding fees, and payment of any other penalties for violation of this ordinance.
- F. Penalty for dog running at large. Any person violating this provision shall forfeit \$25.00 for the first offense and \$50.00 for subsequent offenses.
- G. State Ordinance Law Adopted. The statutory provisions describing and defining regulations with respect to dogs in the following enumerated sections of the Wisconsin Statutes, and any of all amendments thereof which may from time to time be passed, inclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this section of the ordinance:

174.001	Definition
174.01	Retraining actions against dogs
174.02	Owner's liability
174.25	Injury to animal by dog
174.03	Double damages
174.04	Treble damages
174.042	Dogs running at large
174.046	Impoundment
174.05	Dog license tax
174.07	Dog license and collar tax
174.11	Claims for damage by dogs
174.12	Actions against owners
174.13	Humane use of dogs for diagnosis and treatment

2.6. **Alcoholic beverage violations.**

- A. Drinking on Public Property prohibited. No person shall carry or expose to view any open can, bottle, glass or other container containing fermented malt beverage or intoxicating liquor, or drink from the same, on any public street, walk, or alley or any public way in the Town of Gibraltar without a permit from the Town Board.
- B. Drinking on Public Street. No person shall consume any intoxicating liquor or fermented malt beverage while in or upon any public street, walk or alley or any public way in the Town of Gibraltar.
- C. Open Containers prohibited. No person shall consume any intoxicating liquor or fermented malt beverage which was purchased in an open container from a properly licensed premises except upon such premises; such intoxicating liquor or fermented malt beverage must be consumed on the premises where it was purchased and severed and shall not be removed to public streets, walks, alleys or public ways in the Town of Gibraltar.
- D. Penalty. Violation of this ordinance shall require the seizure of any such intoxicating liquor or fermented malt beverage and shall be further punished by a fine of not more than Fifty Dollars (\$50.00) plus costs.

2.7 **No littering.**



No person shall throw, place or deposit any beer cans, bottles, paper or other trash, debris, waste matter or foreign matter, upon the streets, walks, alleys, parks, private lawns or property, or in any body of water within the limits of the Town of Gibraltar. (Incorporating Ordinance No. 1990-02 (3.2)).

## 2.8 **Picnicking Prohibited.**

It shall be unlawful for any person or persons to picnic on any fire access roads or dead end roads at any time where “No Picnicking” signs have been erected giving notice thereof.

## 2.9 **Possession of Marijuana**

1. The primary purpose of this ordinance is to prohibit the use and possession of Marijuana.
2. Definitions
  - a. “Marijuana” means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinol. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.
  - b. “Practitioner” means:
    1. A physician, advanced practice nurse, dentist, veterinarian, podiatrist, optometrist, scientific investigator or other person licensed, registered, certified or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.
    2. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.
3. General Provisions
  - a. This ordinance shall apply to individual possessing less than one ounce of marijuana.
  - b. It shall be a violation of this ordinance for any person to possess and or use marijuana, unless the marijuana was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Chapter 161, Wisconsin Statutes.
4. Penalty
  - a. Any person found guilty of violating this ordinance or any part of

this ordinance, shall be subject to a forfeiture of not less than \$175.00, nor more than \$5,000, together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed thirty (30) days.

- i. First Offense subject to a minimum forfeiture of \$175.00.
- ii. Second Offense within 5 years subject to a minimum forfeiture of \$295.00.
- iii. Subsequent Offenses within 5 years subject to a minimum forfeiture of \$395.00.

#### 5. Procedure for Enforcement of this Ordinance

- A. Enforcement shall be by citation.
- B. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be as stated above or such amount that the Circuit Court of Door County hereafter affixes.
- C. Any person, firm or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Clerk of Court, a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth above. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Stat. Section 66.12.
- D. Adoption of this ordinance does not preclude the Gibraltar Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a forfeiture hereunder, shall not preclude the Town or any authorized officer from preceding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Reference to Statutes: Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.

#### 2.10 **Carrying a Concealed Weapon**

No Person in the Town of Gibraltar, except a peace officer, may go armed with a concealed and dangerous weapon.

Further purposed of this ordinance, a concealed weapon is defined as the following: A firearm, martial arts weapons, including but not limited to; throwing stars, numchuck sticks, a knife with a blade in excess of 5 inches, any knife having a blade, which opens by pressing a button, spring, or other device in the handle or by gravity, thrust, or movement, any device fashioned so as to be designed to inflict great bodily harm.

Any person found guilty of violating this ordinance or any part of this ordinance shall be subject to a forfeiture of not more than \$1,000.00. Together with the costs of prosecution and in rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the County Jail until said forfeiture is paid, but not exceeding 120 days.

## 2.11 Alcohol Beverages: Underaged and Intoxicated Persons

1. Alcohol Beverages: restriction relating to underaged persons.
  - a. Restrictions:
    1. No person may procure for, sell, dispense, or give away any alcohol beverages to any underaged person not accompanied by his or her parents, guardian, or spouse who has attained the legal drinking age of 21, or procure for, sell, dispense, or give away any alcohol beverages to any underaged person. An underaged person is any person who has not attained the legal drinking age.
    2. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underaged person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.
  - b. Exceptions: The above paragraphs don't apply to:
    1. An underaged person who is a resident, employee lodger or boarder on the premises controlled by the proprietor, licensee, or permittee of which the licensed premises consists or is a part.
    2. An underaged person who enters or is on the premises of an establishment engaged in the retail sale of intoxicating liquor for the purpose of purchasing edibles or beverages other than alcohol beverages. An underaged person so entering the premises may not remain on the premises.
    3. Hotels, drug stores, grocery stores, bowling alleys, regular established athletic fields, stadiums, or public facilities, which are owned by a county or municipality.
    4. Concessions authorized on state-owned premises in the state parks and state forests, and parks owned or operated by agricultural societies.
    5. Ski chalets, golf clubhouses, and private racquet clubs.
2. Sales of Alcohol Beverages to Intoxicated Persons.
  - a. No person may procure for, sell dispense, or give away alcohol beverages to a person who is intoxicated.
3. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00 or more than \$500.00, together with the costs of prosecution and in rueful default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture is paid, but not exceeding 60 days.
4. Any person, firm, or corporation violating any of the subsections of this ordinance may stipulate to the guilt or no contest and may pay to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door

County, which is presently set forth in Section 5 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs, and fees shall be disbursed as provided in Wis. Statutes Section 66.12.

5. Procedure for Enforcement of this Ordinance:
  - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at \$100.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
  - b. Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.
  - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

## 2.12 Underage Persons, Alcohol Beverages

1. Any person who has not attained the legal drinking age who does any of the following is guilty of a violation (in this paragraph “legal drinking age” means twenty-one (21) years of age):
  - a. Procures or attempts to procure alcohol beverages.
  - b. Knowingly possesses or consumes intoxicating liquor.
  - c. Falsely represents his or her age for the purpose of receiving alcohol beverages from a person holding the requisite license or their permittee to dispense such alcohol beverages.
  - d. Enters or is on licensed premises in violation of Ordinance Section 2.12

(1)(a).

  - e. Any underage person, not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age, who knowingly possesses or consumes fermented malt beverages is guilty of a violation.
2. Any person violating paragraph 1 (1 thru e), is subject to the following penalties:
  - a. For a first violation, a forfeiture of not more than \$50.00, suspension of the person’s operating privilege as provided under Wis. Stats., Section 343.30(6)(b)(1), or both.
  - b. For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not more than \$100.00, suspension of the person’s operating privilege as provided under Wis. Stats., Section 343.30(6)(b)(2), or both.
  - c. For a violation committed within twelve (12) months of two or more previous violations, either a forfeiture of not more than \$150.000, revocation of the person’s operating privilege as provided under Wis. Stats., Section 343.30(6)(b)(3), or both.

3. Any person violating any of the subsections of this ordinance may stipulate to the guilt or no contest and may pay to the Clerk of Court, a bond according to the schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 4 of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in Court and will act as a basis for the Court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs, and fees shall be disbursed as provided in Wis. Stat., Section 66.12.
4. Procedure for Enforcement of this ordinance.
  - a. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court who shall provide a receipt therefore. And the amount of the bond schedule is hereto fixed at the following:
    1. For a first violation, \$30.00 plus surcharges or such amount that the Circuit Court of Door County hereafter affixes.
    2. For a second violation within one (1) year, \$60.00 plus surcharges.
    3. For the third and subsequent violations within one (1) year, \$100.00 plus surcharges.
  - b. Adoption of this ordinance does not preclude the Gibraltar Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter, except that disposition and proceedings against a person under eighteen (18) years of age shall be as provided by Wis. Stats., Section 48.344. Issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.
  - c. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

## 2.13 **Shoplifting**

1. Whoever intentionally alters indicia of price or value of merchandise or who takes and carried away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of the merchant, without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price of the merchandise is subject to the penalties in subsection (5).

A, Intentionally concealing unpurchased merchandise, which continues from one floor to another or beyond the last station for receiving payments in a merchant's store, is evidence of intent to deprive the merchant permanently of possession of such merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another, is evidence of intentional concealment on the part of the person so concealing such goods.

2. A merchant or merchant's adult employee, who has probable cause for believing that a person has violated this section in his or her presence, may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to his or her parent or guardian in the case of a minor. The detained person must be

promptly informed of the purpose for the detention and be permitted to make phone calls, but he or she shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person.

3. Merchant shall have the same meaning as in Wis. Stats. S.943.50.

4. In any action or proceeding for violation of this section, duly identified and authenticated photographs of merchandise, which was the subject of the violation, may be used as evidence in lieu of producing the merchandise.

5. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a fine not to exceed \$2,000.00. In addition, a violator may be required to pay restitution together with costs of prosecution. In the case of default of said payments of fine, restitution and costs of prosecution, the violator may be \ imprisoned in the County Jail until said fees are paid, but not exceeding 6 months. Wis. Stats. S. 973.07

- a. First offense subject to a minimum bond of \$101.80.
- b. Second offense within 5 years subject to a minimum bond of \$150.60.
- c. Subsequent offenses within 5 years subject to a minimum bond of \$205.50.

6. Any person, firm, or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth in Section 5 a-c of this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Statutes, Section 66.12.

7. Procedure for enforcement of this ordinance.

- a. Enforcement shall be by citation.
- b. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt therefore.
- c. Adoption of this ordinance does not preclude the Gibraltar Town Board from adopting any other ordinance or providing tfor the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the town or any authorized officer from preceding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

## 2.14 **Resisting/Obstructing An Officer**

1. The primary purpose of this ordinance is to create an ordinance to make it unlawful for anyone to knowingly resist or knowingly obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.

2. Definitions:

- a. "Obstructs" includes without limitation knowingly giving false information to the officer or placing physical evidence with intent to mislead the officer in performance of his/her duty, including the service of any summons or civil process.
- b. "Officer" means a peace officer or other public officer or public employee having the authority by virtue of the officers or employee's office or employment to take another into custody.

3. General Provisions:

- a. It shall be a violation of this ordinance for anyone to knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.
- b. It shall be a violation of this ordinance for anyone to knowingly give false information or to knowingly place physical evidence in such a way as to mislead an officer.
- c. It shall be a violation of this ordinance for any person to knowingly hinder, delay or prevent an officer from properly serving or executing any summons or civil process.

4. Penalty:

Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not more than \$10,000.00, together with the costs of prosecution.

- a. First offense is subject to a minimum forfeiture of \$50.00.
- b. Second and subsequent offenses within one year subject to a minimum forfeiture of \$75.00.

5. Procedure for enforcement of this ordinance.

- a. Enforcement shall be by citation.
- b. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt therefore.
- c. Any person, firm or corporation, violating any of the subsections of this ordinance may stipulate to the guilt or no contest and may pay the Clerk of Court, a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth above. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin State Statute 66.12.
- d. Adoption of this ordinance does not preclude the Gibraltar Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any

ordinance, regulation or order.

2.15 **Offenses Against State Laws Subject to Forfeiture**  
**Damage to Property/Disorderly Conduct/Sale of Tobacco to Minor**

STATUTORY PROVISIONS ADOPTED BY REFERENCE. The statutory provisions describing and defining regulations with respect to crimes against public health and safety, property, sexual morality, government and administration, and peace and order in the sections of the Wisconsin Statutes, as revised, and as enumerated below in Section 2.15 are adopted and by reference made a part of this section as if fully set forth herein.

940.19(1)	Battery, Simple
941.23	Carrying Concealed Weapon
943.01	Damage to Property
943.20	Theft
947.01	Disorderly Conduct
951.71 to .75	Drug Paraphernalia

2.16 **Burning Without A Permit**

1. It shall be unlawful for any person, organization, business, or corporation to light or maintain any outside fires unless a permit has been issued by the Gibraltar Fire Chief or a designee of said official, except for:
  - a. Cooking purposes; and
  - b. Camp Fires; and
  - d. Barrel, with a metal screen top, under direct supervision, with an extinguisher source.
2. Training Exceptions. The Fire Department may, however, in its usual training courses, either exclusively by the department or in conjunction with other industries or business, burn such substances as is deemed appropriate by said department for the purpose of training either members of the Fire Department, or persons employed by industry or business.
3. Enforcement. Prosecutions under this chapter shall be made by the issuance of town ordinance citations and the procedure to be followed shall be governed by those Wisconsin Statutes pertinent and applicable to chapter violations.

2.17 **Enforcement.**

The duly authorized police officer for the Town of Gibraltar, if any, and any and all deputy sheriffs for the County of Door, and any and all rangers in Peninsula State Park shall be authorized to issue citations to persons violating any of the sections and provisions of this ordinance.



**THE FOREGOING ORDINANCE** is hereby adopted and shall become effective upon passage and publication.

Dated this 10<sup>th</sup> day of June, 2009.

**TOWN BOARD OF THE TOWN OF GIBRALTAR, by:**

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Merrell P. Runquist, Chairman

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Richard A. Skare, Supervisor

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Brian Merkel, Supervisor

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Steve Sohns, Supervisor

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Sharon L. Kellner, Clerk